CURRENT AFFAIRS for UPSC

13th to 19th February 2022

INTERNATIONAL

UNKIND CUT

The Biden Administration need not make it worse than it is already by taking the money at a time of great hardship for the Afghan people. It would be one more mistake on the heels of many others in Afghanistan.

Cut this any way, the Biden Administration's decision to take away half of the 7 billion dollars worth of assets kept in deposits by Da Afghanistan Bank at the Federal Reserve Bank in New York, as reparations to be paid to the victims of the 9/11 terrorist attacks, leaves a bad taste. The Taliban had tried to access these funds as soon as they seized power in August 2021. But the Federal Bank barred any withdrawals because the Taliban is a sanctioned terrorist entity and remains unrecognised as the legitimate Afghan government. Now, by an executive order last week, President Joe Biden has frozen the entire amount. Half that money is expected to go towards compensating some victims of the September, 2001 attacks in New York who have won lawsuits against the Taliban, should the courts decide to honour their claims. The other half is to be funnelled into Afghanistan in a way that it helps the Afghan people who are right now trying to eke out an existence through a massive humanitarian crisis, without any of the cash falling into Taliban hands. Aside from the fact that the Taliban and many in its regime are designated under the Taliban Sanctions Committee and no bank is supposed to deal with them, one of the reasons given for these funds not being made available to the new regime in Kabul was that the money belonged to the people of Afghanistan. Leave aside the moral questions around pocketing someone else's money parked at your place for safekeeping, confiscating it as compensation against acts in which the Taliban was complicit is tacit acknowledgement that the money belongs to the group.

The Biden Administration may harbour the belief that it has a right to do with this money what it pleases as a large part of it may have been US financial assistance to Afghanistan. The country was after all entirely dependent on the international community to help it transition from a war-ravaged disaster to a functioning democracy. But the Afghan people have been made to pay three times over already for this so called transition that wasn't. First, when the US and NATO troops fought on their soil against the Taliban. By one count, more than 71,000 Afghans died in this two decade long war. If that was not collective punishment enough, they were punished again when the US simply upped and left when it became clear it was not winning this war, leaving the people to fend for themselves. And for a third time, even before Biden's egregious decision, as the world punished the Taliban for seizing power, it was the Afghan people caught in the crossfire again, without money or enough to eat.

The Biden Administration need not make it worse than it is already by taking the money at a time of great hardship for the Afghan people. It would be one more mistake on the heels of many others in Afghanistan.

EXPLAINED: BEHIND THE ANTI-VAX TRUCKERS' PROTESTS IN CANADA, A BROAD FAR RIGHT MOBILISATION

Prime Minister Justin Trudeau invoked rarely-used emergency powers to crack down on the protests that have since morphed from a movement against vaccine mandates to a broad rightwing uprising cheered and funded by the American far right.

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Nearly three weeks after dozens of trucks and tractor-trailers started to rumble into the heart of Canada's capital to begin a bumper-to-bumper occupation of its streets, Prime Minister Justin Trudeau invoked rarely-used emergency powers to crack down on the protests that have since morphed from a movement against vaccine mandates to a broad rightwing uprising cheered and funded by the American far right, and spurred similar protests elsewhere.

As of Tuesday, the number of vehicles in downtown Ottawa was down to 360 from the peak of about 4,000, and other blockades along the US – Canada border have been lifted. The chief of Ottawa's police has warned of arrests and evictions, and vowed to "take back every occupied space" in the "coming days", Reuters reported.

Beginning of the protest

To check the spread of the coronavirus, Trudeau's government implemented vaccine passports and other restrictions including one requiring all cross – border truckers to be fully vaccinated. The regulation, which came into force on January 15, impacted truckers entering Canada from the US. Unvaccinated drivers needed to fulfil testing and quarantine requirements to cross the border.

From January 28, truckers under the banner of "Freedom Convoy 2022" began driving into Ottawa. Another group blockaded a highway at a border crossing in Canada's Alberta province. Protesters in pick-ups blocked the international Ambassador Bridge across the Detroit river between Detroit, US, and Windsor, Canada, disrupting supply chains and forcing production cuts at major automobile manufacturing units in Detroit.

Changing demands

The truckers' initial demand seeking a roll back of the vaccine mandate was dismissed by critics as pointless because less than 10% of Canadian truckers are unvaccinated. Besides, the US too has imposed a similar vaccination mandate for border crossings.

Soon, however, the protests in Ottawa and Alberta started to attract many non-truckers, including those whose businesses had been destroyed by the pandemic, and others who were disgruntled after being hit by fines for contravening Covid-19 shutdown rules.

As the days passed and their numbers swelled, the protesters developed networks that ensured essential supplies, and the streets were transformed into party venues with loud music and blaring horns. They escalated their demands to a full rollback of pandemic mandates, and Trudeau's resignation.

Far right presence

Extremist elements started to show up— aggressive anti-vaxxers, members of far right groups, and Nazi sympathisers. There was violence, and unmasked protesters were reported to have urinated on the National War Memorial and defaced other monuments. They flew Nazi and Confederate flags, and harassed businesses and residents.

In British Columbia, a protester was caught on camera abusing a student with racial profanities, according to CBC News. Police recovered firearms and ammunition from blockade sites in Alberta and Ottawa.

Funds—more than $3.6 million, according to CBC News — came from US-based right wing groups and conservative politicians. The Associated Press reported, based on data posted by a non-profit

group, that of the nearly $10 million of donations to the protesters through the website Give Send Go, about 44% was from donor sin the US. Canada has since moved to choke the funding.

"This is a small but increasingly emboldened portion of the population that is engaged in these protests. The organisers, who have long histories of far right engagement, have been adept at capturing a current of anti-state. Sentiment and amplifying it," Dr Barbara Perry, Director of the Centre on Hate, Bias and Extremism at Ontario Tech University, toldThe Indian Express in an email.

American and Canadian right wing groups have been aligned for years, Dr Perry said. "The Trump administration and the events of January 6 (the Capitol riots) in Washington DC exacerbated this, with many Canadian adherents supporting the insurrectionists online and organising' sympathy' protests here."

Echoes elsewhere

More than 79 % of Canada's eligible population are fully vaccinated and around 42% have taken booster shots. An Ipsos opinion poll conducted between February 8 and 9 found that over 54 % of the country felt the demands of those participating in the protests were wrong and undeserving of sympathy.

And yet, the protests are spreading. Inspired by the Canadian Freedom Convoy, anti-vaccine protesters in France, New Zealand, the US, Australia, and Germany have setup their own "convoys". In France, a group of anti-mandate protesters announced they would ride motorcycles cross-country and converge at Paris to protest Covid-19 restrictions.

In New Zealand, police arrested hundreds of people who had assembled outside the country's parliament.

"We are all anxious and tired of there strictions on our daily lives. Most of us, however, recognise these mandates as a necessary element of the social contract. Not everyone is so disposed, especially those whose livelihoods are threatened," Dr Perry said.

AMIDST A WAVE OF COUPS AND A PANDEMIC

Civil conflicts, Islamist insurgencies, a rising number of military takeovers and the COVID-19 outbreak all pose serious challenges to the AU

In Focus

If the number of successful coups in Africa had fallen from 26 in the 1960s to eight in the 2010s, the continent saw six successful military takeovers between 2020 and 2022

In recent years, the Sahel region saw jihadist violence spread across countries, destabilising parts of West Africa

Another key issue that has plagued the continent is the lack of adequate vaccine access: Only 11% of the continent is fully vaccinated

Srinivasan Ramani

In the 35th African Union Summit held on February 5-6 at Addis Ababa in Ethiopia, the key concerns were the rising wave of military coups in the continent, especially in West Africa, and

the lack of COVID-19 vaccines in the continent. An unprecedented number of member states had recently been suspended from the 55-member bloc — Guinea, Mali, Sudan and most recently Burkina Faso — for military putches that had occurred in those countries.

Just a few days prior to the summit, Burkina Faso was suspended by the AU after President Roch Marc Christian Kabore's regime was toppled by soldiers. This set of recent coups in the continent reversed a falling trend in military coups over the years. A report in the BBC quoted research by Central Florida and Kentucky Universities to point that the number of successful coups fell from 26 in the 1960s to 18 in the 1970s to 22 in the 1980s to 16 in the 1990s to eight in the 2000s and eight in the 2010s. But between 2020 and 2022, there have already been six successful military coups. The corresponding numbers for failed attempts were 15 in the 1960s, 24 in the 1970s, 17 in the 1980s, 23 in the 1990s, 14 in the 2000s, nine in the 2010s and three so far between 2020 and 2022.

Clearly the AU has been alarmed by the increasing frequency of military coups in the continent and have raised concerns about the rising number of suspensions of countries that have experienced these.

Related coups

The reasons for the coups that occurred recently in two of the three countries — Mali and Burkina Faso — are related. In Burkina Faso, the military takeover in late January 2022 took place after days-long unrest due to anti-government protests demanding the resignation of President Kabore. A report by the International Crisis Group detailed that after these demonstrations took a violent turn in Ouagadougou and Bobo Diolasso, the country's two largest cities, a group of soldiers demanded the replacement of the chief of staff and director of the National Intelligence Agency. They also pressed for more troops to fight against jihadist groups that had wreaked terror in the region and demanded relief and care for wounded soldiers.

Within a couple of days, these actions by the soldiers turned into a putsch forcing President Kabore to sign a handwritten resignation letter, and the formal takeover of power by a new junta called the Patrotic Movement for Safeguard and Restoration (MPSR). These moves were similar to what transpired in Mali where armed forces staged a mutiny and captured power from President Ibrahim Boubacar Keita in August 2020.

The unrest in Burkina Faso has been attributed as a direct fallout of the violent conflict organised by jihadist groups in Mali that began in 2012 that has since escalated and engulfed the Central Sahel region, encompassing Burkina Faso, Mali and Niger. The fact that pro-coup crowds gathered in Ouagadougou to support the junta suggested that there was deep discontent with President Kabore's regime and the Army waded in to capture power.

President Kabore's regime sought to use the military to quell the jihadist groups in the country that included both local and regional militias, but with several instances of militant abuse and violent massacres happening, the jihadist threats only grew with some civilian support. After a lull in the violence following a ceasefire with two major jihadist groups, the violence returned in a brutal fashion with one outfit, the Group for the Support of Islam and Muslims (JNIM) in particular being responsible for it. With several people affected by the violence and security forces complaining about the lack of adequate government support, the regime's popularity waned and this soon led to the coup.

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The Guinean coup d'état occurred on September 5, 2021 when forces led by military leader Mamady Doumbouya captured the President Alpha Conde after gunfire in the capital city, Conakry, and announced the dissolution of the government and the Constitution. In Guinea's case, Mr. Conde, the country's first democratically elected President, had changed the Constitution by referendum to allow him to continue for a third term. This move had precipitated protests in the country, led to a government crackdown on the protestors and also led to an economic crisis. Yet again, the military took advantage of a crisis to capture power and announced the dissolution of institutions and the Constitution.

The Economic Community of West African States (ECOWAS) announced severe sanctions on Mali on January 9, seeking to discourage further coups, but this did not deter the coup in Burkina Faso. Experts believe the three new military regimes in Mali, Guinea and Burkina Faso will now seek to coordinate ties among themselves to resist pressure from the ECOWAS and other international actors.

Inconsistent response

The suspensions by the AU were also to put pressure on the juntas to call for a return to democratic institutions and a constitutional order. While the AU showed alacrity in announcing the suspensions of the four countries, critics pointed out that the coup in Chad went unacknowledged. After the death of former President Idriss Deby on the battlefront in April 2021 against rebels, his son was appointed as successor following the dissolution of Parliament, government and the suspension of the Constitution. Yet, the AU has refused to acknowledge this as a coup.

The position over Chad was not any aberration. The AU has set up institutions such as the 15-member Peace and Security Council on the same lines as the UNSC, and empowered them to intervene in the case of military conflicts. But even if this has meant that the AU is more effective than its predecessor organisation, the Organisation of African Unity (OAU), its record in enforcing a consensus on unconstitutional regime changes and conflict resolution has been mixed.

The rise of jihadist organisations in Mali and their spread across the Sahel region in West Africa, and the lack of institutionalisation of democratic values of governance to the tune expected by the AU's founders (such as former South African president Thabo Mbeki) has reduced the effectiveness of the regional collective.

Vaccine availability

The other major issue that has plagued the continent is the lack of adequate vaccine access. Only 11% of the continent is fully vaccinated with supplies still remaining low. The AU's newly established African Medicines Agency, which was set up to facilitate medical regulation across the Union will now be empowered to increase vaccination rates. With the international COVAX initiative running out of money though, and the fact that African countries import 99% of their vaccines, the recent development in South Africa where a company claimed that they had nearly completed the process of reproducing the Moderna mRNA vaccine against COVID-19 should be an encouraging one. The AU must push for the WTO and other bodies to agree to an intellectual property rights waiver for COVID-19 vaccines, and that should enable greater availability in the continent.

Critics have argued that the AU is never short of ideas or institutional planning, but lacks adequate implementation even as it suffers from inconsistency in implementing interventions in the case of

conflict. For example, as the summit was happening in Addis Ababa, the AU special envoy, former Nigerian President Olusegun Obesanjo was still setting up mechanisms to mediate between the Ethiopian government and rebels in Tigray, where the government is accused of massive human rights violations.

Crisis, as they say, provides opportunities. If the AU succeeds in its mission to address the health and food crisis in the continent, it will have further legitimacy to achieve the goal of institutionalising reforms on constitutional governance across the continent through regional intervention and diplomacy.

UKRAINE: WHY GERMANY MATTERS

Russia has announced withdrawal of some troops from the Ukraine border, but US concerns remain around the Russia-to-Germany Nord Stream 2 gas pipeline. A look at the economics and the geopolitics involved.

THE UKRAINE crisis appears to have turned a corner with Russia declaring it has withdrawn some troops from the border, but an elephant in the room remains. Called Nord Stream 2, it is an undersea gas pipeline from Russia to Germany, but is perceived by some as a geopolitical weapon.

Ukraine is angry with the pipeline because it by passes the country and thus denies it transit fees for Russia's gas exports. It has also raised fears that Russia could cut off gas supplies to Ukraine without endangering its own gas exports to Europe. It could give Russia complete dominance over gas supplies to Europe, and leverage and influence over these countries. It has also a wakened old fears in some countries about Russia and Germany coming together against the rest of Europe.

Some EU members have security concerns about Russian presence in their waters, required

to guard the 1,222-km pipeline that goes under the Baltic Sea past Finland, Sweden, and Poland before entering Germany.

America's concerns

The US believes the pipeline could give Russia too much leverage and influence over Europe, increases the threat of a Russian invasion of Ukraine, and hinders its own efforts to contain Russian leader Vladimir Putin. The US has been opposed to the project from the start, but Germany under then Chancellor Angela Merkel pushed ahead with it. Despite the strain in Moscow-Berlin ties over the Alexei Navalny affair– Merkel blamed the Kremlin for the attack on the Russian opposition leader– the$11-billionpipelinewascompleted in September 2021; it it is awaiting German certification to become operational.

Even before the Ukraine crisis, the US had imposed some sanctions against it, although in May 2021, the Biden Administration waived two sanctions that would have torpedoed it entirely, in a bid to give diplomacy a chance.

In July, President Joe Biden and Merkel sat down to talk, agreeing in broad terms that Russia would not be allowed to use the pipeline as a weapon against Ukraine. But Merkel also said the two sides had "come to different assessments as to what this project entails".

The two leaders were seen to have prevented a breakdown of the transatlantic alliance that US sanctions against Germany and other supporters of the pipeline in Europe — notably France,

Austria and the Netherlands— might have brought about. But some also saw it as a surrender by the US.

Over the last few weeks, Biden and other US officials have been vocal that if Russia invades Ukraine, Nord Stream 2 would be among the first casualties . "If Russia invades, that means tanks or troops crossing the border of Ukraine again, then there will be – there will be no longer a Nord Stream 2," Biden said during a joint news conference with the German Chancellor Olaf Scholz. "We will bring an end to it ... I promise you we will be able to do it."

According to some analysts, the US sees the coming together of Russia and Germany in an economic partnership as a precursor to upending its role as the guarantor of security in Europe, and Nord Stream 2 as a threat to an arrangement that has existed from the end of World War II and the start of the Cold War.

Scholz's diplomacy

Scholz, who undertook the US visit in response to criticism at home and abroad that he has been "missing in action" during the Ukraine crisis even as French President Emmanuel Macron took the lead with his shuttle diplomacy between Kyiv and Moscow, held out the reassurance that Germany was not about to break away from its NATO allies.

Like Macron, Scholz also held talks with Ukrainian President Volodymyr Zelensky and proceeded next to Moscow for talks with Putin. Even as they reiterated their different positions and demands, Russia announced on the same day that it had "partially" withdrawn troops from the Ukrainian border. It is unclear if Russia's troop withdrawal had anything to do with Scholz, but it has helped salvage some of his image as a leader of Europe.

US, EU and gas

The US's insistent opposition to Nord Stream2overthreeadministrations—Obama, Trump and now Biden – has revived discussion on an old question asked whenever the US enters an arena of conflict – "is it all about the oil", or in this case gas.

The EU imports less than 5% of its gas from the US (the top four suppliers are Russia at 41 %, Norway at 16%, Algeria at 7.6% and Qatar at 5.2%, according to 2019 figures). But as a net exporter of LNG since the middle of the last decade, the US wants to expand its markets and reach in the continent. According to one estimate, 23 % of US exports of gas are to the EU now, and in 2021, hit a high of 21 billion cubic metres (bcm). Among the buyers are France, Italy, Spain, Greece, Portugal and host of smaller countries. US exports are seen by some as vital to the diversification of Europe's energy supplies, and its energy security. In January, in a war-like atmosphere, Europe imported more gas from the US than from Russia.

Nord Stream capacity

Nord Stream 2 is an expansion of Nord Stream, which became functional in 2011. Like the first pipeline, Nord Stream 2 comprises two pipelines with the identical combined carrying capacity of 55 bcm of gas per year. Russia is reported to have exported 168 bcm to Europe through this and other pipelines transiting through Ukraine in 2020. Germany was the biggest buyer at 56 bcm, Italy bought 20 bcm and the Netherlands 11 bcm. Russia's economy is mainly dependent on exports of oil and gas, and Europe is its largest buyer. Nord Stream 2 can cut both ways. This is perhaps why Scholz was moved enough to say it was his "damned duty" to prevent war.

NATION

NEPAL FIRST NATION TO DEPLOY INDIA'S UPI

New Delhi: Nepal will be the first country to adopt India's UPI system, which will play a pivotal role in transforming the digital economy of the neighbouring country, the National Payments Corporation of India (NPCI) said Thursday.

NPCI International Payments Ltd (NIPL), the international arm of NPCI, has joined hands with Gateway Payments Service (GPS) and Manam Infotech to provide the services in Nepal. GPS is the authorised payment system operator in Nepal and Manam Infotech will deploy Unified Payments Interface (UPI).

The collaboration will serve the larger digital public good in Nepal and bolster interoperable real-time person-to-person (P2P) and person-to-merchant (P2M) transactions in the neighbouring country, NPCI said. PTI

FOR SOMETHING

The Quad Ministerial meeting in Melbourne, meant to set the stage for a meeting by the leaders of Australia, India, Japan and the U.S. later this year in Tokyo, ended with outcomes that showcased its "positive agenda" in the Indo-Pacific region. From plans to deliver more than a billion vaccine doses — India-made with U.S. funding and distributed through Japanese and Australian networks — and donate another 1.3 billion doses around the world; to prepare for an Indo-Pacific Clean Energy Supply Chain Forum to tackle climate change; to further a "Quad vision" for technology governances and safe and transparent 5G systems, and to launch humanitarian assistance and disaster relief operations, the Quad is, in the words of the joint statement issued, "more effective in delivering practical support to the region". India was even able to insert a reference to fighting "cross-border" terrorism. The bonhomie between the Ministers shows a growing level of comfort with the principles behind the grouping of democratic countries, to support regional countries' efforts to advance a "free and open Indo-Pacific". That Quad members have thus far avoided institutionalising their grouping, and that they have not "militarised" it, is to their credit. In addition, despite Beijing's sharp criticism of the grouping, Quad members chose not to name China directly as the joint statement spoke of ensuring a rules-based order and respect for sovereignty and building a region "free from coercion".

However, while the grouping is strong on all these precepts, there are obvious differences in the practice of their vision for the Indo-Pacific region and the world in general. The situation in Myanmar was mentioned, but External Affairs Minister S. Jaishankar made it clear that while India supports a restoration of democracy, it does not support western "national" sanctions. The meeting took place in the shadow of the growing Russia-NATO tensions over Ukraine, but it seemed evident that Mr. Jaishankar did not share U.S. Secretary of State Antony Blinken's assessment of an imminent "invasion". New Delhi chose not to join the decision by the U.S., Japan and Australia to tell their citizens to evacuate immediately from Ukraine; nor was any mention of the situation allowed into the joint statement. Mr. Jaishankar's strong tone the next day at a press conference (dominated by questions on Russia), on China's amassing of troops at the border with India was also a subtle reminder to Quad partners that while they may have similar concerns and share many core values, they do not have an identical world view, and the Quad remains very much a grouping that is "for something, not against somebody".

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INDIA NON-COMMITTAL ON FUNDING CURBS ON U.K. NGOS

U.K. officials discussed foreign funding restrictions placed on Oxfam and other British NGOs with India last week, requesting the Union Home Ministry to reconsider its decision to deny Oxfam India's registration renewal application under the Foreign Contribution Regulation Act (FCRA).

The request came during a virtual meeting British Permanent Home Secretary Matthew Rycroft had with Union Home Secretary Ajay Kumar Bhalla, one of a number of high-level exchanges ahead of a possible visit by British Prime Minister Boris Johnson later this year.

"The issue was raised by United Kingdom [officials], and they were explained the process [of FCRA renewals]," a government source told The Hindu.

The source confirmed that the request had been made, but adding that India had given the British side no assurances on whether the cases would be reviewed, as the Home Ministry had decided to do with the Missionaries of Charity, whose registration request was denied around the same time, but subsequently restored.

However, sources said the U.K. had not raised the issues "formally" or in writing yet. At the meeting, India expressed concern regarding "anti-India activities of certain extremists and radical elements in the U.K," a statement by the MHA had said.

According to diplomatic sources, the delegation had also raised the denial of FCRA registration to UK-NGO Freedom Fund, which was one of 10 American, Australian, British and European NGOs dealing with environmental, climate change and child labour issues, which had lost their licences due to what the government called "adverse inputs" on their partnerships in India.

Oxfam India is one the country's largest NGOs that works on food, clothing, shelter and medical projects. On January 1, 2022, the MHA issued a list of about 6,000 NGOs whose FCRA registration or licence to receive foreign funds had ceased to operate as the Ministry refused to renew their application or the NGOs did not apply for one. The MHA had not given specific reasons for the non-renewal of Oxfam India, Oxfam India Trust and others, but said the decision had been taken in "public interest", without further details.

Protesting the MHA's denial of its application on January 2, Oxfam India's CEO Amit Behar had said it would "severely affect the ongoing humanitarian and social work in 16 States across the country" and would also affect the COVID response programme distributing medical equipment and support initiatives.

The non-renewal also meant that the NGO lost access to over ₹62 crore in its designated bank accounts, that came from international donors including Oxfam-UK (₹ 7 crore), Oxfam- Australia (₹3.1 crore), Oxfam-Germany (₹2.8 crore), and Stichting Oxfam International- Netherlands (₹7 crore).

Oxfam subsequently filed a review petition with the government on January 14, but while the MHA acknowledged receipt, it has not communicated any decision in the matter.

Significantly, Mr. Rycroft is understood to be well-versed with NGO funding issues as prior to being appointed Home Secretary, he was the Permanent Secretary at the Department for International Development (DfID), the British government's aid arm, which was closed and

merged with the British Foreign, Commonwealth and Development Office (FCDO) in September 2020.

WHY DID GOVT BAN 54 MORE APPS WITH CHINA CONNECTIONS

The Ministry of Electronics and Information Technology (MeitY) on Monday issued orders to ban 54 more apps, which either have originated in China or have some Chinese connection. These apps were banned for being a threat to national security.

What are these new apps and why have they been banned?

As per the new list, video editing apps such as Viva Video Editor- Snack Video Maker with Music and Nice Video Baidu, which are used extensively for making short videos, games such as Onmyoji Chess and Conquer Online II have been banned in India. Garena Free Fire– Illuminate, a game, which had gained popularity among children, teenagers and youth in India after the ban on PUBG, has also been banned.

The new apps, IT ministry officials said, have been banned using emergency powers under Section 69 of the Information Technology Act. Most of these apps, the officials said, were operating as clones or shadow apps of the apps that had earlier been banned by the government.

The ban on these apps was recommended by the Ministry of Home Affairs, IT ministry officials said, adding that they have also been removed from the Google PlayStore. In its statement, Google said that it temporarily blocked access to the apps in India.

"On receipt of the interim order passed under Section 69A of the IT Act, following established process, we have notified the affected developers and have temporarily blocked access to the apps that remained available on the Play Store in India," a spokesperson for the company said.

Which other apps have been banned by the government in the past?

In June 2020, the IT ministry had, in a similar order issued under Section 69 of the IT Act, banned 59 apps, including TikTok, ShareIt, UC Browser, Likee, WeChat, and Bigo Live. In its reasoning then, the ministry had said that these apps were "prejudicial to sovereignty and integrity of India, defence of India, security of state and public order".

The first ban was followed by another set of 47 apps being barred from operations in India from July 2020. These apps were mostly proxies of the apps banned in June 2020.

Later, on September 2 that year, the IT ministry banned another 118 Chinese mobile apps, which included the popular gaming platform PUBG as well as Baidu, which is China's largest search engine provider. In total so far, close to 300 apps and their proxies have been banned by the IT ministry.

FOREIGN QUARTER

Close on the heels of the Government's sharp summons to the South Korean Ambassador over social media posts by private companies, the MEA summoned the Singapore High Commissioner, following a speech earlier this week by the Singapore Prime Minister, Lee Hsien Loong, where he had said there has been a decline in political probity in India after Prime Minister Nehru's tenure. He warned that Singapore must stem any political corruption if it is to not "go down that road".

The speech was an unexpected broadside, despite the high praise for Nehru, the Government felt, and one which merited raising the issue of the "uncalled for" remarks with the Singaporean diplomat. As the South Korean case suggested, South Block appears to be making a pattern of its "zero tolerance" stand towards any criticism of India. To begin with, PM Lee's comments, where he said that about half of all Indian Lok Sabha MPs face criminal charges, are not baseless. Mr. Lee even added the caveat that many of these cases could be motivated by political rivalry — which indicates some understanding of Indian politics. Second, he spoke of a similar downslide in Israeli politics, and the British "partygate" scandal (as of date, Israel and the U.K. have not raised objections). Finally, the speech was set in a grander context, as he invoked the Confucian guidelines for social behaviour that unite a country: rituals, righteousness, probity and shame. His 5,000 word speech on the subject contained just one Indian example where he had even praised the founding fathers of the independence movement, and then decried a slide in values since then. The comment, while harsh, does not merit a strong-headed response.

It is possible to argue that Mr. Lee's examples were arbitrary, and contained unusual criticism for a country that has otherwise friendly ties with Singapore. Given that the issue at hand was a breach of privilege matter in the Singaporean Parliament, where an Opposition member had been found guilty of lying in the House, the India mention was certainly not required. It is even possible to argue that Singapore's very controlled version of democracy cannot be compared to India's more vibrant democratic traditions. However, the strong reaction New Delhi displayed evinces an insecurity about just these traditions. The fact that it comes on the back of a series of other summons, démarches and statements reacting to other governments for speaking about "India's internal matters" adds to this impression, especially given that the Modi government frequently comments on the internal issues of its own neighbours. While this event is unlikely to cause more than a ripple across the broader, historically deep bilateral relationship with Singapore, the Government must avoid an international reputation that lends itself to the Shakespearean line — that it "doth protest too much".

A CASE FOR A MORE FEDERAL JUDICIARY

Nearly 150 years ago, A.V. Dicey, the foremost constitutional lawyer of his day, wrote, "The essential characteristic of federalism is the distribution of limited executive, legislative and judicial authority among bodies which are coordinate with and independent of each other". Much has been written about the federal structure in relation to the legislature and the executive. We now examine the Indian judiciary and the need to strengthen the federal nature of our judiciary.

India is a union of States. The Supreme Court of India has held that the federalist nature of our country is part and parcel of the basic structure of the Constitution.

Integrated system

Federalism is a midpoint between unitarism which has a supreme centre, to which the States are subordinate, and confederalism wherein the States are supreme, and are merely coordinated by a weak centre. The idea which lies at the bottom of federalism is that each of the separate States should have approximately equal political rights and thereby be able to maintain their non-dependent (for want of a better word) characteristics within the larger union.

An integral requirement of a federal state is that there be a robust federal judicial system which interprets this constitution, and therefore adjudicates upon the rights of the federal units and the central unit, and between the citizen and these units.

The federal judicial system comprises the Supreme Court and the High Court in the sense that it is only these two courts which can adjudicate the above rights. Dr. B.R. Ambedkar stated in the Constituent Assembly: "The Indian Federation though a dual polity has no dual judiciary at all. The High Courts and the Supreme Court form one single integrated judiciary having jurisdiction and providing remedies in all cases arising under the constitutional law, the civil law or the criminal law."

The Supreme Court was created under the Constitution, and is a relatively new court. On the other hand, some of the High Courts in our country have been in existence since the 1860s (and some existed even before that, in their earlier avatars as supreme courts of the Presidencies).

An equality of power

The Indian Constitution envisaged the equality of power of High Court judges and Supreme Court judges, with a High Court judge not being a subordinate of a Supreme Court judge. Famously, the Chief Justice of the Bombay High Court, Justice M.C. Chagla and the Chief Justice of the Madras High Court, Justice P.V. Rajamannar, when offered seats in the newly formed Supreme Court, rejected the offer, preferring to be Chief Justices of prestigious High Courts than being ordinary judges in a newly formed court.

The Supreme Court has, on many occasions, reiterated the position that the Supreme Court is superior to the High Court only in the appellate sense. Therefore, the theoretical position has always been that High Court judges and Supreme Court judges are equals. A delicate balance is required to be maintained between the Supreme Court and the High Courts in order for the constitutional structure dreamt of by B.R. Ambedkar to work.

This balance existed from Independence onwards, until the 1990s. Since then, however, it has been tilting in favour of the central court. The need for this balance was underscored during the Emergency, when the High Courts (a significant number, at least) stood out as beacons of freedom, even as the Supreme Court failed in this duty.

In recent years, three specific trends have greatly eroded the standing of the High Court, leading to an imbalance in the federal structure of the judiciary. First, the Supreme Court (or rather, a section of its judges, called "the Collegium") has the power to appoint judges and chief justices to the High Courts and the Supreme Court. This Collegium also has the power to transfer judges and chief justices from one High Court to another. Second, successive governments have passed laws that create parallel judicial systems of courts and tribunals which provide for direct appeals to the Supreme Court, bypassing the High Courts. Third, the Supreme Court has been liberal in entertaining cases pertaining to trifling matters.

A centralisation and effects

This has inevitably led to the balance tipping in favour of a centralisation of the judiciary. The greater the degree of centralisation of the judiciary, the weaker the federal structure.

In the United States, empirical research by the legal researcher, Ilya Somin, shows that the U.S. Supreme Court is far more likely to strike down a state statute as unconstitutional than a federal statute. This research leads to the conclusion that judicial review by a centralised judiciary tends toward unitarism (the opposite of federalism), and the author says, "Courts face much weaker constraints when they strike down state legislation, especially state laws that are disapproved of by national political majorities... The federal government and sympathetic state governments

elsewhere in the country may even support such judicial intervention." In Nigeria, a similar federal country, research has shown that the Supreme Court favours the jurisdiction of the central government over the State units, and this has manifested itself in recent litigations over mineral rights and subsoil rights, where the Supreme Court has favoured interpretations which support the rights of the centre over the States.

The Supreme Court of India today, by playing the role of a collegium, effectively wields the power to appoint a person as a judge to a High Court or to transfer him or her to another High Court, or to appoint (or delay the appointment) of a sufficiently senior High Court judge as a chief justice or as a judge of the Supreme Court. The practical impact of this in the power dynamic between a High Court judge and a Supreme Court judge, leaves little to be said or imagined.

Moving to the second factor, an aggressively interventionist Supreme Court leads many to approach it directly as a panacea for all ills befalling the nation. In 2018, some individuals from Delhi directly filed a petition in the Supreme Court to curtail Deepavali celebrations. The Court promptly entertained the writ petition and issued directions that Deepavali could be celebrated for only one or two hours in the evening. This led to an uproar because people in South India celebrate Deepavali in the morning. Earlier, in another example, the Supreme Court had spent days deciding the height of the dahi handi during Gokulashtami celebrations.

We see the Supreme Court interfering in matters which are clearly of local importance, having no constitutional ramifications. The Court itself observed recently, "Frivolous matters are making the institution dysfunctional... These matters waste important time of the court, which could have been spent on serious matters, pan-India matters."

These are very wise words, but the reality is that the Supreme Court does entertain these frivolous matters.

Every time the Supreme Court entertains an appeal against a High Court decision, it second guesses the High Court. It sends out the message to the litigant: 'It does not matter that the High Court ruled against you, you can take one more chance with this appeal.'

Every time the Supreme Court entertains a public interest litigation on some matter which could just as effectively have been dealt with by the High Court, what the litigant hears is: 'You do not need to approach the High Court, you can directly file your claim here, and you will not only get your hearing, you will get publicity too.'

Parallel judicial hierarchies

The third of the factors identified by us is the creation of parallel hierarchies of courts and tribunals, whether it be the Competition Commission, or the company law tribunals, or the consumer courts. In all these cases, the High Courts are bypassed. Laws have been drafted such that the High Court has no role to play and the Supreme Court directly acts as an appellate court.

The effect of this can be easily imagined, whether it be the weakening of the authority of the High Courts or the possibility of a tendency towards subservience or apathy of the judges of the High Courts.

Political scientist and historian Tocqueville writes that in the decades immediately preceding the French Revolution there was a gradual erosion in the powers of the nobles living in the rural parts of France, and a gradual aggrandisement of powers in the hands of the aristocracy in Paris. The conclusion that this very learned author arrives at is that all central units have a natural tendency

to aggrandise power to themselves from the state units, believing that centralisation enables them to discharge their duties more effectively in relation to the entire state. But in reality, the weakening of the state units sets off a weakening of the entire body of the state, which gradually ossifies into irreversible decay.

We conclude by hoping that the Supreme Court itself recognises the importance of self-abnegation and restores the federal balance by re-empowering the High Courts. This will be in the best interest of the nation.

WRONG SOLUTION

The issue of reserving private sector jobs for people domiciled within the same State may face its first judicial test soon. The Supreme Court has asked the Punjab and Haryana High Court to decide within four weeks the validity of the Haryana law mandating 75% reservation for local candidates in private sector jobs that pay up to ₹30,000 a month. Even though the apex court set aside an interim stay order granted by the High Court, it was only doing so because the stay was granted without assigning reasons. It is a settled principle that legislation cannot be stayed unless there is a preliminary finding that it is unconstitutional or suffers from any glaring illegality. There are quite a few issues that arise when the State introduces a quota in the private sector, especially if it is based on a domicile norm. Andhra Pradesh and Jharkhand have also introduced such laws, while the ruling DMK in Tamil Nadu had promised 75% reservation in its election manifesto for last year's Assembly polls. Given the bleak employment situation in the backdrop of the reported loss of millions of jobs during the pandemic, it is no surprise that the leadership in every State seeks to find employment opportunities for its youth. In some States, employers may find it cheaper to use the services of those from a faraway State, while in others there may be an acute shortage of labour within the local population.

The first hurdle that a law such as the Haryana State Employment of Local Candidates Act will face is the constitutional bar on discrimination on the basis of place of birth or residence. Even though the Constitution allows the Government to prescribe a residential criterion for employment to public posts, it is doubtful whether such a measure can be extended to the private sector. In the Haryana case, it covers companies, societies, trusts, partnership firms and individual employers. The industry may feel aggrieved that the residential requirement may adversely affect the hiring of talent from outside Haryana. From an individual point of view, the law may impinge on the freedom of movement, the right to reside and settle in any part of the country, and the right to carry on any occupation. Of course, the Act provides for exemption to any employer if an adequate number of local candidates are not available in terms of skill, qualification and proficiency. And there is a sunset clause: the Act will cease to operate in 10 years. Beyond the question of legality, what is flagged by such developments is the state of the economy, especially the labour economy. Rapid urbanisation and the agrarian situation are behind large-scale migration in search of employment. The real issue to address is the widespread disparities between urban and rural areas, between advanced States and backward ones.

SC TO HEAR VANNIYAR QUOTA CASES ON MERITS

A two-judge Bench of the Supreme Court, led by Justice L. Nageswara Rao, on Wednesday decided not to refer to a larger Bench a slew of petitions, including multiple ones by Tamil Nadu, on the validity of a State law granting reservation to the Vanniyar community.

Challenge to HC verdict

The Bench, comprising Justice B.R. Gavai, said it had referred to several precedents on the point of reference and resolved to hear the case on merits.

The court is hearing a challenge to a decision of the Madras High Court in November 2021, declaring ultra vires the law which provided 10.5% special reservation to the Vanniyars.

On Tuesday, Justice Rao's Bench said it would first deal with the question of reference. However, when the hearing began, the Bench told the parties its determination to hear the case on merits and called on them to make their submissions.

THE IMPORTANCE OF CASTE DATA

Last month, the Supreme Court upheld the 27% quota for Other Backward Classes (OBC) in the All-India Quota seats for the National Eligibility-cum-Entrance Test and reiterated that reservations for backward classes were not an exception but an extension of the principle of equality under Article 15(1) of the Constitution. The judgment highlighted how open competitive exams give the illusion of providing equal opportunity in ignorance of the widespread inequalities in educational facilities, the freedom to pursue such education, and societal prejudices. The Court pointed out how such disparities are not limited to the issue of access to good education or financial constraints alone, but also to the psychological and social effects of inherited cultural capital (communication skills, books, accent, academic accomplishments, social networks, etc.), which ensures the unconscious training of upper-caste children for high-grade performance. The Constituent Assembly held a similar philosophy while introducing constitutional provisions which enable the government to make special provisions for the uplift of the "lower castes".

However, despite the underlying good intentions, positive discrimination has been a controversial topic. Many oppose affirmative actions like reservation; they believe that such provisions only perpetuate caste differences and they call for a "casteless society". As Justice D.Y. Chandrachud pointed out, "castelessness" is a privilege that only the upper caste can afford because their caste privilege has already translated into social, political and economic capital. On the other hand, individuals who belong to the lower castes must retain their caste identity in order to claim the benefits of measures such as reservation, which recognise historic harm.

Promises without justifiable data

But even for those who are conscious of these issues, it is hard to blindly trust the state's motivations because of the caste and class politics ruling our country today. Political parties often promise reservation for communities on being brought to power without any credible data collection exercises to justify the decision. Not long ago, the Supreme Court struck down the reservation for the Maratha community in Maharashtra in excess of 50%, which was the limit set in the Indra Sawhney case, while observing that "when more people aspire for backwardness instead of forwardness, the country itself stagnates which situation is not in accord with constitutional objectives".

Need for a credible exercise

Against this backdrop, it can be said that the faith of our citizens cannot be restored until credible exercises of data collection are undertaken regarding caste. Even though data concerning the Scheduled Castes and Scheduled Tribes have been included in the Census, there is no similar data on OBCs. The Socio-Economic and Caste Census (SECC) conducted in 2011 has been called "faulty" and "unreliable". Even the Mandal Commission's recommendations were criticised as being based merely on the "personal knowledge" of the members of the commission and sample surveys. In the Indra Sawhney case, the Supreme Court held that the States must conclude the "backwardness" of a particular class of people only after proper assessment and objective evaluation. It held that such a conclusion must be subject to periodic review by a permanent body of experts. The National Commission for Backward Classes Act, 1993, provides under Section 11 that the Central government may every 10 years revise lists with a view to exclude those classes which have ceased to be backward and include new backward classes. This exercise has not been done to date. Last year, many calls were made for the inclusion of caste data (including that of the OBCs) in the 2021 Census, and the matter reached the Supreme Court. However, the government took the stand that the 2011 SECC was "flawed" and is "not usable". Since the Census could not be undertaken in 2021 due to the pandemic, it is set to take place in 2022.

Caste data will enable independent research not only into the question of who does and does not need affirmative action but also into the effectiveness of this measure. As long as reservation results from violent agitations and political pressures, attempts at any affirmative action will always be under the shadow of caste and class politics. Impartial data and subsequent research might save the bona fide attempts of the uplift of the most backward classes from the shadow of caste and class politics and be informative to people on both sides of the spectrum – for and against reservation. It is not reservation that creates the current divide in our society but the misuse or the perceived misuse of reservation.

WHAT IS DRIVING THE NEW LANGUAGE-DOMICILE PROTEST IN JHARKHAND?

Several parts of Jharkhand are seeing massive protests against the inclusion of Bhojpuri and Magahi as "regional languages" in district-level competitive examinations for government jobs. Hundreds of protesters, including women, have been marching with placards, raising slogans against the government mainly in the east-central districts of Bokaro and Dhanbad, but also in Giridih and Ranchi.

The protests have gathered momentum since the last week of January, and some very large gatherings have been seen in the last few days. Thousands protested in the Silli area of Ranchi district on Sunday, and in Bagodar in Giridih district on Saturday.

On December 24, the Jharkhand Personnel, Administrative Reforms, and Rajbhasha Department issued a notification to include Magahi, Bhojpuri, and Angika among others as regional languages in the district-level selection process through exams conducted by the Jharkhand Staff Selection Commission (JSSC).

The notification triggered resentment in a section of people especially in Bokaro and Dhanbad, who saw the inclusion of Bhojpuri and Magahi as an "infringement" on the rights of Adivasis and Moolvasis. The protesters argue that the "low population" of Magahi and

Bhojpuri speakers in these two districts did not "warrant" the inclusion of these languages in the job selection process.

Anecdotal evidence suggests there is a relatively small number of Magahi- and Bhojpuri-speaking people in these districts; however, no precise data are available.

What kind of examinations are these?

There is no clarity so far. Eligibility requirements are relatively modest, and the exams will be held for appointments to lower-level jobs in the districts. But these jobs are yet to be advertised.

"The notification is for the selection of matriculation- (Class 10) and Intermediate- (Class 12) pass candidates at the district level through JSSC examinations. It is not applicable to the selection process at the level of the state. As of now, no vacancies have been advertised against the notification," Pawan Jha, who has been coaching students for competitive examinations since 2002, said.

Jha added this would be the first time that the exams would have Bhojpuri, Angika, and Magahi as language papers, and the government was expected to announce details of the weightage and marks.

Who is protesting against the notification?

The Jharkhandi Bhasha Sangharsha Samiti, an organisation of Moolvasis and Adivasis which claims to be apolitical, has organised more than 50 protest gatherings over the last few days. Tirth Nath Akash, a spokesperson for the Samiti, said the protests were intended to pressure the government on the inclusion of these languages in the two districts of Bokaro and Dhanbad.

"It is our (Adivasi) government, and it is important to force them to listen. Language is a very important issue. The population that speaks Magahi and Bhojpuri in Bokaro and Dhanbad is minuscule, so what sense does it make to include these languages? It will only make jobs scarcer for Jharkhandis. We are not opposing the inclusion of these languages in Latehar, Garhwa or Palamu, because a substantial population speaks these languages in those areas."

Is this the only issue for the protesters?

They are also demanding that 1932 be made the cut-off date while taking into account proof of land records for the state's domicile policy. This has long been contentious. Following the creation of Jharkhand in 2000, the first Chief Minister, Babulal Marandi, thought it was necessary to define a 'Jharkhandi' in order to provide benefits including government jobs to local people.

In 2016, the Raghubar Das government came out with a "relaxed domicile policy" that included criteria such as employment for the last 30 years, and essentially made 1985 the cut-off year. After coming to power in 2019, the Hemant Soren government set up a cabinet sub-committee to re-define domicile.

Is there any opposition to the protests?

A group called the Bhojpuri, Magahi, Maithili Angika Manch, which is backed by RJD Loktantrik, a Jharkhand splinter of the Rashtriya Janata Dal (RJD), has criticised the alleged polarising nature of the protests. Manch president Kailash Yadav has claimed that more than 1 crore people in Jharkhand speak Bhojpuri, Magahi, and Angika, and recalled the "immense contribution" of Bhojpuri and Magahi speakers to the state. "We request the education minister to treat Biharis with respect, and to not polarise the public," Yadav has said.

Jharkhand Education Minister Jagarnath Mahato has posted on Twitter: "Jharkhand ki sarkar Jharkhandion ne banaaya hai aur yahaan unki baat suni jayegi. (Jharkhandis have made this government, and it is their voice that will be heard.)"

The JMM-Congress have not officially taken a stand. Some people in the BJP have opposed the inclusion of Urdu, but have been largely silent on Magahi, Bhojpuri and Angika. Former BJP ally All Jharkhand Students Union Party has opposed the inclusion.

So, where is this protest headed?

Author and human rights activist Gladson Dungdung said the protest on the language issue is "full of contradictions". According to Dungdung, some MLAs have been "directly involved in crowd-gathering", "so the claim that this movement is apolitical is not true".

Placards and banners displayed at the protests say "Bahri bhasa Jharkhand mein nai chaltu. (Languages from outside Jharkhand cannot run here.)" However, Dungdung pointed out, the protesters do not have a problem with Bengali or Odia being made regional languages, nor do they oppose other districts having Bhojpuri and Magahi as regional languages.

According to Dungdung, while political parties will take some mileage, the protests will ultimately "fizzle out".

RETURN ASSETS SEIZED AFTER PROTESTS AGAINST CAA, SC TELLS U.P. GOVT.

The Supreme Court on Friday ordered the Uttar Pradesh government to refund damages recovered from the persons accused of "destroying public property" during protests against the Citizenship (Amendment) Act (CAA).

The assets recovered by the State, according to the government's own oral assertion in court, are worth "some crores".

The blow came shortly after the State, on the backfoot days after being accused by the top court of being the "complainant, adjudicator and prosecutor," informed a Bench of Justices D.Y. Chandrachud and Surya Kant that it had withdrawn show-cause notices issued by Additional District Magistrates since December 2019 in 274 cases of "alleged destruction of public properties" and subsequent proceedings. Some of these people were well over 90 years of age and included women, students and activists. They were accused of vandalising public property while participating in protests held nationwide against an amendment based on religion in the citizenship law.

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The Uttar Pradesh Additional Advocate General, senior advocate Garima Prashad, said the cases would now be referred to a claims tribunal set up under the newly enacted Uttar Pradesh Recovery of Damages to Public and Private Property Act of 2020 for fresh adjudication.

"The basis for ordering refund is the withdrawal of show-cause notices... As of now, all the plain consequences of the withdrawal of the notices should follow. You can move under the new Act... We have to follow yardsticks of our own constitutional jurisprudence," Justice Chandrachud explained the refund order to the U.P. side.

The court highlighted in its order that since the show-cause notices had been withdrawn, "there shall be a refund of any recoveries which have been made in the meantime. This will however be without prejudice to action that may be warranted in terms of proceedings before and the decision of claims tribunal at a subsequent stage".

The State urged the court to invoke its extraordinary powers to order status quo, saying the properties could remain as "security" before the tribunal till a final decision was taken on their owners' culpability.

"Otherwise a wrong message will go out to the public that the damages were refunded as the entire process [under the show cause notices] was illegal and no such recoveries could have been made by the state The State will have to release control over these properties!" Ms. Prashad pleaded.

But the court remained firm. "When citizens' properties have been attached, and the government orders pursuant to which the attachment has been levied have been withdrawn, can we say the attachment must still continue notwithstanding the withdrawal of the orders? Once you have taken the fair stand to recall your orders, we cannot says the attachment will continue," Justice Chandrachud told Ms. Prashad.

The Bench said this was not a case of "unjust enrichment" in which the court denied refund even though the State had wrongly attached properties.

Advocate Nilofar Khan, for petitioner Parwaiz Arif Titu, said even "rickshaw pullers, vegetable sellers and chicken shop owners were victimised and charged penalty... They had to sell their carts to pay the damages to the State".

When the court did not budge, the State, which is in the middle of crucial Assembly elections, changed tack to argue that the Model Code of Conduct was in place and there would be "difficulties" to implement the refund. "What difficulties? The Model Code of Conduct does not prevent you from enforcing the law. The Model Code of Conduct does not prevent you from implementing a judgment of the Supreme Court," Justice Chandrachud replied.

Justice Kant said the court was not stopping the State from seeking relief in the claims tribunal. The court disposed of the case.

EXPLAINED: THE AHMEDABAD BLASTS OF 2008, RECALLED

A special court has sentenced 38 accused to death and 11 to life imprisonment. Recalling the 2008 serial blasts, Indian Mujahideen's emergence and similar bombings elsewhere, and the course of the trial.

On Friday (February 11), a special sessions court will begin hearing applications on the quantum of punishment for 49 of 78 accused who were convicted on February 8 in the serial bombings in Ahmedabad in 2008, in which 56 persons were killed.

The bombings

On July 26, 2008, in the span of about 70 minutes, 22 bombs went off at various places in Ahmedabad city including at the Gujarat government-run Ahmedabad Civil Hospital, the Ahmedabad Municipal Corporation-run LG Hospital, in buses, on parked bicycles, and in cars.

Fifty-six people were killed and around 200 were injured. Two bombs — planted in Kalol and Naroda — did not go off. Ahmedabad was the third city to be bombed that year, after Jaipur in May and Bengaluru just the day before.

In emails that were sent to some media houses, the Indian Mujahideen (IM), an organisation that had not been heard of until then, claimed responsibility for the attacks.

On July 27, similar bombs were found in Surat. The first of these was found by a safai kamdar who took it home thinking it was a "radio", retired assistant commissioner of police R S Patel had told The Indian Express at the time. Until August 9, a total 29 live bombs had been recovered in the city, none of which, however, went off — the reason, according to ACP R R Sarwaiya who was with the Surat Crime Branch at the time, being their batteries were of low voltage.

In 2010 and 2011, there were blasts at Pune's German Bakery and in Mumbai respectively, in which ANFO (ammonium nitrate) and RDX were used. The Maharashtra Anti-Terrorism Squad (ATS) had subsequently questioned some of the accused in the 2008 Ahmedabad blasts at Sabarmati Central jail to establish their link or involvement in the later attacks.

The Indian Mujahideen

The emails purportedly sent out by the IM contained images from the Gujarat riots of 2002, and claimed the bombings were revenge for the riots and for the destruction of the Babri Masjid in Ayodhya in 1992.

In all, 35 cases were registered — 20 in Ahmedabad and the rest in Surat — and the trial commenced in April 2010. Over the next seven years, 78 accused were arrested from various states.

Police investigations concluded the IM was a regrouping of the banned Students' Islamic Movement of India (SIMI). All the bombs that went off in Ahmedabad contained a deadly cocktail of ammonium nitrate, used in fertilisers, and fuel oil (ANFO).

The accused were charged under the anti-terror Unlawful Activities (Prevention) Act (UAPA), provisions of the Arms Act, Explosive Substances Act, and Information Technology Act, besides the Indian Penal Code (IPC).

The Detection of Crime Branch (DCB) led the investigation. DGP Ashish Bhatia, who was JCP at Ahmedabad's DCB at the time, was a key officer in the probe. According to Bhatia, the case was cracked before August 15, 2008, with the arrest of 11 persons initially.

Bhatia said that the bombs were placed in cars stolen from Pune and Mumbai, gas cylinders were kept in the cars, and the bombs were improvised with ball bearings. Police from Rajasthan, Delhi,

Madhya Pradesh, Maharashtra, Karnataka coordinated the investigation across multiple cities, with the use of ANFO and the IM's claim of responsibility being the common thread.

Virtually heard

Special judge A R Patel pronounced his verdict to the accused who have been confined to their cells under section 268 of the CrPC, meant to restrain undertrials who could disturb public order. Forty-nine of the accused are in Ahmedabad jail, 10 in Bhopal jail, five in Bengaluru jail, four in Mumbai's Taloja jail, and two each in jails in Delhi, Kerala's Viyyur, Jaipur, and Bihar.

Naved Kadri, who has been acquitted, was the only one accused who had been on extended temporary bail since 2018 when he was diagnosed with schizophrenia.

Trial is yet to begin for four other accused who were arrested subsequently — including the alleged co-founder of IM, Yasin Bhatkal. Bhatkal and four others were sentenced to death in 2016 by a Hyderabad court for the twin blasts in the city in 2013 that killed 18 people.

The approver

Ayaz Saiyed, now aged around 38 years, who is a resident of Vatva in Ahmedabad, was accused of planting bombs on bicycles and an AMTS bus in Naroda of Ahmedabad city, which blew up near Sarkhej. He turned approver, and has been acquitted of all charges.

Saiyed was granted bail by the Gujarat High Court in June 2020. He had submitted an application before the trial court in March 2019 seeking to be pardoned after he turned approver to support the prosecution's case.

The application was accepted by the trial court under sections 306 and 307 CrPC. The former section permits a trial court to pardon an accused at any stage of the inquiry or trial on condition that they make a full and true disclosure of the entire circumstances of the offence within their knowledge, and on all persons concerned in the commission of the crime.

'Jailbreak' case

In February 2013, 14 of the serial blast accused were booked for digging a 213-foot-long tunnel while they were lodged in Sabarmati Central jail. A fresh case was registered at Ranip police station of Ahmedabad city, and a special court granted the investigating agency custody of the 14 for interrogation for 10 days.

Five of the accused — Shakib Nishar Mohammad Ismail alias Furkaan Mohammad Irshad, Jahid alias Javed Kutubuddin alias Maji Shaikh, Nadim Abdulnaim Saiyed, Iqbal alias Iksar Kasambhai Shaikh, and Usman Agarbattiwala — are from Gujarat; three each from Kerala (Saaduli Abdulkarim, Shibli Abdulkarim, and Mohammad Ansar alias Nadvi Abdulrazzak Muslim) and Uttar Pradesh (Mufti alias Abubashar Abubakkar Shaikh, Saif-ur-Rehman alias Saifu alias Saif Abdul Rehman, and Imran Ibrahim Shaikh); and two from Karnataka (Hafizhussain Tajuddin Mulla and Nasir Ahmed Liyakatali Patel).

Trial in this case is on before a magistrate's court, and will be independent of the 2008 serial blast judgment, public prosecutor Amit Patel said. Among the 14 accused in the case, 11 were convicted on Tuesday; the other three — Nasir Ahmed Liyakatali, Saqibnishar Shaikh, and Nadeem Abdul Naeem — have been acquitted.

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Twists and turns

In 2015, the prosecution sought the trial court's permission to show photographs of the accused to panch witnesses for identification as the "appearance of the accused had changed" over the years.

The court rejected the request, observing that this may help the prosecution, and opined that identification of the accused "is the rule of prudence and not a rule of law".

The government appealed to the Gujarat High Court, but got no relief as the HC upheld the trial court ruling and dismissed the petition.

In 2019, the Ahmedabad special court issued production warrants for 10 accused lodged in Bhopal Central Jail, and directed that they be kept at Sabarmati Central jail. Madhya Pradesh challenged the order, and the Gujarat HC ruled in its favour, proposing the court should conduct the trial by video link.

In October 2020, the trial court rejected an application by the accused asking that the defence be permitted to examine editors, reporters, and photographers of certain newspapers that had reported on the event, including The Indian Express, Ahmedabad Mirror, Sandesh, and Divya Bhaskar. As per the application of the accused, the reportage had pointed out inconsistencies in the case.

The court stated in its order that any information published in daily newspapers is provided by reporters who "manage to bring information from somewhere and by some means and editors [who] publish [the] stories... It may be the case that the said information may not be true... The reporters may have received information from the police station, from the investigating officer or even from the informant, and may have been leaked to the media."

Studying in jail

Invoking a prisoner's right to education, the court in September 2013 directed the Ahmedabad Central jail to give back two books on architecture that were seized from Mohammed Sami Bagewadi.

Bagewadi, who is from Bijapur, Karnataka, was a student of architecture at Vishveshwaraiah Technology University in Belgaum, Karnataka. Following his arrest, he could not continue his studies, and wanted to clear the exams of two subjects for Masters. His father had, therefore, given him seven books in March 2012.

Bagewadi has been acquitted. Many other accused also pursued education while in jail, including Safdar Nagori, who studied Gandhian philosophy, and is among those convicted.

The judges in the case

The first designated judge for the blasts trial is now a judge of the Supreme Court, Justice Bela Trivedi.

At least eight judges were subsequently designated to preside over the trial, including B J Dhandha, V P Patel, V B Mayani, Jyotsana Yagnik, K K Bhatt, P B Desai, P C Raval and A R Patel.

Special judge A R Patel has presided over the case from June 2017 onward.

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TRIBUNAL APPOINTMENTS BEING TAKEN LIGHTLY: SC

The Supreme Court on Wednesday said its judicial intervention saw the government make abrupt efforts to fill vacancies in tribunals some time back and nothing after that. "We are getting [requests for] extension of time for NCLT (Nation Company Law Tribunal) matters, etc. Some knee-jerk appointments took place and nothing after that. We do not know the fate of members and many are retiring. Bureaucracy is taking it lightly," a Bench led by Chief Justice of India (CJI) N.V. Ramana remarked orally.

Attorney-General K.K. Venugopal offered to provide the court with a list of vacancies in tribunals. However, the court scheduled a hearing in two weeks.

In September last, a Special Bench led by the CJI accused the Centre of "cherry-picking" names for appointments to tribunals, left almost defunct by long-pending vacancies.

The Bench, also comprising Justices D.Y. Chandrachud and L. Nageswara Rao, had then "held its hand" on initiating contempt proceedings against the government and allowed the latter two weeks to make appointments to "all the tribunals". "If the government does not act we will pass orders," the CJI said.

'Pitiable' state

Chief Justice Ramana had termed the state of tribunals and the thousands of litigants waiting for justice "pitiable". Cases were adjourned for months. There is no manpower to form Benches. Litigants are made to travel to other faraway States where there are at least some tribunal members available to hear their cases.

The Bench had addressed the Attorney General about how the government pulled the rug from underneath the hard work of the search-cum-selection committees headed by sitting Supreme Court judges tasked with interviewing and shortlisting suitable candidates for the tribunals.

AN 'EVOLUTIONARY' SOCIALISM

It is a curious paradox that Nehru was a socialist who consolidated capitalism. But capitalists do not thank him for it; the left consider him inadequate; and the right have equated his socialism with the 'Licence-Permit Raj'.

His socialism was evolutionary, not revolutionary, and it was inclusive, not based on class. It was democratic and comfortable with heterogeneity, egalitarian without levelling, committed to welfare and affirmative action, co-operative to contain destructive competition, oriented to rational planning to overcome anarchic individualism, stressed the need for the government to lead through an advanced public sector, valued local democracy and local management of utilities, and mobilised local initiative in every way. Globally, he viewed it as a movement rather than as a military bloc. In all these respects, if it was to prevail, it would be by democratic recognition rather than by bureaucratic imposition. Above all, he saw it as providing a direction, a momentum, and a value system rather than a final goal.

He was attracted to Marxism as a means to historical explanation, but he found it irrelevant to programmes for progress and even for socialism. It is doubtful whether Marxism contributed significantly to his interpretation of history, even if he obliged by peppering his Glimpses of World History with accounts of class struggles. What he understood by class reads more like social

hierarchy; and he did not employ the concept of the mode of production — that magnificent obsession of so many Marxists.

United against imperialism

As a social democrat or socialist, he was liberal to his fingertips and opposed to both communism and the Soviet system. During the agony of liberal Europe in the 1930s, when fascism blanketed the continent, communism seemed the only hope, and Soviet Union the dawn of a new civilisation, as he declared at the Lucknow Congress in 1936. Thereafter, he drew the line clearly; and while the Soviet Union fascinated him for its short cut to industrialisation, its methods were appalling and the human cost hideous. He could not accept them for India.

He found many reasons to reject the communist option. The first was class war, so beloved of communists. He did not hold a brief for capitalists and landlords, but class war led to unspeakable atrocities, bitterness, and material and human destruction. Second, his objective was to unite the nation against imperialism, not to divide it between classes and leave an opening for the machinations of the imperialists. When he was tempted to class war, Gandhi restrained him.

Third, the class war pursued the interest of a class at the expense of the individual, which was anathema to the liberal Nehru. Fourth, communism was undemocratic, communist states ran one-party systems with non-competitive elections, and they deleted the fundamental rights, which Nehru so cherished. Ironically, India supplied the exception, with communists coming to power through democratic elections. Fifth, he found the communists deplorably subservient to Moscow. As he reasoned, he was not throwing off the British colonial yoke to replace it with the Soviet communist one. Sixth, communists sought a global confrontation with capitalism. He refused to participate, preferring instead an independent role that he called non-alignment.

Well before Independence, he saw the world dividing and the need to take a position between the communists and the imperialists. During World War II, he rejected the Axis on ideological grounds and found it bad strategy to join the enemy of the enemy without ideological affinity. Hence, Subhas Chandra Bose's grand design of joining with the Axis against British imperialism was ruled out. He was prepared to cooperate with the imperialists as a bargain for independence; and while he detested the imperialists in the Empire, he endorsed the liberal democracy in Britain.

By the same token, he could identify with the goals of communism while finding the Soviet regime odious. But both imperialism and communism wished to recruit Indian nationalism to their strategic purposes without giving anything in return. His only option was to anticipate Non-Alignment, to preserve independence of choice and to keep out of others' wars.

Socialism provided the ideological basis for such independence. A purely nationalist position without further ideological depth could have led him either way. He cited the example of nationalist Poland in 1927 driven into the imperialist fold or of an independent Bolivia in 1928 trapped in debt to the United States and its "economic imperialism". Promoting capitalism for growth after Independence would have sucked India back into the web of global capitalism led by Britain and America and unravelled the independence so painfully achieved. He discerned the possibility of an independent communism in China in the 1950s, but he had good reasons for rejecting communism of any kind.

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Global socialism

His socialism was independent even of European socialism. He was deeply distressed to find European socialists, especially the British species, more than complicit with imperialism, and he reserved some of his harshest comments for Ramsay MacDonald, the British Labour Prime Minister. Nehru thought of socialism in global terms, but had to seek an independent trajectory for socialism in India. He did not go to the extent of positing a necessary relation between his socialism and non-alignment, but he spoke as if true independence entailed the one and the other.

But Nehru's socialism was a minority position within the Congress and the national movement. Gandhi merely tolerated it; the principal leaders like Patel, Rajagopalachari, Rajendra Prasad, and B.C. Roy were opposed; and only Subhas Chandra Bose was a companion-at-arms for radicalising the Congress. But Bose veered away, breaking with Gandhi and allying with the Axis during the War. The Congress Socialist Party led by Jayaprakash Narayan and Narendra Deva, among others, was Nehru's natural constituency, but they were impatient with compromise and left the Congress in 1948.

Given his isolation, Nehru had to satisfy himself with promoting an ideal rather than framing specifically socialist policies. He advocated socialism, not as an ideology but as a pragmatic necessity for eradicating poverty, reducing it to administration and problem-solving. For nearly a quarter of a century, from his socialist moment in Europe in 1927, he had on every important occasion proclaimed his socialist faith, decreed its inevitability, and reassured everybody that it was not a programme for implementation.

Welfare capitalism

In the Constituent Assembly, he refused to include socialism in the resolution on Aims and Objects, disparaging it as "theoretical words and formulae". He even accepted the socialists' charge of his having "sided with the capitalists". But he felt India could be delivered from imperialism only by unshackling from its capitalism through some form of socialism, and from its dictatorship through some form of democracy. Only a democratic socialism made meaning. He did so even if that democratic socialism was in effect no more than a welfare capitalism of the kind that defined Europe in the post-War years.

Welfare capitalism was projected as an independent and democratic socialism for 40 years by its progenitor and it enjoyed a successful career thereafter until the 1980s. To expert observers like I.G. Patel, sometime governor of the Reserve Bank of India, socialism was distinctly the subordinate partner in that Nehruvian compound of capitalism and socialism: "...in this uneasy coalition, irrespective of who presides officially, the strident voice is undoubtedly that of the capitalist majority." But far too many have expected of it a socialism of the textbook or, more ignorantly, have regarded it as of ill-omened Soviet provenance, and have variously shamed it for its inadequacies, vilified it for trying to be itself, and bemoaned its intellectual incoherence and political ineptitude.

Prosaic as ever, Nehru's critics have not noticed the rhetorical use that he made of socialism for the moral glow that it imparted to two generations after Independence. But, most of all, his independent socialism was one of his devices to maintain India's independence from global capitalism with its imperialist offshoot, from communism, and even from European socialism to the extent that the latter aspired to a universal role.

The writer is the editor of Selected Works of Jawaharlal Nehru. This is the fourth in the essay series on Nehru in the Magazine.

THE ERA OF COMBATIVE FEDERALISM

The proposed amendments to the Indian Administrative Service (IAS) (Cadre) Rules of 1954 have triggered another round of conflict between the Centre and the States. The amendments proposed by the Department of Personnel and Training, Government of India, will take away the liberty of the States to deny consent for handing over civil servants for Central deputation. Further, if there are differences between the Centre and the States, the Centre's decision will have to be accepted by the States within a specified time period. Tamil Nadu, Kerala, West Bengal, Jharkhand, Rajasthan, Chhattisgarh and Telangana have objected to the amendments. The proposed changes are the latest examples in the evolution of the combative nature of federalism in India where the States and the Centre are always at loggerheads.

Shifting tides

The shift of Indian federalism from co-operative to combative has been one of the major changes in Indian polity since the Narendra Modi-led government assumed power at the Centre with a brute majority. The expression 'combative federalism' was used by former Uttarakhand Chief Minister Harish Rawat immediately after his government was dismissed under Article 356 of the Constitution by President's proclamation. Immediately thereafter, the Centre started wielding power by interfering with the affairs of the States using the Governor's office.

In 2016, when the Governor of Arunachal Pradesh decided to advance the Assembly elections, which led to political crisis in the State and then President's Rule, the Supreme Court had to intervene and set right the constitutional crisis by holding that the Governor's discretion did not extend to the powers conferred under Article 174. The Governor cannot not summon the House, determine its legislative agenda or address the legislative Assembly without consulting the Chief Minister or the Speaker, the Court said. In Goa, Karnataka and Maharashtra, we saw examples of the Governor acting beyond his constitutional brief by inviting parties and formations which did not have an adequate majority to form the governments. In Rajasthan, the Governor refused to summon a session as desired by the Council of Ministers. This again brought to light how the Centre interferes in State affairs.

The question of who should have control of the National Capital Territory of Delhi was resolved by the Supreme Court in 2018, but the dispute continues to linger in one form or the other before the courts. The Constitution Bench of the Supreme Court held that the power of the Lieutenant-Governor of Delhi to differ from the Delhi government and make reference to the President is only with respect to exceptional matters like land, police and public order. However, the Supreme Court had to again remind the Delhi government and the Centre in Ajit Mohan v. Legislative Assembly, National Capital Territory of Delhi & Ors (2021) that for the system "to work well, the Central Government and the State Government have to walk hand in hand or at least walk side by side for better governance."

Overt conflicts

Apart from more common occurrences of the Centre usurping States' powers in the fields of legislation, overt conflicts and stalemates have surfaced in the areas of All-India Services and law and order. Such conflicts came to the fore when former West Bengal Chief Secretary Alapan Bandyopadhyay was summoned to Delhi immediately after Prime Minister Modi's visit to West Bengal following Cyclone Yaas. West Bengal Chief Minister Mamata Banerjee's reluctance to accede to the Centre's demand and the subsequent disciplinary proceeding against Mr. Bandyopadhyay snowballed into a major litigation that is now pending before the Delhi High Court.

The deployment of central investigative agencies in the States, much to the displeasure of the States, has also caused trouble for our federal principles. The drama that unfolded with the Central Bureau of Investigation (CBI)'s attempted arrest of Kolkata Commissioner of Police Rajeev Kumar without a warrant in early 2019 was only the beginning of a series of conflicts. The unfortunate death by suicide of actor Sushant Singh Rajput triggered a round of Mumbai Police-CBI disputes, as various FIRs were registered in Patna that were transferred to the CBI by the Bihar government. The resultant legal dispute was ultimately settled by the Supreme Court which directed the Mumbai Police to hand over the investigation to the CBI. The protracted investigations at the instance of Customs, the National Investigation Agency (NIA) and the Enforcement Directorate (ED) in issues arising from a gold-smuggling case in the Kerala saw a major State-Centre face-off, after the Customs, NIA and ED charge-sheeted the former Principal Secretary to the Chief Minister's Office of Kerala. Soon thereafter, the Kerala government decided to take on the Centre by ordering a judicial inquiry against central investigating agencies and their overreach in the State. Kerala also witnessed another controversy surrounding Centre-State conflict when the CBI registered an FIR for alleged infractions of the Foreign Contribution (Regulation) Act. It said the State government had received foreign contributions from the United Arab Emirates for a housing project. There is no doubt that such investigations, purportedly for political reasons, into the functioning of the State governments have caused considerable dent in the federal architecture of the country. This is why various States have withdrawn the general consent for functioning of the CBI in their respective jurisdictions.

Collaborative federalism

Combative federalism is anathema to the Constitution which prescribes cooperation and collaboration between the Centre and the States. The Constitution Bench of the Supreme Court held in Government of NCT of Delhi v. Union of India (2018) that the idea behind the concept of collaborative federalism is negotiation and coordination so that differences which may arise between the Centre and the State Governments in their respective pursuits of development can be ironed out. The Court said: "Union Government and the State governments should endeavour to address the common problems with the intention to arrive at a solution by showing statesmanship, combined action and sincere cooperation." The Constituent Assembly, while framing our Constitution, never envisaged a situation where the Central and the State governments would stand in the way of each other. Encroachment by either of the constituent units is strictly prohibited and expressly held abhorrent by the Constitution. Rather than wasting time and energy in unnecessary conflicts, the Centre and the States have to strive to work in coordination in the best interests of the people.

UNDERSTANDING THE HARIDWAR CONCLAVE

In January, Gregory Stanton, the founder of Genocide Watch, who had predicted a genocide in Rwanda years before it took place in 1994, sounded the alarm on violence against Muslims in India. He condemned the statements made at the 'Dharam Sansad' organised in Haridwar and said that they were intended to incite violence. Genocide Watch is an international organisation established to prevent genocide and other kinds of mass murder and is credited with making critical interventions over the years.

This statement reveals the quick and radical shift in India's sociopolitical narrative. The Dharam Sansad deserves to be acknowledged as an open call for violence against a community. Moreover, the state's inaction to proceed against the perpetrators violates principles under the Constitution and international law.

The radical shift

In Modi's India: Hindu Nationalism and The Rise of Ethnic Democracy (2021), Christophe Jaffrelot argues that the "Indian variant of ethnic democracy is... both informed by the promotion of a Hindu definition of the nation in opposition to the secularism defined in the 1950 Constitution... and its opposition to the Christian and (more especially) Muslim minorities". While discussing the position of Indian Muslims from "social marginalisation" to "institutional exclusion", he says that Muslims "may well be India's new Untouchables."

So far, the mistreatment of Muslims by the Rashtriya Swayamsevak Sangh, the Bharatiya Janata Party (BJP), the Hindu Mahasabha and other groups has been incremental. In 2017, Reuters reported that "almost all" of the attacks involving cow-related violence were recorded after the BJP government came to power at the Centre in 2014. Legislation such as the Citizenship (Amendment Act) of 2019 coupled with the National Register of Citizens sought to deprive Muslims of citizenship. Hate speeches against Muslims have largely been met with indifference from the state authorities, as we saw in the Sudarshan TV case. Anti-conversion laws such as the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020 (later replaced by the Act) seek to sow communal discord. The banning of the hijab in institutions in Karnataka indicates discrimination against Muslims.

But the speeches at Haridwar crossed the line between hate speech and incitement to violence. According to reports, a member at the Sansad made an open call for Hindus to pick up weapons and referred to the treatment of the Rohingya in Myanmar. Another advocated for India to be a Hindu nation. This shift from the treatment of Indian Muslims as second-class citizens to making open threats of violence against them is what makes the Haridwar conclave an unfortunate, yet defining moment in contemporary India.

Hate speech is often discussed in the context of the right to freedom of expression. While discussing free speech, the U.S. Supreme Court laid down the test of imminent lawless action in Brandenburg v. Ohio (1969). It held that speech stands protected under the First Amendment unless it is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action." The Haridwar speeches fall into this category. This must be understood in the national context of the continuing marginalisation and oppression of Indian Muslims through legal and political tools.

The criminal law or the Constitution does not define hate speech. The United Nations Strategy and Plan of Action on Hate Speech defines hate speech as "any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor." Some media reports have referred to the Dharam Sansad incident as one of hate speech. Legally and politically, it is vital to distinguish between hate speech and incitement to violence. Every hateful speech need not incite violence. The Haridwar incident went far beyond discriminatory language. By reducing the statements to hate speech, one might be changing the gravity and nature of the offence.

The incident must potentially attract numerous provisions of the Indian Penal Code. For instance, Section 153A punishes "promoting enmity between different groups on grounds of religion, race, place of birth, residence, etc". "Imputations and assertions prejudicial to national integration" are penalised by Section 153B. Section 505(c) penalises any statement "with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class." Section 108 criminalises abetment to crimes, including cases where the principal crimes are not committed. Section 120B punishes criminal conspiracy. However, it took enormous public mobilisation and sustained demand to register the FIR in the case, that too with inadequate charges. There has been a significant delay in making arrests and conducting an investigation.

Legal obligations

A global consensus against genocide led to the crystallisation of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948. India is a state party to the Convention. The Convention defines genocidal acts as those "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group". Article III (c) punishes direct and public incitement to commit genocide. Article IV says the perpetrators shall be punished and Article V imposes an obligation on states to impose effective penalties for genocide. Failing to investigate and charge the accused would mean a breach of the obligations under the Convention.

Attempts at marginalising members of a religious community also threaten the secular foundations of our democracy. In S.R. Bommai v. Union of India (1994), the Supreme Court held that secularism is part of the basic structure of our constitution. This must be read along with civil rights guarantees of religious freedom under Articles 25 to 28 of the Constitution. After discussing various constitutional provisions, the Court said: "These provisions by implication prohibit the establishment of a theocratic State and prevent the State either identifying itself with or favouring any particular religion or religious sect or denomination. The State is enjoined to accord equal treatment to all religions and religious sects and denominations."

In Qurban Ali v. Union of India (2022), the Supreme Court has issued notice in the plea seeking investigation into the event at Haridwar. Former chiefs of the Army and Navy, bureaucrats, politicians and academics have strongly criticised the inaction of the authorities in registering cases. Students at Aligarh Muslim University and other institutes have written to the Prime Minister that his silence on intolerance "emboldens the hate-filled voices." In a federal system, Chief Ministers must also come together to demand immediate action.

It is significant that the civil society guards against inflammatory acts that are likely to cause violence. The failure of democracy begins when the public is complicit through its silence in the excesses of the state.

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WHAT IS THE ESSENTIAL PRACTICE TEST?

The story so far: The action of some pre-university colleges in Karnataka refusing entry to Muslim girl students wearing hijabs, or head-scarves, has now become a national controversy. While the girls have been protesting against being denied access to education, the counter-protests by a section of Hindu students wearing saffron shawls and turbans have led to a tense situation outside some campuses. The action of the college where the row broke out in Udupi is now being questioned in the Karnataka High Court. The court, by an interim order, has directed that students should not wear attire linked to any religion until it resolves the legal questions arising from the issue.

What are the issues?

The main question that arises is whether students can be kept out of educational institutions merely because they are wearing a piece of clothing indicating their religion. Is the denial of entry a violation of their freedom of conscience and freedom to practise their religion under Article 25?

While students are arguing in favour of their freedom, the Government is of the view that compelling a student to remove the head-scarf is not a violation of Article 25.

Going by the Government's stand, the issue can also be framed differently: whether the wearing of head-scarves will have an adverse impact on law and order by pitting two communities against one another, and thereby, enable the Government to prohibit religious attire in the interest of public order – one of the grounds on which a right under Article 25 can be curbed.

The question whether educational institutions can bar religious attire as part of their power to prescribe uniforms for students is also linked to the constitutional question whether the ban on such attire will come within the power to restrict freedom of religion in the interest of public order, health and morality.

Yet another question is whether the denial of entry into schools amounts to violation of the students' right to education under Article 21A.

From the Muslim students' point of view, they have a fundamental right to wear a hijab as part of their right to practise their religion. Going by precedent on a right asserted in contrast to the general rule, as well as arguments advanced in court on their behalf, the issue may boil down to a finding on whether the wearing of hijab is essential to the practice of their faith.

What is the constitutional position?

Bijoe Emmanuel vs. State of Kerala (1986) pertained to three children belonging to the Jehovah's Witnesses sect refusing to sing the national anthem during the morning assembly. The Supreme Court ruled in the students' favour, holding that their expulsion violated their freedom of expression under Article 19(1)(a) as well as their right to freely practise and profess their faith under Article 25(1).

The freedom of conscience and to profess, practise and propagate religion is guaranteed by Article 25. This freedom is subject to 'public order, morality and health'. It also makes it clear that there can be a law regulating any economic, financial, political or other secular activity which may be associated with religious practice or to provide for social welfare and reform, including throwing open Hindu religious institutions of a public character to all classes and sections of Hindus.

Justice O. Chinnappa Reddy, who authored the judgment, observed that "the question is not whether a particular religious belief or practice appeals to our reason or sentiment but whether the belief is genuinely and conscientiously held as part of the profession or practice of religion. Our personal views and reactions are irrelevant. If the belief is genuinely and conscientiously held it attracts the protection of Art. 25 but subject, of course, to the inhibitions contained therein."

The test in this approach is to find out whether a student who asserts religious freedom for a course of action that the authorities find objectionable genuinely and conscientiously holds that belief or not. Such a belief is constitutionally protected.

As for the wearing of hijab, the students are relying on a Kerala High Court judgment that had in 2016 allowed two Muslim students to take the All India Pre-medical Test while wearing a hijab, after holding that it was an essential part of Islam. In a different case, the Kerala High Court declined to intervene in favour of a Muslim student who was not allowed to wear a head-scarf by a school.

They have also cited a Madras High Court order in which the Election Commission's decision to include photographs of electors in the electoral rolls was challenged on the ground it violated the right of Muslim women who are in purdah. The court ruled that there is unanimity among Muslim scholars that the purdah is not essential, but covering the head by a scarf was obligatory.

How do we draw the line between matters of religion and matters other than religion?

The 'essential practice' doctrine can be traced to a 1954 decision of the Supreme Court in Commissioner, Hindu Religious and Charitable Endowments, Madras vs. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt, commonly known as the 'Shirur Mutt' case. This litigation involved action sought to be taken by the Madras government against a mutt over some disputes over the handling of financial affairs. The madathipathi's contention was that the Government could not interfere in the mutt's right to manage its own affairs under Article 26. Under this Article, what was protected was the right "to manage its own affairs in matters of religion". This led to the Bench noting that the presence of this clause indicates that there could be affairs that were not matters of religion. How does one draw the line between matters of religion and matters other than religion? It was in this context that the court said: "In the first place, what constitutes the essential part of a religion is primarily to be ascertained with reference to the doctrines of that religion itself."

However, this attempt to differentiate what essentially distinguishes a religious matter from other matters was taken up in subsequent judgments to mean that courts are required to distil the essence of a religion to see whether a particular practice or act fell under the category of religion or not.

Hence, some acts obtained constitutional protection by being declared "essential" to the practice of that religion and some were denied protection on the ground that they were not essential to it.

In 1983, the Supreme Court upheld the police decision to disallow 'Tandava', a ritual dance performed with a skull and a knife, in public places as part of a procession by Ananda Margis, holding that the 'Tandava' was not an essential religious practice among those in the sect.

In Sardar Syedna Taher Saifuddin Saheb vs. Bombay (1962), the Supreme Court struck down a law that prohibited the head of the Dawoodi Bohra community from excommunicating members. The majority ruled that the power of excommunication exercised by the religious head on

religious grounds was part of the management of affairs on religious matters, and the Act infringed on the community's rights. However, in a dissenting judgment, Chief Justice B. P. Sinha said the law was valid because it sought to uphold the freedom of conscience of individual members as well as their civil rights.

In the Sabarimala case (2018), the majority ruled that the bar on entry of women in the age-group of 10 to 50 was not an essential or integral part of the religion, and also denied the status of a separate religious denomination of devotees of Lord Ayyappa. However, in a dissenting judgment, Justice Indu Malhotra, said they constituted a distinct denomination and that the restriction on women of a particular age group is an essential part of their faith and is constitutionally protected.

What is the criticism against the essential practice test?

Jurists have criticised the continuing emphasis on applying the essential practice test to determine the constitutionality of state action against any religious practice that claims protection despite being either discriminatory or exclusionary.

The first criticism is that it was never intended to be a test to find out if a particular practice is essential to the practice of the religion, but was only made to distinguish a matter of religion from a matter other than religion. However, a long line of judicial decisions seem to endorse the applying of this test to dispose of cases.

The second criticism is that the doctrine of essentiality appears to allow courts to go deeply into the scriptures and tenets of a religion or a religious denomination to find out if the practice or norm that is at the heart of the issue is essential. This is seen as a theological or ecclesiastical exercise, which courts are forced to wade into.

A more reasonable approach will be to apply the test of constitutional morality and legitimacy to the issue at hand. Applying the principles of equality, dignity and civil rights to a particular practice may be better to decide the constitutionality of a practice than a theological enquiry.

INDIA SLAMS 'COMMUNAL MINDSET' OF OIC OVER REMARKS ON HIJAB ROW

India on Tuesday hit out at the Organisation of Islamic Cooperation (OIC), saying it was "hijacked by vested interests"."Issues in India are considered and resolved in accordance with our constitutional framework and mechan- isms, as well as democratic ethos and polity. The communal mindset of the OIC Secretariat does not allow for a proper appreciation of these realities," Arindam Bagchi, Official Spokesperson of the Ministry of External Affairs, said after the OIC commented on the hijab controversy in Karnataka.

"OIC continues to be hijacked by vested interests to further their nefarious propaganda against India," he added.

The OIC on Monday called upon the UN and the Human Rights Council to take "necessary measures" following reports of Muslim students being prevented from wearing hijab in Karnataka. "The OIC General Secretariat further urges India to ensure the safety, security and well-being of the Muslim community while protecting the way of life of its members and to bring the instigators and perpetrators of acts of violence and hate crimes against them to justice," it said in a statement.

Pakistan, a leading member of the OIC, had criticised the developments in Karnataka.

ANTI-LYNCHING BILLS PASSED BY FOUR STATES HANGING FIRE

Bills passed against lynching in the past four years by at least three States ruled by BJP rivals and one by the party itself have not been implemented, with the Union government taking the view that lynching is not defined as a crime under the Indian Penal Code (IPC).

The Union Home Ministry informed Parliament in 2019 that there was "no separate" definition for lynching under the IPC, adding that such incidents could be dealt with under Sections 300 and 302 of the IPC which pertain to murder.

In 2017, the National Crime Records Bureau (NCRB) collected data on mob lynching, hate crimes and cow vigilantism, but the figures were not published and the work was discontinued as these crimes are not defined and the data were found to be unreliable.

On December 22, the Jharkhand Assembly passed the Prevention of Mob Violence and Mob Lynching Bill, 2021, providing for punishment ranging from three years to life imprisonment. The Bill awaits the Governor's assent.

On August 5, 2019, the Rajasthan Assembly passed the Rajasthan Protection from Lynching Bill, 2019, providing for life imprisonment and a fine ranging from ₹1 lakh to ₹5 lakh to those convicted in cases of mob lynching leading to the victim's death.

On August 30, 2019, the West Bengal Assembly passed the West Bengal (Prevention of Lynching) Bill, 2019, that proposes a jail term from three years to life imprisonment for those involved in assaulting and injuring a person and also defines terms such as "lynching" and "mob". The government also proposed to set up the West Bengal Lynching Compensation Scheme.

To a RTI application by The Hindu, the Home Ministry stated the said law was received from the Rajasthan government on September 6, 2019. It added that the Bill was "under inter-ministerial consultation with State Government/Union Ministries/ Departments".

The Ministry's reply stated, "However, the bill The West Bengal (Prevention of Lynching) Bill, 2019 has not been received from West Bengal Government."

In 2018, the Manipur Assembly passed the Manipur Protection from Mob Violence Bill, recommending life imprisonment for those involved in mob violence if it led to death. The Bill is still being examined by the Ministry. The Ministry examines State legislation on three grounds — repugnancy with Central laws, deviation from national or central policy, and legal and constitutional validity.

In 2019, the Ministry informed the Lok Sabha that it had received the Bills passed by the legislatures of Manipur and Rajasthan that had been reserved by the Governor for consideration of the President. The President has to go with the advice given by the Council of Ministers represented by the Home Ministry.

In 2018, the Supreme Court asked Parliament to make lynching a separate offence. The Home Minister had informed Parliament that the government had decided to overhaul the IPC framed in 1860 and the CrPC and mob-lynching would also be examined by the committee.

ISSUES IN UNIFORM CIVIL CODE

The Uttarakhand CM has promised a uniform civil code for the state if BJP is voted back to power. A look at what the Constitution says about UCC, previous attempts to reform personal laws, and the way forward.

ON THE last day of campaigning for the Assembly polls, Uttarakhand Chief Minister Pushkar Singh Dhami promised that the BJP, If re-elected, would enact a uniform civil code (UCC) for the state.

Many appear to believe that a UCC would remove all inequalities in one stroke and create a gender- Just society. But it is important to understand that "formal equality" cannot bring about a radical change; what society needs is "substantive equality".

Dhami has promised to set up a committee for preparing a draft UCC. But the promise of a UCC is not part of the 60-page BJP manifesto for Uttarakhand. The BJP manifesto for the 2019 Lok Sabha elections had stressed there cannot be gender equality without a UCC, and promised a UCC would be drafted drawing from the best traditions and harmonised them with modern times. This implies that the UCC would include the best provisions of all personal laws.

Hindu Code Bill

The Hindu Code Bill Committee was constituted in 1941 but it took 14years to pass the legislation—and not as one uniform Act but as three different ones: Hindu Marriage Act, 1955; Hindu Succession Act, 1956; and Hindu Adoption & Maintenance Act, 1956.

Moreover, not all reforms could be incorporated because of opposition from the Hindu right. Even Congress leaders such as Sardar Vallabhbhai Patel, Pattabhi Sitaramayya, MA Ayyangar, Madan Mohan Malaviya and Kailash Nath Katju opposed such reforms. In the debate on the Hindu Code Bill in 1949, 23 of the 28 speakers opposed it.

In 1949, the Hindu right formed an All- India Anti Hindu Code Bill Committee under the leadership of Swami Karpatriji Maharaj, who justified unregulated polygamy. Geeta Press's Kalyan magazine published a number of articles that favoured polygamy, opposed the daughter's right to inheritance and questioned the Constituent Assembly's right to legislate on religious matters.

Syama Prasad Mookerjee,later founder of the Bharatiya Jana Sangh, said in Parliament that instead of the Hindu Code Bill, the government should bring a UCC. While there was substance in this argument, reforming the majority community's laws is easier than reforming those of the minorities. Several Muslim countries, including Pakistan, have been able to reform Muslim laws but not the laws of their minority communities.

Dr B R Ambedkar had to resign as Law Minister. On September15, 1951, President Dr Rajendra Prasad threatened to return the Bill or veto it. PM Jawaharlal Nehru yielded; the Bill was not passed. When eventually passed after several years, it did not give daughters a share in a Hindu joint family's property. This amendment came in 2005, during the UPA regime.

Reading Article 44

Article 44 of the Constitution says the state shall endeavour to secure For citizens a uniformcivil code throughout the territory of India. The definition of 'State', as given in Article 12, includes the government and Parliament of India and the government and the legislature of each of the states and all local or other authorities within the territory of India or under the control of the

Government of India. If state means state government or local or other authorities, does it mean states or local authorities can make a uniform civil Code for the whole of India? It would be ridiculous to say the Uttarakhand Assembly or Dehra Dun Municipal Corporation could make a UCC for the entire country.

The Constitution's framers used the term "uniform" in Article 44 and not "common", Because "common" means" one and the same In all circumstances", while "uniform" means "the same in similar conditions". Different people may have different laws, but the law within a particular group should be uniform. Such a classification is permissible even under the right to equality under Article 14.

"Civil" means matters where personal rights(not public rights)are in question—such as a contract, or sale and purchase of goods/services or properties.

Even "code" does not necessarily mean one single law in every circumstance. It may mean either one enactment such as Indian Penal Code, or the Hindu Code Bill that includes three different Acts.

While Article 44 uses the phrase "state shall endeavour", other Articles in the 'Directive Principles' chapter use expressions such as "in particular strive"; "shall take steps"; "shall promote with special care"; "shall in particular direct its policy"; "shall regard its primary duty"; "shall be obligation of the state" etc. All of these mean that the duty of the court is far greater in other directive principles than in Article 44. While Article 43 mentions that the "state shall endeavour by suitable legislation", the phrase "by suitable legislation" is absent in Article 44, which indicates that the framers did not intend enactment of uniform civil code by a single legislation.

Diversity in personal law

It is erroneous to assume that India has different personal laws because of religious diversity. As a matter of fact, the law differs from state to state. Under the Constitution, the power to legislate in respect of personal laws rests with both Parliament and state Assemblies. Preservation of legal diversity seems to be the reason for inclusion of personal law in the Concurrent List(entryNo.5). Had uniformity of laws been the primary concern, personal laws would have been included in the Union List with Parliament having the exclusive jurisdiction to enact laws on these subjects. Bringing amendments to central personal laws with enactments such as the Hindu Marriage Act is possible under entry No.5, but this power cannot be stretched to include enactment of a uniform civil code for the whole of India. Once a legislative field is occupied by parliamentary legislation, states do not have much freedom to enact laws. Such laws would require Presidential assent under Article 254.

It is also a myth that Hindus are governed by one uniform law. Marriage among close relatives is prohibited in the north but considered auspicious in the south. Lack of uniformity in personal laws is also true of Muslims and Christians. The Constitution itself protects local customs of Nagaland, Meghalaya and Mizoram.

As an example, take Goa, often cited as a state that already has a UCC. But Hindus of Goa are still governed by the Portuguese Family and Succession Laws. The reformed Hindu Law of 1955-56 is not applicable to them, and unreformed Shastric Hindu law on marriage, divorce, adoption and joint family remains valid. The Shariat Act of 1937 is yet to be extended to Goa, and the state's Muslims are governed by Portuguese law as well as Shastric Hindu law but not by Muslim Personal Law. Even the Special Marriage Act, a sort of progressive civil code, has not yet been extended there.

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While the Uttarakhand CM favours a UCC to ensure equality, reforms in Hindu law have not completely removed gender discrimination. The amount of land actually inherited by Hindu women is a small fraction of what they are entitled to under reformed Hindu law. Even when they inherit land, it is invariably much less than an equal share. The power of will is used to give the entire property to sons.

The way forward

If the Uttarakhand government returns to power, one way forward could be to constitute a Muslim Law Reforms Committee, Tribal and Indigenous Law Reform Committee, Christian & Parsi Law Reforms Committees, just like the Hindu Law Reforms Committee formed in 1941. Based on their recommendations, it could take the reforms process forward.

The state would also need a Hindu Law Committee, as some of the existing provisions of codified Hindu law — such as solemnisation of marriage, satpati, kanyadaan, joint family and tax benefits, absolute testamentary powers etc— may not find a place in the UCC, and provisions like dower or nikahnama (prenuptial contract) are to be incorporated in UCC as per BJP's 2019 manifesto. Are Hindus of Uttarakhand, who are 83% of the population, ready for these reforms?

The goal of a UCC should ideally be reached in piecemeal manner, like the recent amendment on the age of marriage. A just code is far more important than a uniform code.

CONSTITUTIONAL PROVISION FOR CURBING FREEDOMS

The Karnataka High Court is hearing a challenge to the constitutionality of the state government's ban on students wearing a hijab in educational institutions. In Tuesday's hearing, the judges heard an argument on whether the state can justify the ban on the ground that it violates 'public order'.

What is public order?

Public order is one of the three grounds on which the state can restrict freedom of religion. Public order' is also one of the grounds to restrict free speech and other fundamental rights.

Article 25 of the Constitution guarantees to all persons right to freedom and conscience and the right freely to profess, practise and propagate religion subject to public order, morality and health.

Public order is normally equated with equated with public peace and safety. According to List 2 of the Seventh Schedule of the Constitution, the power to legislate on aspects of public order rests with the states.

How does it relate to the hijab ban?

According to the government order issued on February 5 under the Karnataka Education Act, 1983, "public order" is one of the reasons for not allowing students to wear a headscarf in educational institutions along with "unity" and "integrity."

The petitioners have asked the state to show how the mere wearing of a hijab by students could constitute a public order issue. "This is not a case where a religious practice involves a

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public gathering where dangerous weapons are paraded...," the petitioners' counsel Devadutt Kamat argued.

The second argument made is that the government cannot delegate to college committees the function of determining whether the hijab was detrimental to public order. The government order states that while individual college committees are free to determine the uniform, in the absence of such rules the government order banning the headscarf would apply. Kamat argued that only the government can make an assessment of public order.

How has the state responded?

Karnataka's Advocate General has argued that the government order makes no mention of "public order" and that the petitioners reading of the order could be an error in translation. The order, in Kannada, uses the words "sarvajanika suvyavasthe".

Of the three judges on the Bench headed by Chief Justice Ritu Raj Awasthi, both other judges —Justices Krishna Dixit and Jaibunnisa Khazi — are conversant in Kannada. While Justice Dixit observed that the interpretation by the petitioners might not strictly apply, he asked for an official translation.

Incidentally, the official Kannada translation of the Constitution uses "sarvajanika suvyavasthe" for "public order" in all nine instances.

How has public order been interpreted by courts?

What affects public order is contextual and is determined by the state. But courts have broadly interpreted it to mean something that affects the community at large and not a few individuals.

In Ram Manohar Lohia vs State of Bihar (1965), the Supreme Court held that in the case of 'public order', the community or the public at large have to be affected by a particular action. "The contravention of law always affects order but before it can be said to affect public order, it must affect the community or the public at large.

One has to imagine three concentric circles, the largest representing 'law and order', the next representing 'public order' and the smallest representing 'security of State'."

In the Karnataka case, the petitioners have argued: "Public order is not every breach of law and order. Public order is an aggravated form of disturbance that is much higher than a law and order issue."

PRIDE AND PREJUDICE

The politics of identity — based on caste, religion, language and regions — has been an unfortunate reality in Indian electioneering for decades now. Campaign slogans and speeches have ranged from relatively innocuous assertions like "Ma, Maati, Manush" in West Bengal to the drawing of more dangerous dichotomies in the campaign in Uttar Pradesh. Punjab Chief Minister Charanjit Singh Channi's remarks on the campaign trail, with Priyanka Gandhi standing next to him, that Punjabis should "unite" and not let "bhaiyas from UP, Bihar and Delhi" rule Punjab is unbecoming of his office and goes to only show the limits of his appeal.

Understandably, the BJP and AAP have pounced on Channi's words, accusing the Congress of engaging in divisive politics. There is a cynical justification for their outrage: It likely stems from the fact that UP, arguably the most electorally significant state in the country, is also going to the polls. After all, neither party is beyond reproach when it comes to how it frames policies on "outsiders": In neighbouring Haryana, the BJP government wants 75 per cent of jobs reserved for locals; in Delhi, the AAP government wants seats in colleges to be reserved for denizens. All three parties — the AAP, BJP and Congress — have promised to reserve jobs for locals in Uttarakhand, which voted on February 14. Channi's campaign rhetoric, while deplorable, is unfortunately of a piece with a larger trend, where the "other" is invoked to cover up for governance failures in terms of providing employment and economic development.

There is a marked difference between regional pride and prejudice. Channi's statement, had it merely been a celebration of "Punjabiyat", would not have invited comment. As it stands, it is both disturbing and shortsighted: The Punjabi is an immigrant in Bengaluru, the Haryanvi an "outsider" in Maharashtra. Invoking identity politics in a negative sense will, in the long run, only put hurdles in the free movement of labour, which is integral to economic growth. The issues that Punjab faces are serious — the model of agriculture ushered in during the Green Revolution needs a revamp, an employment crisis, an epidemic of drug abuse among the youth. The Punjab CM knows only too well the importance of the migrant in his state, be it the college student or the worker on the factory shop floor or in the farm. He should withdraw his remarks before the curtains fall on his campaign.

MINISTRY OF NAMES'.

Ease of doing business and all is fine, but have you looked at the leaps India has taken in the ease of changing names index? It's as if there is a secret Ministry of Renaming whirring away in the crypts of any and every government, unseating Mughal emperors from street-names, scrubbing Urdu from public view and avenging the slights of history — with the stroke of a pen. Nothing is spared, neither cities nor railway stations, not even poets, as the short-lived posthumous baptism of Akbar Allahabadi reveals. Some might argue that what Uttar Pradesh thought yesterday sets the agenda for the rest of India. But Assam's chief minister Himanta Biswa Sarma is not one to be upstaged. He has announced a portal that will crowd-source names of places across Assam that are "contrary" to the state's "culture and civilisation."

The first suggestion has come from the chief minister himself. A hill that overlooks Guwahati has been put on notice. Its name, Kala Pahar, derives from a Muslim general of the Bengal Sultanate, who is believed to have desecrated the Jagannath temple in the late 16th century, and attacked the Kamakhya temple. There's a simple binary in that tale — of aggression and victimhood — that plays into the politics of divisiveness. BJP leaders, for instance, have decried AIUDF's Badruddin Ajmal as Kala Pahar. But the legend of Kala Pahar, as it survives in Odisha, Bengal and Assam, might resist being turned into a Hindutva pamphlet. While in some accounts, he is an Afghan plunderer and iconoclast; in other accounts, he is a Hindu man who falls in love with a Muslim woman and is so humiliated by Brahmin priests that he takes his fury out on the temples.

Sarma's zealous baptism is not concerned with such nuances. Nor with the criticism that his government must set sights on higher goals than polarisation. For all its history of unrest, Assam has always prided itself on its syncretic culture. The Ministry of Renaming might not agree, but that's a hill worth dying on.

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EXPLAINED: HOW A 'FAKE IMAGE' IN A SAUDI ACTIVIST'S PHONE BLEW THE LID OFF NSO'S PEGASUS SPYWARE

A glitch in the NSO Group's spyware Pegasus left behind a "mysterious fake image file" on the phone of Saudi Arabian women's rights activist Loujain al-Hathloul, and is the likely trigger which helped cybersecurity researchers across the world discover how the malware infected phones, according to a report by Reuters.

What was the glitch in Pegasus? How was it discovered?

Loujain al- Hathloul, an activist who had campaigned to end the ban on women drivers in Saudi Arabia, was arrested by the country's police and jailed. In February 2021, after she was released, she received an email from Google which alerted her that state- backed hackers had tried to illegally access her mail account. With a suspicion that her phone could be hacked as well, al-Hathloul reached out to Citizen Lab, a Canada-based -privacy rights group, to probe her device and check for any vulnerabilities.

Citizen Lab found that Pegasus had left behind a copy of a malicious image file by mistake instead of deleting it as per the software instructions. This glitch in the malware led the lab to be certain that the spyware had been used to track al-Hathloul. Following the discovery, Citizen Lab alerted Apple about the vulnerabilities in its devices and how those were being used to spy on journalists, activists, politicians and other people by governments worldwide. Apart from fixing the glitch, Apple reached out to the people who were likely targets and alerted them.

What was the modus operandi Pegasus used to infect al - Hathloul's phone?

As per the Reuters report, Citizen Lab found al-Hathloul's phone was infected with a version of the malware that could penetrate without any action required from the user's end. This newer version, called 'zero click' malware launches into the device without the target of the spying ever accessing any malware of clicking on suspicious links.

The 'zero-click' feature was introduced as an update to an earlier version that required the target to click a link, sent either via email, a SMS, or a message on WhatsApp or iMessage.

GAMING AND BANNING

Yet another legislative attempt to prohibit online gaming has failed under judicial scrutiny. The amendments brought to existing regulations on betting and gambling in Karnataka have been struck down by the State's High Court. Last year, the Madras High Court invalidated similar amendments that targeted online rummy and poker. What is common to both cases is that the legislature assumed a paternalistic role, arguably with the laudable aim of protecting the people, especially the youth, from the temptations of online gambling. However, the resulting provisions failed to make a distinction between games of skill and games of chance, and sought to bring under the proscription all games played online, regardless of the extent to which skill was required. Further, the Karnataka High Court has rejected a key submission that it could be upheld as a 'public order' law. It referred to "the menace of cyber games" of epic proportions, and the registration of about 28,000 cases by the police in the State in the last three years. The Government did have a point when it said many have taken their own lives and families ruined as a result of gaming addiction and indebtedness. However, as the court has pointed out, if the objective was to curb the menace of gambling, the Government should prohibit activities that

amount to gambling as such, and not the games of skill. While enacting the extreme measure, it did not consider the feasibility of regulating wagering on games of skill.

While the idea of betting and gambling conjures up the image of a 'bucket shop' associated with dingy gaming-houses frequented by hustlers, there is an element of 'information, expression and entertainment' that has constitutional protection. And gaming platforms are also a legitimate business that enjoy the freedom of trade when used for online versions of games of skill. The court has drawn attention to the fact that what such bans do is to create "a wholly new category of medium-based regulation, when chance of medium per se does not alter the true nature and content of the games". In other words, what is targeted is not the gambling part but the 'online' part. Also, the amendments contradicted a general exemption in the original law to 'games of skill' by making all online gaming punishable even if they involved skill. It is clear that an absolute embargo on games of skill involving money or stakes could not have been upheld by the court, as the line between individual freedom, both to carry on the business and to participate in it as a consumer, and state action could not have been obliterated. All legislation that assumes that sections of society require the hand of the state to guide and support them have some populist appeal. And there is an addictive element to online gaming, but that does not mean there is no individual freedom and choice at all.

ANOTHER CONVICTION FOR LALU: THE FODDER SCAM, AND PREVIOUS VERDICTS

On Tuesday, a special CBI court in Ranchi convicted former Bihar chief minister and RJD chief Lalu Prasad in the Rs 139.35 crore Doranda treasury embezzlement case, one of the fodder scam cases. Lalu has already been convicted in four previous cases of the fodder scam and is currently out on bail. In Bihar, he has been acquitted in one case in while another case is pending.

The fodder scam has cast its shadow on Lalu's political career for 26 years, mostly without affecting his party's electoral performance. In 1996, Lalu had to quit as CM but installed his wife Rabri Devi in the chair. Rabri returned to power in 2000, and Lalu went on to become Union Railway Minister in 2004. Lalu lost his Lok Sabha membership after his first conviction in 2013, but his party, in alliance with the JD(U) and Congress, won the 2015 Assembly polls. Although in opposition now, the RJD remains the single largest party in the Bihar, but it has no Lok Sabha MP.

The fodder scam is a set of 55 cases, later clubbed into fewer cases, relating to alleged fraudulent withdrawals of an estimated Rs 950 crore from the treasury of undivided Bihar, mostly between 1992 and 1995. Officials of the animal husbandry department would allegedly withdraw money against fake bills for fodder, medicine and artificial insemination equipment.

Unconfirmed allegations of the department's funds being siphoned, in fact, had been circulating since 1979, when Ram Sunder Das was the Chief Minister. The first report on Lalu and his predecessor Jagannath Mishra's possible involvement was presented in 1992 by then vigilance inspector Bidhu Bhushan Dwivedi to then director general G Narayan. The inspector is now a witness in many of the cases.

The scam came under the public glare when Lalu, who held the animal husbandry portfolio, tabled the Comptroller and Auditor General's report in the Assembly in December 1995, a few months into his second term as CM. The report highlighted delays in submission of monthly accounts of the Bihar treasury and warned of possible laundering of funds, and said the animal husbandry department had made fraudulent withdrawals of bills of about Rs 950 crore during Lalu's tenure.

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Lalu ordered a vigilance department probe and also referred the matter to the Public Accounts Committee of the Assembly.

The cases

Five PILs (later clubbed into one) were filed in 1996 by BJP leaders Sushil Kumar Modi, Ravishankar Prasad and Saryu Rai, disgruntled Janata Dal leader Shivanand Tiwari and Congress leader Prem Chandra Mishra. On the basis of the PIL, the Patna High Court in March 1996 asked the CBI to probe the alleged irregularities. The first FIR was registered on January 24, 1996, after then West Singhbhum deputy commissioner Amit Khare detected that Rs 37.70 crore had been fraudulently withdrawn from the treasury in Chaibasa (now in Jharkhand). FIRs in the other cases were subsequently registered in police stations across undivided Bihar.

The scam involved withdrawals from four treasuries — Patna, Dumka, Chaibasa and Deoghar — the latter three of which are now in Jharkhand. All but two of the cases were subsequently transferred to Jharkhand.

On March 19, 1996, the CBI requested then Governor A R Kidwai for permission to prosecute the CM. In June 1997, the CBI filed chargesheets against Lalu and 55 other co-accused in the Chaibasa case under IPC Sections 420 (forgery) and 120(b) (criminal conspiracy) and Section 13(b) of the Prevention of Corruption Act. On July 25, 1997, after a court issued an arrest warrant against Lalu, he resigned as CM and nominated Rabri Devi in his place.

Verdicts so far

The first conviction relates to the withdrawal of Rs 37.70 crore from Chaibasa treasury. Former CMs Lalu and Mishra, and politicians Jagdish Sharma and Dhruv Bhagat were among the accused. The CBI framed charges in 2012; the special CBI court convicted 45 accused including Lalu in 2013, and sentenced him to five years in prison.

On December 23, 2017, the CBI court convicted Lalu in the second case for illegal withdrawal of more than Rs 80 lakh from Deoghar treasury. and awarded him three-and-half years' imprisonment.

Lalu was convicted in the third case on January 24, 2018. This case related to fraudulent withdrawals from the Chaibasa treasury for Rs 33.67 crore. He was awarded a five-year jail term.

In the fourth case, concerning illegal withdrawal of Rs 3.13 crore from the Dumka treasury, Lalu was awarded seven years' imprisonment in March 2018.

The case in which Lalu was acquitted relates to disproportionate assets. An offshoot of the fodder scam, it was registered in 1998 by the CBI against Lalu and Rabri, who was named co-accused for alleged abetment. The Income-Tax Department had alleged that Lalu made personal gains from the fodder scam and amassed Rs 46 lakh. In 2000, after surrendering before the CBI court, Rabri got bail while Lalu was lodged in Patna's Beur jail for a month. The Patna High Court granted him bail, which was extended over 20 times.

The CBI court acquitted Lalu and Rabri on December 18, 2006.

During the course of this trial, Lalu's counsel had told the court that his only source of income was a dairy farm. Lalu said his father-in-law had given him some cows at his wedding, and these cows had "multiplied" over time, contributing to his dairy business.

EXPLAINED: SACRIFICE OF 34 FREEDOM FIGHTERS OF TARAPUR IN BIHAR, NOW RECOGNISED AS SHAHID DIWAS

Bihar CM Nitish Kumar has said February 15 will henceforth be commemorated as 'Shahid Diwas' in memory of the 34 freedom fighters who were killed by police in Tarapur town in Munger district 90 years ago. A look at the incident and recognition.

Bihar Chief Minister Nitish Kumar on Tuesday said February 15 would henceforth be commemorated as "Shahid Diwas" in memory of the 34 freedom fighters who were killed by police in Tarapur town (now subdivision) of Bihar's Munger district 90 years ago. The freedom fighters had never got their due, the Chief Minister said, even though the Tarapur massacre was the biggest carried out by the British police after the one in Jallianwala Bagh in Amritsar in 1919.

Prime Minister Narendra Modi had referred to the Tarapur massacre in his Mann ki Baat radio address of January 2021.

On February 15, 1932, a group of young freedom fighters planned to hoist an Indian national flag at Thana Bhavan in Tarapur. Police were aware of the plan, and several officers were present at the spot. Around 2 pm, even as the police carried out a brutal lathicharge, one Gopal Singh succeeded in raising the flag at Thana Bhavan. A 4,000-strong crowd pelted the police with stones, injuring an officer of the civil administration.

The police responded by opening indiscriminate fire on the crowd. After about 75 rounds were fired, 34 bodies were found at the spot, even though there were claims of an even larger number of deaths.

But only 13 of the dead could be identified: Vishwanath Singh (Chhatrahar), Mahipal Singh (Ramchua), Sheetal Chamar (Asarganj), Sukul Sonar (Tarapur), Santa Pasi (Tarapur), Jhonti Jha (Satkhariya), Singheshwar Rajhans (Bihma), Badri Mandal (Dhanpura), Basant Dhanuk (Laudhia), Rameshwar Mandal (Padbhada), Gaibi Singh (Maheshpur), Asharfi Mandal (Kastikri), and Chandi Mahto (Chorgaon). The remaining 21 remain unidentified.

Trigger for protest

The hanging of Bhagat Singh, Sukhdev, and Rajguru in Lahore on March 23, 1931, sent a wave of grief and anger around the country. Following the collapse of the Gandhi-Irwin Pact, the Mahatma was arrested in early 1932. The Congress was declared an illegal organisation, and Nehru, Patel, and Rajendra Prasad were also thrown in jail.

In Munger, freedom fighters Srikrishna Singh, Nemdhari Singh, Nirapad Mukherjee, Pandit Dasrath Jha, Basukinath Rai, Dinanath Sahay, and Jaymangal Shastri were arrested.

There were two centres of activity for the freedom fighters in Munger: Dhol Pahadi near Tarapur, and Supaur-Jamua village in Sangrampur. A call given by the Congress leader Sardar Shardul Singh Kavishwar to raise the tricolour over government buildings resonated in Tarapur. At a meeting of freedom fighters held at Shri Bhavan in Supaur-Jamua, it was decided that a group of five freedom fighters, each carrying the national tricolour, would march towards government buildings, while hundreds would cheer them from a distance of 200 metres.

The recognition

In 1967, during Bihar's first non-Congress government led by Mahamaya Prasad Sinha, the Samyukta Socialist Party MLA from Tarapur, B N Prashant, first sought recognition for the freedom fighters. But it was only in 1984 that the government of Chandrashekhar Singh earmarked 100 square feet of land for a memorial in front of Thana Bhavan, and installed a marble plaque with the names of the 13 dead who are identified.

Several MLAs from Tarapur, including Mewalal Chaudhary of the JD(U) who passed away last year, from time to time asked for the recognition that is due to the freedom fighters. Under the Nitish Kumar government, 13 stone statues were erected.

On Tuesday, the Chief Minister announced that another 21 statues, symbolising the unidentified dead, would soon be erected in Tarapur, and that Shahid Diwas would be celebrated on February 15 with a state function from next year onward.

Jayram Viplav, president of the Tarapur-based Yuva Trust which has been demanding recognition of the sacrifice of the freedom fighters since 2012, said: "Although Thana Bhavan, where the tricolour was unfurled in 1932 before the police firing, has been vacated now and a park has been developed around it, the building should be declared a state or national heritage building. Even so, it is immensely satisfying to see the Tarapur martyrs being finally recognised."

The Chief Minister's announcement is an attempt to recognise and to take pride in the modern history of the state. The mention of the police firing by the Prime Minister, who credited Viplav for bringing it to his notice, provided urgency to the state government's project to develop and beautify the site. It has also been pointed out that those killed by the police were mainly members of Scheduled Castes and OBCs, a fact that political parties would like to appropriate.

SETTING RIGHT THE FOCAL POINT OF J&K TRIBAL POLITICS

The Jammu and Kashmir Delimitation Commission has recently shared its interim report with the five associate members, the elected Members of Parliament from the erstwhile State. It has caused debate across the various regions of what is now a Union Territory (UT), with most parties expressing their reservations and disappointment. The interim report has proposed an increase of six seats in the Jammu province and one seat in the Kashmir province, though it does claim to treat the whole UT as one unit for seat distribution.

One of the salient features of the report is the proposed reservation of nine seats for Scheduled Tribes (ST). It is for the first time that seats have been reserved for the ST community in the legislative Assembly of J&K. The commission has also proposed reserving seven seats for Scheduled Castes (SCs). In the erstwhile legislative Assembly, there were also seven seats reserved for SCs, but there was no such reservation for STs.

This denial of constitutionally guaranteed reservation under Article 332 post-1991 when four communities (the Gujjars, Bakerwals, Gaddis and Sippis) were granted ST status is a pointer to the harsh reality that discrimination has largely been deliberate. The presence of Article 370 has often been given as a reason for absence of reservation for the tribals in J&K though this is untrue.

A lack of political will

Nothing in Article 370 has prevented the provision of political reservation to STs or extension of the Forest Rights Act (FRA), 2006 to J&K. Over the years, many features of the Constitution of India and many laws were extended to J&K. Further, SCs in J&K had reservation even before the dilution of Article 370, and it was provided under the J&K Constitution. All major political parties used to promise these rights before elections, but there was a lack of political will. During Ghulam Nabi Azad's tenure as Chief Minister, a proposal was made in 2007 to introduce a Bill in the Assembly to ensure these political rights, but nothing materialised. This lack of political will stemmed from an unwillingness to share power with groups ethnically and culturally different from both Dogras and the Kashmiris, the two predominant power groups in J&K.

SC reservation, on the other hand, had at least ensured that power still remained within the ethnic group as far Dogra leaders were concerned; and for Kashmir leaders, it meant that seats reserved were drawn from the Jammu division and not for the Valley. The denial of political reservation and the absence of the Forest Rights Act had essentially become a bargaining tool. The Valley-based parties were not in favour of political reservation and those Jammu based were against the Forest Rights Act. If one side argued for forest and land rights, the other side would oppose it with the political reservation issue. The end result was the continued subjugation and disempowerment of STs in J&K.

The dilution of Article 370 on August 5, 2019, and the subsequent Jammu and Kashmir Reorganisation Act, 2019 changed political dynamics in the region. As far as tribals are concerned, it promised them political reservation under Article 332 and led to the extension of the Forest Rights Act, 2006. Essentially, it has changed the nature of tribal politics in J&K as well, which had largely centred around these two major objectives. Constitutional safeguards and protections are means to an end and not the end in itself. In the rest of India, political reservation both to the Lok Sabha and the legislative Assemblies has been in place since the time the Constitution has come into force; the Forest Rights Act has been in place for around 17 years; yet, tribals continue to be socially disempowered and economically deprived. The focus of tribal politics has to shift toward the economic and social empowerment of tribal communities, with a special focus on effective implementation of welfare schemes and policies for STs in J&K. Implementation of the Forest Rights Act has to be a major issue as it has the potential to significantly empower these communities.

On political relevance

The political mobilisation of STs began many years ago, and the interim report has thrown up new challenges before STs than merely empowering them. It is now a reality that seats would be reserved for STs, but it hardly changes the ground reality. Even without reservation, through community mobilisation, in the 2014 elections, nine Gujjar candidates won the Assembly elections. But as they were from different parties, they were unable to present a united front and ensure tribal issues were not neglected. It will not change after reservation unless there is an awareness and conscious attempt by the leadership to prioritise tribal interests over party politics.

The interim report has reserved six out of the nine ST seats within the twin districts of Rajouri and Poonch which constitute 32.06% of the total ST population (2011 Census). The other reserved seats (three) are in Anantnag (Larnoo), Ganderbal (Kangan) and Bandipore (Gurez). The tendency to limit tribal politics to Rajouri and Poonch (which the interim report has also done) is the

extension of past practice though the reality is that more than 68% of the ST population lives outside these districts. Political relevance is a major challenge that tribal politics in J&K faces. Community leaders, especially tribal youth, need to understand the significance of the tribal vote which is a deciding factor in more than 18 seats in addition to the reserved ones.

Marginal tribes

Tribal politics also has to address the political, social and economic empowerment of marginal tribes such as the Bakerwals, Gaddis and Sippis, whose population is 1,13,198, 46,486 and 5,999, respectively. It is very unlikely that these marginal tribes would be able to adequately represent themselves, but the major tribal group, the Gujjars, has to manifest their aspirations as well as share political space with them. Further, no development of any community is possible without the empowerment of women. Women have to play a major role in tribal politics, and their participation and leadership has to be made feasible and suitably promoted. They have proven their leadership in the District Development Council (DDC) elections, and it needs to be strengthened further.

I&B MINISTRY WARNS OFFICIALS ON DATA SECURITY

The Information and Broadcasting (I&B) Ministry has prohibited the sharing of top secret or secret documents by its officials over Internet. They have also been told not to use digital assistant devices such as Amazon's Echo, Apple's HomePod and Google Home in the office and turn off digital assistants, including Alexa and Siri, in their smartphones or watches. The officials are required to deposit their smart phones outside the meeting room during discussions on classified issues, said the order that has been issued in view of the finding that a large number of government officials use private messaging platforms like WhatsApp and Telegram for communication of classified information. The Ministry said such a practice violated the Departmental Security instructions and the National Information Security Policy Guidelines.

Accordingly, the Ministry has directed that top secret and secret documents be shared only in a closed network with the leased line connectivity where the Scientific Analysis Group (SAG) grade encryption mechanism is deployed. The SAG functions under the Defence Research & Development Organisation.

The order said that confidential and restricted information could be shared on Internet via networks having a commercial Advanced Encryption Standard (AES) 256-bit mechanism. The Ministry has recommended the use of government email facility or government instant messaging platforms such as the Centre for Development of Advanced Computing's Samvad and the National Informatics Centre's Sandesh for communicating such information.

The Ministry cautioned that the classification of top secret or secret information should not be downgraded to "confidential" or "restricted" for the purpose of sharing it over Internet.

REVISIT THE TERMS OF USE FOR THIS SCHOLASTIC ABC

The National Education Policy (NEP) 2020 has recommended a revamp of the higher education scene in India to make education more student-centric and multi-disciplinary. A new initiative stemming from this desire is an 'Academic Bank of Credits' (ABC) in higher education idea, which was notified recently by the University Grants Commission (UGC) for implementation.

3ʳᵈ FLOOR AND 4ᵀᴴ FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR

Telegram: http://t.me/DreamIAS_Jamshedpur

Theoretically, this idea can usher in positive disruption in the jaded higher education sector in the country. But, in reality, this disruption is more likely to usher in chaos.

Why ABC

The idea is very simple and appealing. Any undergraduate or postgraduate student can create an account in the ABC portal and store information of his/her completed courses (i.e., subjects/papers in old terminology) and grades obtained. These grades are stored for a period of five years. Thus, for example, if any student needs to get back to education after a break or has to relocate to another city, they can easily 'carry' forward their completed credits. But that is not all. As multiple institutes are connected to the ABC portal, one can be formally enrolled in university 'A' but can choose to do some courses from university 'B', some more from university 'C' and so on and all of these would count towards the student's degree. In principle, I may be enrolled in a B.Sc. Physics course in a college in Mumbai but find that my college does not offer an elective course in nuclear physics. This is no problem at all. I can enrol myself in an equivalent course from another college in the same city or join online courses offered by other universities; I can even enrol myself in SWAYAM (a programme initiated by the Government of India) or the National Programme on Technology Enhanced Learning (NPTEL) and add these credits to my ABC. I could even choose an online elective course, say in Tamil literature or archaeology or pedagogy. Thus, education will truly become flexible and interdisciplinary, without forcing any single institute to float an unmanageable number of courses. Even if the student does not care about interdisciplinary electives, this flexibility will offer them a chance to enrol in a course and learn from teachers from some of the best institutes such as the Indian Institutes of Technology (IIT) or the Indian Institutes of Science Education and Research.

Now, the problems

However, there are a number of practical hurdles which could make this scheme unworkable. First, let us assume that an IIT offers an elective course which is going to be taught by a fabulous teacher. ABC regulations say that the institute should allow up to 20% supernumerary seats for students enrolling through the ABC scheme. That would mean 20 extra seats if there are 100 regular students. But there are 500 applications through the ABC scheme wanting to register for the course. So, how does the host institute (the IIT in our example) make the selection of 20 out of 500? Would extra human resources be provided to handle all such requests for all elective courses offered each semester? The regulations are silent about this.

Massive Open Online Courses (MOOC) platforms such as SWAYAM and NPTEL are 'supposedly designed' for large enrolments. So, let us assume that we work out some mechanism to direct all the overflow of requests at the individual institute level to these MOOC platforms. So far we have not found any evidence in the public domain that these MOOC platforms can provide a reliable assessment of learning achievement if there is massive enrolment for a course. There would be some kind of assessment through Multiple Choice Question (MCQ)-based tests alright. But we should remember that one of the metrics for success of these courses is student performance in the final assessment. Thus, it would be in the interest of course coordinators to award scores liberally and paint a rosy picture. This is not a hypothetical fear. Some reputed institutes have already put in place guidelines to 'adjust' the score obtained by the students in MOOCs before it is accepted in the institute's records. Moreover, at a deeper level, can MCQ tests ever be an honest indicator of the learning that (actually) happened?

This also brings us to the next question. The ABC portal will accept courses from a large number of higher education institutes. The filtering criterion in the original regulation was that higher education institutes should have obtained an 'A' grade or higher in the latest round of National Assessment and Accreditation Council (NAAC) accreditation (that filter has been removed now). But anyone who has seen how NAAC accreditation works will laugh at this suggestion.

On 'excellence'

The NAAC process now tries to measure 'excellence' in education through clerical statistics and bookkeeping. Universities and colleges spend an inordinate amount of time to prepare record books to 'prove' compliance with NAAC quality criteria, the time which their faculty could have gainfully spent in improving teaching instead. As a result, there is a zoo of universities with vastly different teaching and research quality all clubbed under 'A or higher' grade by NAAC. If I am an average student in an IIT/IISER, I may find it tempting to opt out of a challenging course in my institute and use the ABC scheme to replace it with an equivalent course from another university where it would be far easier to obtain good grades. How would good institutes prevent this from happening?

Lastly, let us look at this scheme from the point of view of small colleges. The ABC scheme specifies that students can avail up to 70% of courses from other institutes while being enrolled in a particular college. If students avail these credits outside the parent college, they need not enrol for the corresponding in-house courses. As the number of teaching posts in any higher education institute are calculated on the basis of student enrolment numbers, what happens when a large fraction of students do not enrol for the courses offered by you? Mind you, this trend will not necessarily hold a mirror to the quality of teaching in smaller higher education institutes. If, as a student, I have a choice between learning the same course from a faculty of IIT/IISER versus learning it from an in-house teacher in a small higher education institute, I would not even care to find out if the in-house teacher in my higher education institute is a competent teacher. The brand name would be an attraction.

As a whole, this scheme has all the right and laudable intentions and would probably work well in a society with a more equitable distribution of resources. But in India, where the quality of education varies drastically from one institute to the next, this can lead to unmanageable academic and administrative issues in higher education institutes with brand names, and lead to a contraction in the number of teaching posts in smaller higher education institutes. With grade inflation being a real and imminent danger, the quality of degrees is bound to deteriorate. The UGC must rethink expeditiously how to implement this scheme.

INDIA HAS STILL TO GET A GOOD GRIP ON ROAD SAFETY

Last year, while inaugurating a webinar on 'Vehicle Crashes and Road Safety', organised by the MIT Art Design and Technology (ADT) University, Pune, Union Minister for Road Transport and Highways Nitin Gadkari remarked that "the target is to reduce 50% of road accidents by 2025", adding that "we can achieve zero deaths due to road accidents by 2030". He said that the Ministry of Road Transport and Highways had participated in a conference in Sweden in 2020 — the Third High Level Global Conference on Road Safety for Achieving Global Goals 2030' — where it was conceptualised to have zero road fatalities in India by 2030. Therefore, there was a need to expedite the task of saving lives in accidents.

Though it is essential to remain focused in this approach and be optimistic while fixing targets, the past record of road accidents and available infrastructure to deal with road safety measures in India should not be lost sight of, particularly when the enforcement of motor vehicle-related laws is primarily the responsibility of the States.

In numbers

Where do we stand vis-à-vis last decade's target? In 2010, the United Nations General Assembly, after considering the alarming situation of road accidents fatalities, adopted the Global Plan for the Decade of Action for Road Safety 2011-2020 aimed at reducing fatalities in road accidents by 50% by the year 2020, and was accepted by much of the world including India. Though a number of steps have been taken in the last decade to check road accidents, statistics published by the Ministry of Road Transport and Highways show that the number of deaths in road accidents increased from 1,42,485 in 2011 to 1,51,113 in 2019. The Ministry is yet to publish its data for the year 2020, but the annual publication of the National Crime Records Bureau, titled Accidental Deaths & Suicides in India (2020) shows that 1,33,201 deaths were recorded in 2020. This reduction of accidents in 2020 was primarily due to the various lockdowns which were in force during the first wave of COVID-19, when only a limited number of motor vehicles were on the roads. However, the fatality (that is a number of deaths per 100 accidents) which was 26.9 in 2001, continued to rise from 28.63 in 2011 to 37.54 in 2020. Thus, it is evident that despite setting a target of a 50% reduction in accidental deaths, the fatalities from road accidents actually increased in the last decade.

Court interventions

The Supreme Court of India while hearing a petition filed by Dr. S. Rajaseekaran, an orthopaedic surgeon and then President of the Indian Orthopaedic Association (WP (Civil) No. 295 of 2012), on road safety, passed an order to constitute a 'Committee on Road Safety' under the chairmanship of Justice K.S. Radhakrishnan, which was notified by the Ministry of Road Transport and Highways on May 30, 2014.

The Court on November 30, 2017, issued a number of directives with regard to road safety that, inter alia, included the constitution of a State Road Safety Council, establishment of lead agency, the setting up of road safety fund, notification of a road safety action plan, the constitution of a district road safety committee, engineering improvements, the identification and rectification of black spots, the adoption of traffic calming measures, conducting road safety audits, the acquisition of road safety equipment, the establishment of trauma care centres and the inclusion of road safety education in the academic curriculum of schools. Though the Committee on Road Safety followed up every directive of the Court with States and helped in improving the overall road safety scenario, there is many a slip between the cup and the lip.

The ground reality

The Motor Vehicles (MV) Act of 1988 was partially amended in August 2019, and some of the amended and new sections which made traffic violations more stringent, came into effect from September 1, 2019. However, most States did not increase the corresponding compounding traffic violations fee. This increase was criticised and people protested on the pretext that the (fine) paying capacity of the average Indian was still limited. Also, only a few cases of traffic violations are contested by the accused in a court of law. Therefore, the expected impact of the deterrent provisions of the amended law could not be realised on ground.

Second, the enforcement manpower that is available is insufficient to deal with the steadily increasing volume of traffic. The automation of processes is still in its infancy and limited to large cities. The number of 'hit and run' cases may decrease if the 'Intelligent Traffic Management System' is implemented on highways and other major roads. The Bureau of Police Research and Development has suggested a formula to calculate the number of traffic policemen required in any district. It is largely based on the number of registered motor vehicles in any district. Similar ideas were suggested for traffic equipment requirements also. However, the actual enforcement staff and equipment (due to a limited road safety fund or other funds at the disposal of the police) are insufficient to effectively check traffic violations.

Third, there are inadequate funds for the rectification of black spots and the undertaking of traffic calming measures. Though more than 60% road accidents reportedly take place because of over-speeding, 'speed limit' sign boards are rarely seen or found even on State highways and major roads.

Fourth, most drivers, conductors, and other staff in transport companies (except for government corporations) do not get benefits of the organised sector. They draw a meagre salary, usually do not have a weekly off and are most often forced to work overtime. Therefore, unless their service conditions are improved, their attitude towards road safety cannot be expected to be above board.

Unsafe roads

Fifth — and perhaps the most challenging task — is to improve the driving skills of drivers and change the casual attitude of other road users towards road safety. Even today, getting a driving licence is not a difficult task. There is no standard written and rigorous practical test. Many States do not have test driving tracks. There are no institutes for refresher training if a driving licence of a person is suspended. Though the amended Motor Vehicles Act has certain provisions in this regard, they have yet to come into force.

It has been observed that about two-thirds of victims of road fatalities are two-wheeler drivers and pillion riders, but there is not enough emphasis being given to them. Though the wearing of safety headgear is mandatory, it is not enforced strictly in all States due to a lack of strong will. Even an amended provision that relates to 'Offences by Juveniles' is not enforced strictly. The Emergency Response Support System (ERSS), with its pan-India emergency response number, 112, has proved very useful in saving the lives of accident victims in the golden hour, but this scheme has not been implemented evenly across States.

Better data collection

The accident data collection format of the Ministry of Road Transport and Highways, and now a part of the Crime and Criminal Tracking Network & Systems (CCTNS) of the police, is quite cumbersome (it requires about 60 fields to be filled up). This process of data collection is quite time consuming but it is essential to identify the true cause of an accident and take remedial measures. Similarly, the main objective of the recent iRAD (Integrated Road Accident Database) Project, an initiative of the Ministry of Road Transport and Highways, funded by the World Bank, and under implementation, is to enrich the accident database and improve road safety in the country by collecting data from different stakeholders using the iRAD mobile and web application. Hopefully, the integration of these projects will bring some synergy and make the data collection procedure more user-friendly.

A number of steps have been taken by the Ministry of Road Transport and Highways and States to improve the road safety scenario in the country. Lives cannot be lost at the cost of poor enforcement of traffic laws. However, unless the States and the Centre are on the same page in improving and strengthening the infrastructure of States by enabling more funds, merely and only fixing targets will not be a pragmatic approach to reduce road accident fatalities.

FUNCTION & SIGNIFICANCE OF ISRO'S EOS-04 SATELLITE

AFTER JUST one successful launch in 2021, the Indian Space Research Organisation (ISRO) is getting back to business on Monday with EOS- 04, an earth observation satellite. This is first of 19 launches planned in 2022, ISRO's busiest year ever, including Chandrayaan-3 and the uncrewed Gaganyaan mission. Amid the pandemic, ISRO has conducted just three launches in the last two years.

The showpiece: EOS-04

EOS-04 is the fourth in a series of earth observation satellites being launched under a new generic name. Earlier series of earth observation satellites — Cartosat, Oceansat, Resourcesat, GISAT, Scatsat, and a few others — have all now become part of the new EOS series. Land and forest mapping and monitoring, mapping of resources like water or minerals or fishes, weather and climate observations, soil assessment, and geospatial contour mapping are done through these satellites.

EOS-01 was launched in November 2020. EOS-02, a micro-satellite, is yet to be launched. The launch of EOS-03 failed last August.

Like EOS-01, the 1,710-kg EOS-04, which will be placed in a sun synchronous polar orbit of 529 km, is a radar-imaging satellite. It will replace RISAT- 1, launched in 2012 but now non-functional. RISATs use synthetic aperture radars to produce high-resolution images of the land. Radar imaging is unaffected by weather, cloud or fog, or the lack of sunlight, and can produce high-quality images in all conditions and at all times.

ISRO said EOS-04 was designed to provide high-quality images for applications such as agriculture, forestry and plantations, flood mapping, soil moisture and hydrology.

The smaller satellites

Two small satellites — INSPIREsat-1 and INS-2TD — will be launched with EOS-4 on the same rocket.

INSPIREsat-1 is a student satellite developed by the Indian Institute of Space Science and Technology, Thiruvananthapuram in collaboration with the University of Colorado where it was assembled and tested. Students from Nanyang Technological University in Singapore and National Central University of Taiwan have also contributed. The satellite will study the dynamics of the upper atmosphere and carries an X-ray spectrometer for studying solar flares.

INS-2TDisatechnology demonstrator for the first India-Bhutan joint satellite scheduled to be launched next month. The two countries had signed a space agreement last year, and its first outcome would be the launch of BhutanSat, or INS-2B, on a PSLV rocket in March. The INS-2TD that will fly on Monday has a thermal imaging camera meant for earth observation, including assessment of land and water surface temperature, and identification of forest and tree cover.

JIO ENTERS SATELLITE BROADBAND SERVICE MARKET, FORMS JOINT VENTURE WITH SES

Reliance Jio has partnered with SES, a Luxembourg-based satellite solutions provider to form a new initiative – Jio Space Technology Limited. The joint venture is aimed at delivering the next generation scalable and affordable broadband services in India by making use of satellite technology.

Jio and SES will own 51 percent and 49 percent each in the equity stake. The technology will use multi-orbit space networks – that is, a combination of geostationary (GEO) and medium earth orbit (MEO) satellite constellations capable of delivering multi-gigabit links and capacity to companies.

What does the deal entail?

In a press statement, the companies said that the joint venture will use multi-orbit space networks that is a combination of GEO (geostationary equatorial orbit) and MEO (medium earth orbit) satellite constellations capable of delivering multi-gigabit links and capacity to enterprises, mobile backhaul and retail customers across the length and breadth of India and neighbouring regions. The joint venture will be the vehicle for providing SES's satellite data and connectivity services in India, except for certain international aeronautical and maritime customers who may be served by SES. It will have availability of up to 100 Gbps capacity from SES and will leverage Jio's sales reach in India to unlock this market opportunity. As part of the investment plan, the joint venture will develop extensive gateway infrastructure in India to provide services within the country, the companies said.

Is Jio's proposed satellite broadband service any different from what Starlink or OneWeb offer?

Yes, SES primarily has satellites in the GEO and the MEO, while those of Elon Musk-led Starlink and Bharti Group's OneWeb are in low earth orbit (LEO). While GEO satellites are positioned at an altitude of 36,000 km, MEO and LEO are lower at altitudes of 5,000-20,000km and 500-1,200 km, respectively. The altitude of the satellite is directly proportional to the area of earth that it covers. Therefore, the higher a satellite is positioned, the larger an area it covers.

What are the advantages and disadvantages of GEO, MEO and LEO?

GEO and LEO satellites are considered to be the two extremes in satellite communications. While GEO satellites provide a larger coverage and therefore only three satellites can cover the whole earth, hundreds of LEO satellites are needed to provide coverage to a larger area. LEO satellites are smaller and are cheaper to launch than GEOs or MEOs. But the recent incident of SpaceX's satellites falling out of orbit as a result of the solar flare has put the spotlight on the riskiness of the technology and the threat from the space debris it creates. For MEO satellites, on the other hand, while a simple equatorial orbit covers 96 per cent of the global population, it shares some disadvantages of GEO satellites such as the need for a high inclined antenna for locations away from the equator.

VIZAG TO COME UNDER SECURITY BLANKET FOR FLEET REVIEW

Visakhapatnam will come under a heavy security cover from February 20 to March 5, as two major events of the Indian Navy- the Presidential Fleet Review (PFR) and Milan-2022, will be held during

this period. Over 5,000 security personnel are being deployed, especially to handle the PFR on February 21 and the city parade of Milan, which is scheduled for February 27, on Beach Road.

About 3,500 personnel are being brought from other districts and will comprise men from various wings such as the Civil Police, Armed Reserve and anti-terrorists forces such as the AP Special Police, the Greyhounds and the Octopus. This apart, Central security forces such as the NSG, ITBP and the Marine Commandos (Marcos) of the Navy, will also be part of the security cover.

While President Ram Nath Kovind, who is also the supreme commander of the armed forces, will attend the PFR, Union Defence Minister Rajnath Singh, Andhra Pradesh Governor Biswa Bhusan Harichandan, Chief Minister Y.S. Jagan Mohan Reddy, some Ministers in the State Cabinet, senior bureaucrats and high-ranking officers from the three wings of the armed forces will be present.

For Milan, apart from Defence Minister Rajnath Singh and Chief Minister Y.S. Jagan Mohan Reddy, it is expected that External Affairs Minister S. Jaishankar, senior bureaucrats and 150 high-ranking officers from the participating countries will be present.

"We cannot leave any stone unturned in terms of security, as it is big event not only for the Indian Navy, but also for the city, State and the country," Commissioner of Police Manish Kumar Sinha said.

THE IMPORT BAN ON DRONES

Why has the Government issued such a ban? Will this move help promote more indigenous models of drones?

THE GIST

The Directorate General of Foreign Trade issued an order on February 9 prohibiting with immediate effect the import of drones in Completely-Built-Up (CBU), Semi-knocked-down (SKD) or Completely-Knocked-down (CKD) forms. However, import of drone components is "free", implying that no permission is needed to import drone parts like diodes, chips, motors, lithium ion batteries etc.

In an effort to boost local manufacturers, the Government has also announced a production-linked incentive scheme for drones and drone components with the aim to make India a "global drone hub by 2030".

For its defence needs, India imports drones from Israel and the U.S.. Consumer drones such as those used in wedding photography come from China while drones for light shows also come from China as well as Russia.

The story so far: The Government last week banned the import of drones barring for R&D, defence and security purposes. This is the latest in a slew of measures the Government has taken to promote make in India drones. However, there are no restrictions on import of drone components as local manufacturers heavily rely on them to assemble their own drones.

What does the order say?

The Directorate General of Foreign Trade (DGFT) under the Ministry of Commerce and Industry issued an order on February 9 prohibiting with immediate effect the import of drones in Completely-Built-Up (CBU), Semi-knocked-down (SKD) or Completely-Knocked-down (CKD)

forms. Import of drones by government entities, educational institutions recognised by Central or State governments, government recognised R&D entities and drone manufacturers for R&D purpose as well as for defence and security purposes will be allowed provided an import authorisation is obtained from the DGFT. The order also says that import of drone components is "free", implying that no permission is needed from the DGFT allowing local manufacturers to import parts like diodes, chips, motors, lithium ion batteries etc. Before this order, import of drones was "restricted" and needed prior clearance of the Directorate General of Civil Aviation (DGCA) and an import license from DGFT. However, smaller drones known as nano category drones that weighed less than 250 grams and flew below 50 feet or 15 meters needed an equipment type approval from the Department of Telecommunications for operating in de-licensed frequency band(s) and did not require an import clearance of the DGCA or an import license from the DGFT.

What other measures has the Government taken to promote indigenous drone manufacturing?

In August last year, the Government brought out liberalised Drone Rules, 2021 which reduced the number of forms to be filled to seek authorisation from 25 to five. They also dispensed with the need for a security clearance before any registration or issuance of licence.

Under these rules, R&D entities too have been provided blanket exemption from all kinds of permissions, and restrictions on foreign-owned companies registered in India have also been removed. The Government has also announced a production-linked incentive scheme for drones and drone components with the aim to make India a "global drone hub by 2030". It has allocated ₹120 crore for a period of three years under which it will offer an incentive of 20% of the value addition made by a manufacturer of drones or drone components or drone related IT products.

Apart from giving a boost to local manufacturers through the scheme, the Government also hopes that foreign manufacturers will be encouraged to set up assembly lines in India.

How has the drone industry reacted to the import ban and what is likely to be the immediate impact of the announcement?

"The import ban gives us a chance to prove what we can do. It is a very good move by the Government to nurture and protect the industry," says Dr Sarita Ahlawat, co-founder of Botlabs Dynamics which was behind the grand drone show for the 'Beating Retreat' ceremony during the Republic Day celebrations last month.

But how well the ban is implemented remains to be seen, she warns. But what difference will the ban make if local manufacturers rely heavily on foreign-made components. "Most drone manufacturers in India assemble imported components in India, and there is less of manufacturing. What the import ban will do is that it will ensure that an Indian manufacturer has the control of the IP, design and software which gives him or her a total understanding and control of the product. Over a period of time this can enable further indigenisation," says Smit Shah, President, Drone Federation of India.

For its defence needs, India imports from Israel and the U.S.. Consumer drones such as those used for wedding photography come from China and drones for light shows also come from China apart from Russia.

Indian drone manufacturers and service providers arrange drones for a variety of use cases such as survey and mapping, security and surveillance, inspection, construction progress monitoring and drone delivery.

The ban is likely to hurt those who use drones for photography and videography for weddings and events as these primarily come from China because they are cheaper and easy-to-use and India still has a lot of catching up to do in manufacturing them.

INDIA'S FIRST WATER TAXI SERVICE INAUGURATED IN MAHARASHTRA

India's first water taxi service was inaugurated in Maharashtra on Thursday connecting the Navi Mumbai area to mainland Mumbai. Chief Minister Uddhav Thackeray inaugurated the Belapur jetty while Union Minister for Ports, Shipping and Waterways Sarbanand Sonowal flagged off the service.

The ₹8.37-crore project will presently operate on three routes and the State and the Centre have shared the expenditure. The three routes include Belapur to Ferry Wharf – the domestic cruise terminal, Belapur to Elephanta Caves and Belapur to JNPT.

In the initial stage, seven speedboats — each with a capacity of 10 to 30 passengers — and one catamaran with passenger capacity of 50 to 60 will run on these routes. The cost per person on a single journey will be between ₹820 to ₹1,200 for speed boats and ₹290 for the catamaran.

Addressing the event, Mr. Sonowal said the Sagarmala project has offered 131 projects worth ₹1.05 lakh crore for Maharashtra. "Financial aid of ₹278 crore for 46 projects will be offered under the project," he said.

"India's first train ran between Mumbai and Thane and it expanded throughout the country gradually. What happens in Mumbai spreads across the country," said Mr. Thackeray.

He said the ease of transport is a key factor for investors to set up businesses in the region.

THE ROW OVER A RITUAL IN KERALA

The age-old temple ritual, Kaal Kazhukichoottu, which involves washing the feet of Brahmins and feeding them as a way of penance, has run into controversy in Kerala. The ritual has been in vogue in some Hindu temples for centuries. Mostly, temple priests wash the feet of Brahmins, who are later offered food and dakshina (donation). Devotees go for the offering to display penitence, as prescribed by astrologers. Winning the goodwill and blessings of Brahmins by honouring them and providing them food and money seems to be the core idea of the regressive ritual, which reinforces caste hierarchy. The continuance of the ritual to date has evoked sharp response in the State, which has made earnest efforts to do away with caste discrimination.

Renaming the ritual

In the face of public backlash and Kerala Devaswom Minister K. Radhakrishnan's response, the Cochin Devaswom Board, which manages a few temples in central Kerala, was forced to call off or modify the ritual in three temples. In an apparent effort to mitigate social criticism, the Board renamed the ritual as Samaradhana at Sree Poornathrayeesa Temple, Thripunithura. The Board, in consultation with the Thanthri Samajam, a forum of temple priests, clarified that the ritual "shall not be restricted to any particular community but will be open for all those who offer poojas at

the temple". Yet, the ritual will remain an all-Brahmin affair in the temple as only Brahmins carry out rituals in their capacity as the temple's chief priests and so, it is only the feet of Brahmins which will be washed.

Earlier, a tender notice floated by the Guruvayur Devaswom seeking cooks for preparing food in connection with the festival at the Sree Krishna Temple had met with stiff opposition as it insisted that the cooks and their helpers should be Brahmins. The justification of the temple authorities was that they were merely following the custom that has been in vogue for centuries.

The intervention of Mr. Radhakrishnan, the second Dalit in the history of the State to handle the Devaswom portfolio, gave the social campaign the required momentum. He was quick to castigate the practice as one that didn't augur well with the rich tradition of social reformation in the State. The Minister, who is also a member of the Central Committee of the CPI (M), equated the advocates of the practice with those who denied temple entry to Dalits and other backward communities.

A cautious approach

As expected, the government's intervention didn't go well with a section of Hindu priests who viewed it as an affront to Hindu customs and temple practices. Swami Chidananda Puri, the head of the Marga Nirdeshak Mandal of the Kerala Dharmmacharya Sabha, a platform of Hindu spiritual heads of the State, said that a secular government should not interfere or sit in judgment of a temple practice. His views were promptly seconded by the Vishva Hindu Parishad. Arguing for the continuance of the practice, the Sabha, in a resolution, noted that government interference in the issue amounted to interfering with and insulting the Hindu customary practices.

The CPI(M), which got its fingers burned in 2018 in the wake of the Supreme Court judgment allowing women of all age groups to worship at the Sabarimala temple and reportedly alienated a section of upper caste Hindu votes in a few constituencies, has chosen to steer clear of the issue, leaving it to the Devaswom Minister's discretion. The party and the government will have to tread a fine line considering the volatile nature of the issue and wait for a consensus to emerge.

INDIA LACKS SOLAR WASTE HANDLING POLICY

IRENA has estimated that global photovoltaic waste will touch 78 million tonnes by 2050

While India ramps up its solar power capacity, the nation does not yet have a firm policy on managing waste that results from used solar panels or from the manufacturing process.

The International Renewable Energy Agency (IRENA) last December estimated that the global photovoltaic waste will touch 78 million tonnes by 2050, with India expected to be one of the top five generators of such waste.

India currently considers solar waste a part of electronic waste and does not account for it separately, according to a response to a question in the Rajya Sabha. Minister for New and Renewable Energy (MNRE) R.K. Singh said a committee had been constituted under the chairmanship of the Ministry's Secretary to propose an action plan to evolve a "circular economy" in solar panel, through reuse/recycling of waste generated.

There was no commercial raw material recovery facility for solar e-waste operational in India, but a pilot facility for solar panel recycling and material recovery had been set up by a private

company in Gummidipoondi in Tamil Nadu. India has set a target of producing 100 GW of solar energy by 2022.

The cumulative capacity of grid-connected solar photovoltaic (PV) installations is around 40 GW and of the current capacity, about 35.6 GW, is generated from ground-mounted plants and 4.4 GW from rooftop solar. A gigawatt is 1,000 megawatt.

Solar panel's life

Solar panels have an estimated life of 25 years, and given that India's solar manufacturing industry took off around 2010, most of the installed systems were new and early in their calendar lifecycle and therefore unlikely to generate a large quantity of solar waste.

That, however, is only partially accurate, according to the Council for Energy, Environment and Water (CEEW), a Delhi based think-tank. End-of-life was only one of the possible waste streams for PV modules and there were several other stages where modules could get damaged.

Additionally, modules could develop defects during the plant operations and be discarded even before their scheduled life span.

In the CEEW's reckoning, PV modules had so far likely generated a cumulative waste of nearly 2,85,000 tonnes, as of FY21, from the early-life loss of the installed 40 GW grid-connected solar capacity.

Despite its ambitious expansion plans, much of India's solar PV manufacturing uses imported components with parts mostly sourced from China.

PLANETARY ADJUSTMENT

Prime Minister Narendra Modi, in perhaps his first address this year on the theme of the environment, remarked that it was not the planet that was "fragile", but people and their commitment to conserving nature. From James Lovelock's Gaia hypothesis — that posited the inter-connectedness of nature — to Nobel Laureate Paul Crutzen, who warned that chemical effluents were altering the planet's atmosphere and causing harmful climate change feedback effects, many have made the case that humanity is in the Anthropocene era and is like a geological force that is shaping the planet's destiny. However, this gives the distorted sense that it is a vaguely defined 'planet' that needs protecting, a notion reinforced by apocalyptic documentaries on melting glaciers.

The truth is more complex. Man's embrace of agriculture, the dominance of wheat and rice as food crops and the clearing of forest tracts caused the first major large-scale changes to global climate though their effects were apparent only over centuries. Atmospheric changes due to the dawn of the Industrial Age and the use of fossil fuels happened, relatively speaking, in a blink of an eye. What is common to both these eras is that those who suffered the most are the poor, or those with the least agency to shield themselves from a perturbed nature. Last year, Uttarakhand saw an avalanche of rock and ice destroy two hydropower projects and cause deaths. The geology of the Himalayas, scientists have long warned, makes the region inhospitable to large mega-engineering projects and the several floods, landslides and earthquakes over the years have underlined this time and again. But while the earth rearranges itself, it does so in a manner that can be destructive and lethal to those least responsible for causing the disequilibrium. Thus, if "fragile" were to mean a brittleness needing care, then it is people and animals that need protection than a vaguely

defined 'planet'. India's position of climate justice is that it cannot be denied the right to rely on polluting fossil fuel to ameliorate the living conditions of most Indians who have limited access to reliable energy. Thus, India will continue to fire coal plants, raze forests for industry and build roads in fraught geology — in other words, put the lives of millions of the vulnerable at climate-risk in the pursuit of economic development. India's commitment to net-zero is set decades into the future at 2070. Unknown unknowns characterise climate science and India, given its size and population, will be disproportionately vulnerable. It must accelerate and prioritise the transition to energy sources that are minimally perturbing to the natural balance because — and on this the science is certain — the planet, which may be in a form incomprehensible at present, will long outlast its current residents.

T.N. SAYS 'NO' IN SC TO NEUTRINO OBSERVATORY

Tamil Nadu has made it clear to the Supreme Court that it does not want the Indian Neutrino Observatory (INO) to be set up in a sensitive ecological zone in the Western Ghats at a great cost to wildlife and biodiversity, and by ignoring the local opposition to the project.

The State said the project would be a source of distress to the shy tigers and cause an "enormous" irreversible damage to the already bogged down Western Ghats.

The affidavit filed by the State Environment Department, through advocate Joseph S. Aristotle, shows the State, starting with the district officer and right up to the Chief Minister, is against the project.

The Chief Minister had met the Prime Minister in June 2021 with a request not to implement the project. A team led by Member of Parliament T.R. Balu had also met the Ministers of Industries and Forests, in September last year to convey the State's stand against the project.

THE IAS INTERVIEWS: A JOURNEY INWARD

This is the season for the IAS interviews; the 'personality test' (PT). A season for preparing and appearing for the final show in the hallowed corridors of the Union public service commission (UPSC) , nearly at the end of a year-long exercise of the civil services examination (CSE). MLakhs of young aspirants rehearse, mock the exercise, sweat, stumble and strive to get through 'the last mile' of the journey. Indeed a handsome quantity of marks obtained in the PT can give you a helpful push over the gravity-defying zone of the selected group if you have barely crossed over the Mains' obstacle. On the other hand, in case of a very good performance in the Mains exam, the PT marks can literally launch you onto the moon orbits.

The final stage

The interview phase is indeed crucial, being the last run of the CSE. It is demanding and quite a breathless journey, since you physically sit across the UPSC's who's who, irrespective of the COVID varieties looming around. I am however in no hurry to share that this session can be simple and relaxed as much depends on how you handle it. To believe this, you should recall, first, that while preparing for Prelims and Mains you have strengthened your information base and capability in a big way. Never in your life would you have read so much, or may ever read after. Secondly, you have literally set your own 'question paper' for the PT by filling up the Detailed Application Form (DAF). We will talk about it more, a little later.

But first, lets admit preparing for the PT sees much more reading, fighting criss-cross current of information flow, endless mock interviews, varied evaluation by different mock panels, resultant confusion, and a dire need for fresh air. As one aspirant, nick-named here AM, said, the preparation for PT is worse than preparing for another GS paper , and all this after having cleared the Prelims and Mains! Yes indeed, for want of practical floor guidelines for conducting and facing interviews, and the convention of panellists picking up their individual ways of quizzing the candidates, further add to the challenges. However, much of these subjectivities and uncertainty does flow into any interviewing exercise.

It is too well known that the aspirants having already proved their information base and analytical capability need not be put to test of bare facts and theorems. There are however many occasions when an interviewee is questioned no-end on facts and literary quotations, both at the mock interviews, and arguably at the finals. I am reminded when a member at the UPSC asked an aspiring candidate the distance to the moon, the chairman elbowed him and said "Let's focus on earth". There are also occasions when a candidate is asked at length why they chose civil services , and situational questions like: if you were the DM or Secretary of so & so department ..... followed by several supplementary queries.

So why choose civil service/ IAS career? Well, it is simply a good career choice, one of the best in fact. It demands simple management roles for producing rich and rewarding results. An intention to give one's best to whatever assignment is at hand and a wish to bring about distinct results.

How to keep the panel interested

It is equally important that the interview proceedings are not taken to a conclusion as in a for-and-against debate. Indeed, on most occasions, the UPSC panellists, and more readily the chairman come forward to the candidates' help, providing key clues so as to make the task at hand a truly engaging and interactive one. In fact, in mock interviews the helping hand is more important as it is not only testing the candidate's stress and tolerance level but also educating and building her/ his capacity to handle various odds and informal moments. A dispassionate and constructive feedback adds a lasting value in the candidates' personality growth.

The UPSC's note on PT is brief. It is rather notional and cryptic. It probably could be a little illustrative and descriptive in the all-out spirit of the UPSC syllabus for the Mains. The candidates as a result get mostly caught in a sort of eddy. There are none or just a few formal capacity building programs in the market despite there being an ever expanding coaching industry. In the process the candidates struggle and keep collecting and cramming lots of histories and geographies. They also get to feed on a lot of vague idealism and unrealism. A large number of candidates come from small towns and disadvantaged backgrounds and are particularly at a bigger loss.

It is important that the candidates, first and foremost, remember that it is their personality test. Calling it an interview is for convenience; it is indeed a misnomer. Their preparation must begin with this appreciation. Further, that it is very simple to understand what a good personality is. One's training and preparation should start with identifying various ingredients, and work on these. You need to realise and believe that if you rate the IAS and other civil services as your elite dream, you should be prepared, mentally and physically, to

devote to the given task wholeheartedly. You should also know that the Government and the people have the right to expect the best from these services. These sentiments must reflect in your responses to the PT questions. Simply blurting out a crammed cliché that as an IAS/ civil servant you want to serve the people, carries no conviction. One has to have that self-faith, that persona. A positive, forward looking attitude must be part of your permanent nature. And sure, much of it can be acquired through your own sincere work, and from training.

A decent personality takes you far ahead in any walk of life. However, specifically for you to come out with a stellar performance in the CSE Personality Test it is important to read as much as one can, on varied subjects; be generally well aware of domestic and international concerns, controversies, comprehensive understanding of the ongoing social development programs and technical aids applied in public governance issues, new researches across the board, achievements and celebrities of hue and their work values. One should develop reasoned opinions and fresh ideas on important issues. These aspects gain extra importance in the context of what all you may have stated against each entry in the DAFs. The basic concepts of your subjects school-onward, and the learning from the Optional subject are indeed important to be clear about. As a keen student one should also read, analyse, and imbibe usefulness of discipline and time-management in daily life, keeping commitment to others, empathy and sensitivity toward marginalised people and issues relating to them, love and pride for the country, be impatiently optimist, practise and display a sense of urgency, sustain constant desire to improve and grow, and very importantly be open to criticism and new ideas. How curious, observant, innovative and courageous you are, should distinctly come out in your answers. In a larger perspective, your faith and respect for the Indian constitutional values must float above any personal considerations and biases.

The do's and don'ts

It is important for an impactful conduct in the PT that one should invest serious interest to learn, and practise communication skills. Much of your home work per se will give you unfailing confidence, and reflect in your respectful mannerism and body language. Nevertheless, keeping in mind the formal settings of the PT, and the presence of seasoned panellists one should speak honestly and with conviction. It is very important to be genuinely polite and respectful throughout the interview proceedings, keeping cool even at stressful, annoying moments. Indeed one should look for an opportunity of humour, some light moment which can be incorporated in your answers, without getting informal. All this of course needs a lot of practice, by yourself, with friends, and in the mock interviews. It is frequently seen that candidates walk into the interview room with little information relating to their hobbies and other interests. It is useful to practise and enjoy one's hobby even during the interview preparation period, and read on related issues and latest developments. Additionally, one should participate in seminars/ webinars and workshops on topics of your interest, join some small value-adding online courses, watch sports and movies and try reviewing some of these and share on public domain. Giving oneself a day/ half day break is like patting yourself for good work which, besides providing physical and mental rest, propels you to cruise on.

Few things are better avoided, indeed with conscious effort. Do not be complacent or smug. Do not run into lengthy answers even if you know more. Do not show off, throw names, like a candidate with a cooking-hobby when asked of her favourite dish, literally read out a list of

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what all was there on MasterChef Australia; barely stopping short of sharing few recipes! Strictly avoid abbreviations, slangs, and informal expressions like, 'yeah', 'you see' etc.

Avoid superlatives, arrogant sounding phrases and turning the interaction into a debate. Also avoid any anxiety on account of unanswered questions: indeed request for an alternate question, if need be. Make a guess-answer after seeking permission.

Do not beat around the bush, otherwise as they say, snakes may come out! And one may be holed in a web of supplementary questions.

Daily physical exercise in any form is a good ingredient in your preparation for the personality test: since personality is as much apparent and physical as it is mental and emotional. One can draw up a daily timetable, and live by it. Try not to compromise on that.

Anxiety is part of being human. Do not sulk and suffer it for more than a few moments: Talk to friends, teachers, your mentor.

Sincerely sustain faith in your capability, and dream big. It is not a sermon; it should be part of your persona.

A good, desirable personality is not only the need of the hour. It gives you a smooth, better ride, everywhere. Indeed, it gives you a 'new you' for a lifetime.

CHANDERNAGORE'S FRENCH HERITAGE AWAITS FACELIFT

The Registry Building, a two-storey structure at Chandernagore built in 1875 and a symbol of French settlement of the colonial town, has been awaiting restoration for a long time.

Architects, heritage enthusiasts, West Bengal government officials and diplomats, on several occasions in the past few years, visited the crumbling building located on the strand opposite the Rani Ghat jetty on the banks of the Hooghly and promised to restore the structure.

French Ambassador to India Emmanuel Lenain, who recently visited Kolkata, expressed hope that the restoration was "moving forward nicely". Emphasising that the structure needed an urgent facelift, he said that the restoration of the building would be completed in two or three years.

There were plans for having a café, restaurant and a boutique hotel with the architectural principle that the original structure remained unchanged. Mr. Lenain said that officials of the French Institute in Delhi and those of the West Bengal government and experts were going to meet soon to decide on the restoration.

Architects from France and India were working on the project, and the French Embassy, the State government and other stakeholders had identified a prominent hospitality group as a sponsor of the project.

Proposal extended

Officials of the French Consulate in Kolkata said that an agreement for the restoration project was drawn up in February 2019. After the memorandum of understanding lapsed in March 2021, as not much progress could be made because of the COVID-19 pandemic, the proposal was extended for another 30 months.

Chandernagore, or Chandannagar, was the first trading post on the eastern bank of the Hooghly, set up by the French in 1696. There are several buildings in the town that are a reflection of the rich architectural heritage of the town. Other than the buildings and structures that have been given the heritage tag, 99 Indo-French heritage structures have been identified to be restored.

'KING OF DISCO'

Bappi Lahiri introduced a vibrant new sound to Hindi film music. He showcased his versatility in unforgettable melodies

INDISCODANCER, a1982 film written by Rahi Masoom Reza, protagonist Anil (Mithun Chakraborty)–a wedding and street singer from Mumbai's (then Bombay) slums– metamorphoses into Jimmy, the disco dancer, after being spotted by a talent manager.

On stage, he plays the guitar, and sings "Zindagi mera gaana, main isi ka deewana… I am a disco dancer," dressed in a glittering jumpsuit. The crowd goes berserk, gyrating along with the synth heavy tune as Jimmy is propelled to stardom. The country was still in the era of the "angry young man". But Jimmy took on the system with something different: His song and dance, especially disco, a genre that was just about finding its feet in India. Giving music to Jimmy's song was Bappi Lahiri, who passed away on Wednesday.

With Disco Dancer, Lahiri was attempting to redefine Hindi film music after beginning his career with melody-driven pieces in Zakhmee, Chalte Chalte and Aap ki Khatir. The film's songs captured the imagination of people in the Soviet Union and China, countries that wouldn't allow anything Western and American inside their boundaries, and made Mithun Chakraborty a household name there. Even today Russians sing songs from Disco Dancer. Lahiri followed it up with songs like "Jawani jaan-e-man", "Raat baaki" (Namak Halaal), "Zoobizoobi" (Dance Dance),"Yaar bina chain" (Saaheb), the songs of Sharaabi among others. There was also an attempt at composing ghazals with "Kisi nazar ko" (Aitbaar). He worked extensively with Lata Mangeshkar, Asha Bhosle, his maternal uncle Kishore Kumar, Usha Uthup and Alisha Chinai.

A lover of fish curry and gold chains, Lahiri never paid much heed to accusations of plagiarism and basked in the glory that his career and the love of masses offered him. He made it to the jury of the Grammys in 2012 – the first Indian musician to do so. The king of disco will be fondly remembered.

HAMARA BAJAJ

Rahul Bajaj will be remembered as an industrialist who spoke his mind and adopted best practices of global industry FORMANY, RAHUL Bajaj's name was synonymous with the so-called Bombay Club industrialists, who sought a "level-playing field" against multinational companies after the 1991 reforms that slashed import tariffs and liberalised foreign investments. Bajaj Chetak and Bajaj Super scooters had a free run on Indian roads through The 1970s and 1980s, with multi-year waiting periods and the nearest lone competitor rival only in name. But Rahul Bajaj, who passed away on Saturday aged 83, wasn't the usual protectionist industrialist thriving in a seller's market.

His vehicles were robust,met high production quality standards and appealed to consumers. For them, the Chetak was the ultimate "hamara" scooter on which the entire family could ride. Bajaj wanted to produce more, but the governments of those times denied capacity expansions on the most perverse socialist grounds — that his company was a monopoly. Bajaj also totally

indigenised the production of the company's scooters after an initial technical collaboration with Italy's Piaggio, besides making it the world's fourth-largest two-wheeler manufacturer by the early 1990s.

While his scooters symbolised ordinary middle-class aspirations of the Amol Palekar-Farooq Shaikhyears, Bajaj should be equally credited for keeping his eyes on the road ahead. Bajaj Auto tied up with Kawasaki to manufacture motorcycles in the mid-1980s, alongwith Hero-Honda and TVS-Suzuki. It also launched a 50cc single-gear Bajaj Sunny in 1990, aimed at 16-18year olds who couldn't handle heavier scooters or bikes. It pained him, though, when his son Rajiv decided to exit the scooter section in 2009. In hindsight, the senior Bajaj may not have been entirely wrong. The erstwhile king of scooters couldn't partake in the gearless scooter revolution led by the likes of Honda Activa and TVS Jupiter. These targeted individual buyers, particularly women, craving for mobility, unlike the earlier "family" scooter. Rajiv did, however, turn Bajaj Auto into India's second-biggest and the world's third-largest motorcycle manufacturer. The other son Sanjiv has made BajajFinserv into a leading financial services concern with a market capitalisation even exceeding Bajaj Auto's.

Rahul Bajaj, at the end of the day, will be remembered as someonewho spoke his mind—not only to his son, but also as a Bombay Club member to then finance minister Manmohan Singh and to the present home minister AmitShah. When he told the latter of the need to create an environment where businessmen could "Openly criticise" the government and still be appreciated, he was voicing a concern that few of his ilk dared express. It was a concern of a man who truly believed in "MakeinIndia", recognised the importanceof adopting global industry best practices, and stuck to his knitting without diversifying into unrelated businesses.

LIVING WITH TIGERS

"The forest is our home. We have lived here for generations," says Dalvir Singh Gond, 61, a member of the Gond tribe, who lives near Atraila village that abuts the Sanjay-Dubri Tiger Reserve. "But the government wants to throw us out."

The core zone of the Sanjay Tiger Reserve in eastern Madhya Pradesh was formed in 2006 and its buffer zone in 2011. The National Tiger Conservation Authority decided to expand the reserve soon after. Says Y.P. Singh, the director of Sanjay Tiger Reserve, "Since the number of tigers was increasing, we needed to increase the number of herbivores as well. Herbivores thrive in grasslands." This meant increasing the land under the reserve and relocating the villagers living in the buffer zone.

Sanjay Tiger Reserve consists of Sanjay National Park and Dubri Wildlife Sanctuary, and there are villages between these two sections. "This prevents tigers from moving freely," says Singh.

Deep connection

In exchange for moving out of the lands they have lived in for generations, the villagers repeatedly petitioned the government for land titles elsewhere. This, however, was denied. In 2008, after a meeting with the Gram Sabhas, the government announced instead a compensation of ₹10 lakh for each family, which was raised to ₹15 lakh last year.

While official figures state that nearly 6,500 families will be displaced by the expansion project, unofficial figures place the number at 10,000 families, with populations of 17 villages already

relocated. However, families in the Sidhi district are staunchly resisting eviction, which has caused the present impasse.

"They will give us ₹15 lakh, but they are taking everything from us," says Dalvir Gond. "For that price, even an acre of land won't be available. The houses we built, the farms we cultivate, the trees we grew came up over generations. It will all be lost," he says. Dalvir Gond owns six acres of land near the reserve, where he grows wheat. He also owns cattle that graze in the forest. Like him, the other villagers are deeply connected with the land. "The government should give us houses and farmland so that we can rebuild our lives," says Dalvir Gond.

Huge distrust

There are concerns also that the displaced people do not thrive in their new environments. Umesh Tiwari is the founder of Roko Toko Thoko, a tribal welfare organisation. He says, "There are no official records to indicate where the displaced people have gone. There are reports that many of them have moved into cities and are living in slums. Some even beg for food. The displacement process has affected the culture and livelihoods of thousands of such Adivasis."

In Kusmi Tehsil of Sidhi district, where Dalvir Gond comes from, 6.62% of the total population are Scheduled Castes and 61.4% are Scheduled Tribes. Madhya Pradesh has a total tribal population of nearly 1.5 crore. Among their main economic activities are gathering chironji, honey, firewood and tendu leaves. Many also practise rudimentary farming.

The Forest Rights Act (FRA), 2006 recognises indigenous peoples' rights to forest resources. It is mandatory also to notify a buffer area in every tiger reserve under the Wildlife (Protection) Act, 1972. In 2010, a buffer zone of 6,318.72 sq. km was added to all tiger reserves in Madhya Pradesh, which is forcing villagers to move. However, according to Clause 4 of the FRA, the government can only remove villages if it is proven beyond reasonable doubt that the human habitation directly harms wildlife.

Saroj Singh, a member of Ekta Parishad, a people's movement for land rights with 2.5 lakh members, says, "Recently a Gram Sabha was organised in Baheradol Panchayat in Kusmi, where nearly 60% of the people did not agree to leave their land. There is huge distrust among tribal people towards the government." Singh claims that the families willing to be displaced are outsiders who have purchased lands here solely to claim compensation.

Some 40 families were displaced in Umariya Panchayat in Kusmi block recently. Says Singh. "In most cases, the families received ₹6-7 lakh in place of the promised ₹10 lakh. Many of those families are now on the streets." Says Dalvir Gond: "I am an uneducated Gond; if the same thing happens to me, how will I fight against the sarkari sahibs (government officials)? Many dalals (middlemen) are threatening us and asking us to accept whatever the government offers or we will be forcibly evicted."

In darkness

Virbhan Loni lives in Magara, one of the 17 villages already relocated. But Loni resolutely stays on, despite having received compensation. "The government is now giving ₹15 lakh, but we received only ₹10 lakh. The farms, houses, trees, and wells we are giving away cannot be bought for ₹10 lakh. This is discrimination," he says. The government has now cut off electricity. "We live in darkness. But I will not leave my house unless the government gives us a house and farming land in exchange," says Loni.

In 1973, then Prime Minister Indira Gandhi launched Project Tiger. Its mission was to battle poaching, mitigate human-tiger conflict, and expand undisturbed areas for the big cats. Over the past 10 years, tiger reserves have grown from nine to 51, across 18 States.

Each reserve has core and buffer zones; in the former, all forms of human interference are prohibited while buffer zones are where people and wildlife coexist. India's most important tiger habitats today are home to 496 villages and 41,086 forest-dwellers. In the 48 years since Project Tiger began, 18,493 families in 215 villages have been displaced.

Forest officials often cite human-animal conflict to drive forest-dwellers away from the forests.

But Dalvir Gond and his fellow villagers don't seem to be strangers to cohabitation. Yes, their cattle is often attacked or taken by tigers but they say they don't want to leave their homeland. "We know how to live with tigers. We worship them," they say.

THE GREAT FOREST COVER-UP

No, India's forest cover has not increased steadily. Instead, tea estates, coconut plantations, and even tree-lined avenues are being classified as forests

It is not long after dawn, but the air in the Borajan rainforest in upper Assam is already warm and heavy with humidity. On a fig tree by the dirt track cutting through the forest, a pair of oriental pied hornbills hop heavily from branch to branch, searching for ripe fruit. From the boughs above them comes the be-quick call of a fairy bluebird. Then, the chorus begins.

What starts as a couple of hesitant, mellow coos, erupts into an exuberant crescendo of shrill, rising hoots, shrieks and yowls. The arboreal orchestra reverberates through the forest for a full 20 minutes. Yet, these powerful vocalists — a family of hoolock gibbons, India's only ape and a gravely endangered primate — are surprisingly bashful and hard to sight. When they finally reveal themselves, the chorus is over, and the family is perched quietly on a shamkathal tree. With one hand on her clinging infant, another holding on to a branch above, the brown-furred mother sits still, with an almost wistful look in her eyes, as she gazes into the distance.

If you follow her gaze, you'd see the forest canopy thin out rapidly, and the undergrowth become a thick, disorderly tumble for a 100 or so metres, then open out into a vast, manicured area of waist-high tea bushes. It is a green expanse, with a tree here and there, but neither the scattered trees nor the tea is gibbon territory. Her performing stage, the home of her family — and indeed, her entire world — is in the dense canopy of rainforest trees, strung with lianas, full of flowers buzzing with myriad insects, and laden with fruit over which birds, squirrels, and monkeys squabble. And that world ends with the forest where she sits, beyond which an unliveable green expanse opens out.

Going extinct

In 15 years, the Borajan rainforest patch has lost over two-thirds of its gibbons. The remaining gibbons that can neither live in nor move through the surrounding tea plantations are isolated. In the nearby forests of Bherjan and Podumoni, which together make up a sanctuary, the gibbon has already gone extinct. Other primates, such as macaques and capped langurs, too have declined or disappeared.

Had the mother gibbon in Borajan not been reading her landscape as every gibbon learns to do, but instead consulted India's official maps of forest cover, she would have discovered that,

according to the authorities, her forest, in fact, did not end at all. It stretched beyond the rainforest, well into the tea. Even as India's official reports have been claiming every two years that the country's forest cover is going up and up, the same reports have also been lumping natural forests and commercial plantations as 'forest', a decision defended recently even by the environment Minister.

To understand the sleight of hand, one needs to understand how forest cover is being defined and recorded, and why, if not done right, headlines claiming 'forest cover up' may, in reality, imply a forest cover-up.

Since 1987, the Forest Survey of India has put out India State of Forest Reports (ISFRs) every two years. The broad intent of these reports has been to track the wealth and health of our forests. In its first decade, the ISFRs reported a decline of some 7,400 sq.km. Thereafter, the forest cover of India, as reported in the ISFRs, has increased by an eye-popping 80,000 sq.km. Yet, for ecologists in the field, and for communities on the ground, this official narrative of steadily increasing forest cover has been remarkably hard to validate. So, what is *actually* going on?

Starting in 2001, the ISFRs made some big changes to the way they classified and counted pixels in a satellite image as forest. They began using finer-scaled satellite imagery and an entirely digital workflow to analyse them. In addition, the ISFRs also changed their definition of a forest. They now explicitly included *any* lands of at least one hectare area and with 10% or more tree cover, regardless of the tree species on the land, or the purpose for which it was grown, or its ownership, as forest. So, all of a sudden, tea estates, coconut plantations, mango orchards, homestead gardens of suburban housing developments, and even tree-lined avenues in densely built-up cities were being classified as 'forest'. In one stroke, just between the 1999 and the 2001, this redefinition helped raise India's forest cover by over 38,000 sq.km., the size of Kerala.

Gardens and boulevards

To be clear, there is no harm in mapping and counting tree-covered areas such as plantations, estates, orchards, farms, gardens, and boulevards created through human activity. But what is pernicious is that the ISFRs lump them into the same category as natural forests, whose ecological, economic, and cultural values are incomparably greater and more diverse. Converting any natural habitat into a human-managed land-use area has huge consequences for the land, the kinds of livelihoods it can sustain, and for the lifeforms that can survive in it.

Scientific studies have shown that monocultures, such as of eucalyptus or acacia wattles, have a pronounced hydrological impact. Compared to forests or other natural vegetation such as grasslands, such plantations deplete groundwater, have higher surface water runoff, poorer infiltration, and allow only shorter duration dry season flows in nearby streams. Recent studies from the Nilgiris by researchers from ATREE, Bengaluru, and FERAL, Pondicherry, also indicate that plantations can expose catchments to higher risk of floods during extreme rainfall events.

Plantations are also poorer than forests in carbon sequestration, a key ecosystem function essential to tackling the climate crisis. In the Western Ghats, scientists report that carbon stocks in plantations such as teak and eucalyptus are 30% to 50% lower than in natural evergreen forests. Even where carbon stocks in plantations match some forests such as deciduous forests, they are still less stable and resilient than those of natural forests, especially in drought years. India's ambitious goals under the Bonn Convention and UNFCCC to absorb 2.5 to 3 billion tonnes of carbon dioxide from the atmosphere would be far better served by protection and restoration of natural forests than through tree plantations.

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Natural produce

Natural forests are also important livelihood and cultural spaces for millions of forest-dependent people. Tree plantations, in contrast, tend to erode such cultures and livelihoods. In central and eastern India, tribal communities dependent on a wide range of produce from natural forests (such as tendu leaves, mahua flowers, fruits, firewood, and medicines) have had their access to these resources curtailed or denied when the areas were converted to 'compensatory afforestation' plantations. A teak plantation is simply no match for a diverse natural forest in the range of resources it provides local people.

The loss and fragmentation of natural forests can also lead to severe economic losses and elevate public health risks. Extensive deforestation in Sonitpur, Assam between 1997 and 2005 led to huge increases in crop losses, deaths of both elephants and humans in conflicts, and an eight-fold increase in malaria in the deforested regions. Mapping such landscape transformation accurately is vital for conservation planning. But sadly, this is easily overlooked when we make poor maps of forest cover that do not distinguish natural forests from highly-modified landscapes merely because the latter meet ISFR's minimum criteria of 10% tree cover across a hectare to qualify as a 'forest'.

A third aspect, one that the Borajan gibbons know with every fibre of their being, is amply evidenced by research from around the world. For biodiversity, especially for endemic and forest-dependent species such as gibbons, plantations support far fewer species than forests. Studies from many parts of India have shown that monoculture plantations of various kinds — oil palm, teak, eucalyptus, pine, and others — have fewer plant and animal species compared to the natural forests in their respective regions. In Mizoram, for instance, oil palm plantations have only about one-seventh the number of bird species compared to the natural evergreen forests here. Most of the species that manage to survive in plantations are plants and animals of disturbed, open habitats — such as common tailorbirds — that replace native species that include many rare ones and endemics, such as understorey flycatchers and trogons. Similar differences exist between forests and other human-modified tree-covered habitats such as urban parks, campuses, and home-gardens.

Mapping changes

It is not that plantations or urban parks do not have any value for biodiversity. Tea plantations may never be able to support species like gibbons, because the habitat is too altered and the resources such as fruits that the gibbons need are simply not there. But some plantations, such as coffee plantations established under native shade trees in the Western Ghats, may support animals including lion-tailed macaques, an endemic and endangered primate, when such plantations adjoin the wet evergreen forests that are the natural habitat of the species. Forest birds including minivets and tree-dwellers such as giant squirrels may also survive in such plantations, but at lower numbers and only when they adjoin natural forests. Agro-forestry plantations may serve as a kind of buffer habitat in the countryside landscape just as urban parks provide welcome greenery in a city, but neither can become a replacement for natural forests.

So, for all these reasons, if India's overall increase in forest cover is due to an increase in plantations, while natural forests are declining, it will have serious negative impacts on ecology and economy, climate and biodiversity. This is why it is essential to tease them apart and map changes in plantations and natural forests separately.

Going forward, it is vital that we understand the huge differences between natural forests and other tree-covered landscapes created by humans. The FAO's Global Forest Resources Assessment 2020 reports that since 1990, India's naturally regenerating forests increased only marginally by 6,700 sq.km. while, over the same period, plantations increased by 75,500 sq.km. About 92% of India's so-called 'forest cover increase' between 1990 and 2020 has thus been via plantations.

It is critical that the ISFRs start tracking the well-being of our natural forests separately from other 'green' areas that humans are continuing to create by destroying natural habitats. Failing to do so means that we could be presiding over the loss of our natural forests and hastening the impact of climate change even as we mistakenly cheer the increase in various forms of commercial tree cover as gains in forest cover.

Natural forests are not merely the volume and variety of trees they contain. They are an entire magical world unto themselves, a vast web of complex relationships between countless lifeforms, holding incomparably greater ecological value and offering vastly greater economic and cultural benefits than the densest plantation, the most bounteous orchard, or the prettiest tree-lined boulevard.

But what we choose to call a forest must also make sense to that mother gibbon in Borajan, swinging and singing in her rainforest canopy, and to countless other creatures like her for whom the forest is home.
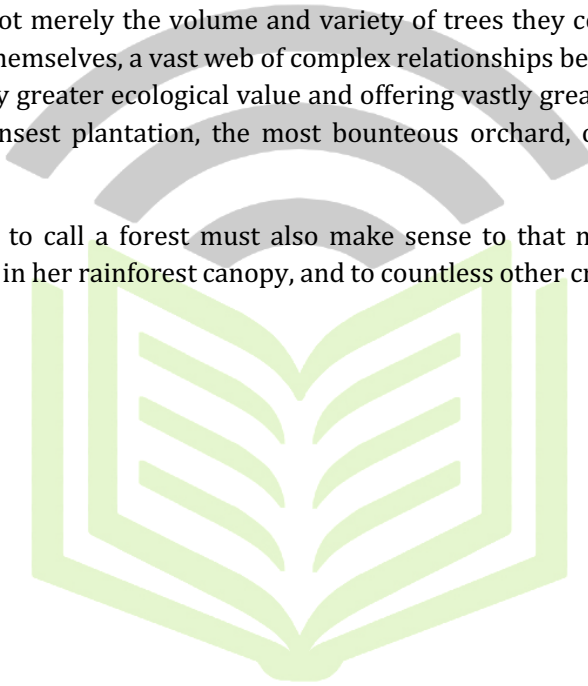
BUSINESS & ECONOMICS

INDIA-AUSTRALIA INTERIM TRADE AGREEMENT & FTA

India and Australia have announced that they are set to conclude an interim trade agreement in March and a Comprehensive Economic Cooperation Agreement (CECA) 12-18 months thereafter.

What is the early harvest agreement likely to cover?

An interim or early harvest trade agreement is used to liberalise tariffs on the trade of certain goods between two countries or trading blocs before a comprehensive FTA (Free Trade Agreement) is concluded. Commerce minister Piyush Goyal has said that the interim agreement set to be announced in about 30 days will cover "most areas of interest for both countries" including goods, services, rules of origin, sanitary and phytosanitary measures and customs procedures. Bilateral trade between the two countries stood at about $12.5 billion in FY21 and has already surpassed $17.7 billion in the first 10 months of FY22. India has imported merchandise worth about $12.1 billion from Australia in the first 10 months of the fiscal and has exported merchandise worth $5.6 billion in the same period. Key imports from Australia include coal, gold and LNG while key exports to the country from India include diesel, petrol and gems and jewellery.

Both Goyal and Australia's trade minister Dan Tehan noted that two sides had "respected each other's sensitivities" during trade negotiations. Tehan said that Australia understood that dairy, beef and wheat were sensitive sectors for India indicating that Australia would likely not seek market access for products in these categories.

Goyal said that the agreement with Australia was set to bring opportunities across sectors including mining, pharmaceuticals, health, education, renewables, railways, gems and jewellery, tourism, defence and textiles. India is also likely to seek easier visa access for both students and professionals visiting Australia. Australia is likely to seek market access for wines and agricultural products which are not produced on a large scale in India.

Tehan also noted that both countries are also looking at mutual recognition of educational qualifications to boost the number of Indian students seeking education in Australia and vice versa and boost tourism in both countries. India and Australia have also signed an MoU to boost tourism between the two countries.

Australia has also emphasised that the agreement would lead to deeper cooperation between the two countries in critical minerals and rare earth elements which are critical to future industries including renewable energy and electric vehicles.

"We have plentiful supplies of these rare earths and critical minerals in Australia. But we need places for them to be processed, we need to make sure that they go into manufacturing here in India," Tehan said.

How has the Quad impacted trade relations between India and Australia?

India and Australia are both members of the Quad (Quadrilateral Security Dialogue) along with the US and Japan. Both countries have noted that the coalition has given impetus to increasing trade relations between all members of the Quad. Australia noted that it already had FTAs with

both the US and Japan and that all four countries could start building a framework for economic cooperation within the countries of the Quad after they announced a deal with India.

What other Free Trade Agreements is India currently negotiating?

India is currently in the process of negotiating FTAs with the UAE, the UK, Canada, the EU and Israel, besides Australia. India is also looking to complete an early harvest agreement with the UAE and the UK in the first half of 2022.

NOT ALL STATES ENTHUSED: GRANTS MAKE WAY FOR BUDGET CAPEX PUSH

States have raised apprehensions about the rise in capital expenditure proposals outlined in the Union Budget 2022-23. The Budget has proposed a hike in the capital expenditure by 24.47 per cent to Rs 7.5 lakh crore compared with the revised estimate for 2021-22 at Rs 6,02,711 crore. Some states, however, claim this has come at the cost of a reduction in grants to states.

Hike in capex in Budget

The capex for FY23 has been pegged at Rs 7.5 lakh crore. Tog- ether with grants-in-aid for creation of capital assets (including MGNREGA works), the effective capital expenditure for the next year is budgeted at Rs 10.67 lakh crore, 27 per cent more than the RE of FY22 at Rs 8.40 lakh crore.

This expenditure hike comes along with an increase in the state borrowing limit to 4 per cent of the GSDP. States have also been al- lowed to borrow up to Rs 1 lakh crore through 50-year interest-free loans to make capital investments. For FY22, the Centre had allowed states an additional Rs 15,000 crore for capital investment under a similar window. Over the course of the next 12 months, such government spending may crowd in private sector investment and help create jobs.

The Centre had also made pro- vision of over Rs 2 lakh crore for states and autonomous bodies to- wards their capex. The National Infrastructure Pipeline (NIP) was launched in 2020 with projected infrastructure investment of around Rs 111 lakh crore during FY2020-2025 to build infrastructure across the country. NIP was launched with 6,835 projects, and later expanded to over 9,000 projects covering 34 sub- sectors.

Concerns flagged by states

Some Opposition-ruled states have raised concerns about the enhanced capex allocation coming at the cost of a reduction in grants-in-aid, revenue deficit grants, subsidies for food, fertiliser, fuel and allocation for MGNREGA.

"While POOR have DOUBLED in one year to 134 MILLION, Budget CUT FOOD SUBSIDY BY 28%, CUT 100-days-work by 25%, Social Services CUT (as % GDP) Agri CUT(%GDP), Health CUT(% GDP). RUTHLESSLY ANTI-POOR BUD- GET & ZERO for MIDDLE CLASS - only selling PIE-in-the SKY & spinning a MIRAGE, "Amit Mitra, Principal Chief Advisor to West Bengal Chief Minister had tweeted. The issue has been seen with the transfer of spending on various grants and schemes to the Rs 1-lakh-crore interest-fire long- term loan to states. "This accomplishes the triple-magic of con- verting grants to loans, revenue spending to capital investment, and showing an eye-watering 35 per cent year-on-year increase in capital investments," Tamil Nadu's Finance Minister Palanivel Thiaga Rajan said.

Another state government official said that the increase in capex is merely an accounting trick, even including the debt of Air India. "So far, the money given to states for various schemes was in

the form of grants. The revised estimates have reduced the allocation for grants and schemes and they have been labelled as interest-free loans. This is a way to keep the revenue deficit in check and show a higher capex," a government official from Kerala said. In the Union Budget for 2022-23, the government allocated an additional Rs51,971 crore towards the settlement of out-standing guaranteed liabilities of Air India and its other "sundry commitments".

EYE ON DEFICIT (VIKAS DHOOT)

Why is the Centre annoyed with rating agencies sceptical about India's fiscal math roadmap?

The story so far: In the Union Budget for 2022-23, the Government has ramped up its capital spending plans to a record 2.9% of the GDP to revive the economy, with an ambitious borrowing plan and a target to reduce fiscal deficit level to 6.4%. Rating agencies, concerned about India's heightened general government debt levels (adding up States' debt with that of the Centre's), have reacted with cautious scepticism about the roadmap for correcting India's fiscal math in the next few years, which has not gone down well with the Finance Ministry.

What was the target?

In the pandemic-shock year of 2020-21, the Union Government's fiscal deficit —or the gap between expenses and earnings —had expanded to 9.2% of GDP as the COVID-19 lockdowns necessitated greater spending on healthcare and minimal welfare support for the most vulnerable. The Government had hoped to correct that metric to 6.8% in 2021-22, but is now expected to end the financial year with a deficit of 6.9% of the GDP. The 15th Finance Commission had recommended that the Government's deficit for 2022-23 should be contained at 5.5% of the GDP under a slow recovery scenario, with a target to achieve a deficit level of 4.5% of the GDP by 2025-26. Finance Minister Nirmala Sitharaman had, in Budget 2021-22, agreed to the 2025-26 target.

What have global rating agencies said about the Budget?

Moody's Investors Service termed the Budget a 'credit positive' for India's sovereign rating but added that the path toward the Government's medium-term deficit target is 'undefined', even as general government debt would increase to around 91% of GDP next year. Fitch Ratings, which has a negative outlook on India's sovereign rating of BBB-, its lowest investment grade rating, said the Budget was short on major growth-enhancing structural reform plans, had no new revenue generation ideas, and the fiscal deficit target is higher than the 6.1% it anticipated. While the fiscal deficit targets were higher than most agencies estimated, they acknowledge the Centre's capital expenditure bet and stressed that outcomes of such spending would be critical. From a ratings perspective, India has limited fiscal space with the highest general government debt ratio among any similarly rated emerging markets, Fitch Ratings director Jeremy Zook said, stressing that the negative outlook on India can only be reversed if high growth can help claw back from these debt levels. Fitch also shared Moody's worries about the medium-term fiscal outlook, noting that the Budget offered 'less clarity' and 'few details' on how the 4.5% of GDP fiscal deficit target will be achieved by 2025-26.

How has the Finance Ministry reacted?

Top finance ministry officials have questioned rating agencies' assertion that the fiscal consolidation roadmap to 2025-26 is undefined. "The glide path to reach a deficit of 4.5% of GDP in 2025-26 with an approximately even path of consolidation is already provided in last year's Budget and this Budget reiterates we are committed to that path," Finance Secretary T.V.

Somanathan said. While this entails a roughly 0.6% annual reduction in the deficit in the coming years, he pointed out that the deficit could go down faster if growth comes back. Mr. Somanathan said that agencies' comments on India having the highest debt among emerging economies, reeked of double standards. "Our debt to GDP ratio is far lower than the U.S., Japan, and other such highly rated countries in Europe, while our growth tends to be faster than them even in the worst of times. So our deficits are far less worrying than some of them," he emphasised. Revenue Secretary Tarun Bajaj said while the tax on crypto assets is a new tax, introducing new taxes every year is also considered a negative by global investors. Rating agencies can be unreasonable at times, he noted.

How do independent economists assess this debate?

While it is true that India's public debt level at around 90% of GDP is less than Japan, where it is 256%, and the U.S. (133%), Professor Gurbachan Singh, visiting professor at the Indian Statistical Institute, New Delhi, said the comparison is a tad misleading.

"The more appropriate metric is debt to taxes ratio, which is extraordinarily high in India," he said at a Budget discussion hosted by the Indira Gandhi Institute of Development Research this Friday. "Interest payments, another yardstick for debt levels, are expected to take up over 45% of the Centre's revenue receipts in 2021-22," Mr. Singh noted. While high borrowings to finance the recovery from the COVID-19 mess are understandable and mirror several countries' policy response, servicing this high debt over the years also imposes a burden on future generations who will not only have to pay off those loans, but also may be left with limited headroom for fresh spending.

INTEREST RATES, BOND YIELDS AND MR. MARKET (ANAND SRINIVASAN SASHWATH SWAMINATHAN) (ANAND SRINIVASAN IS A CONSULTANT. SASHWATH SWAMINATHAN IS A RESEARCH ASSOCIATE AT AIONION INVESTMENT SERVICES)

Bond yields on government securities act as a barometer of market sentiment

After the announcement of the FY22-23 budget, there was a sharp rise in the yields on government bonds with a 10-year maturity. Yields on the bonds surged to almost 6.9%, the highest increase the market has seen since 2019.

Bond yields on government securities act as a barometer of market sentiment and the RBI's policymaking. The sharp rise in the 10-year yield can be attributed to multiple reasons, of which the primary reason is that the market does not believe in the government's Budget math.

Oil price assumption

To begin with, the government's Economic Survey forecasts the price of crude oil to be an average of $70-$75 per barrel throughout the year compared with the current price of a little more than $90 (as of February 8) for a barrel of Brent crude. A higher crude price places more pressure on the country's import bill and the economy. It also means that a more significant amount of forex reserves will pay for the higher bill on crude oil.

Furthermore, the Reserve Bank of India (RBI) has recently seen a decline in their forex reserves by more than $4.5 billion, the steepest drop in more than a year. The RBI uses its

forex reserves comprised of foreign currency assets and foreign asset income to reduce currency volatility to enable the smooth trade of goods and services between India and its trading partners. The RBI's forex reserves decline can be traced to a higher-than-expected crude price and a drop in foreign investment in Indian securities.

U.S. inflation and Fed

Additionally, another critical reason for the current bond market sentiment has to do with global monetary policymaking.

The U.S. has seen inflation quicken to a 40-year- high of 7.5%, a stark contrast to their average inflation rate of about 2% in the past two decades. The Federal Reserve has promised to tackle inflation by putting an end to the quantitative easing and raising rates.

When a foreign country (especially a financial capital of the world) raises their rates, we will see money flow from Indian markets to theirs. This flow of capital implies that there will be upward pressure on the yields of all bonds, especially the government bonds. A flow of money abroad will also mean that asset prices such as equity see a correction, which puts tremendous pressure on the RBI's forex reserves.

Moreover, in the recent budget announcement, subsidies for fertilizers were reduced to insufficient levels, with experts predicting an increase in the estimate in further revisions. To put this in context, last year, the government revised its fertilizer subsidy allocation upwards by more than 70%.

A higher-than-expected crude price puts pressure on the import prices of fertilizers.

Market sentiment indicates that the government is likely to overshoot its expenditure estimates and borrow more soon. An increased level of government borrowing is detrimental to an already burdened RBI.

When the government borrows from the market, it causes an effect known as "crowding out", which means that interest rates become too high for private parties to borrow and invest. Crowding out forestalls economic progress as now businesses find it difficult to borrow at these higher rates.

The RBI will have to step in and control the rising yields, and with a decrease in foreign capital inflows, the burden on the market is even more significant due to the increased borrowing.

A higher interest rate will also mean it becomes more expensive for the average consumer to stimulate the economy through their consumption. Therefore, the economy and growth figures are put under pressure.

Excellent opportunity

All of this means that we have an excellent opportunity to capitalise on as investors. With the global trend of rising interest rates, we should see a price correction in most securities, including equities and bonds, making it a lucrative opportunity for investors to buy at stellar valuations. It is vital to recall a timeless quote by Warren Buffet, where he says, "be greedy when others are fearful, and fearful when others are greedy".

However, with rising interest rates, it goes without saying that it is prudent to limit borrowing as the actual interest rate burden (nominal interest rate minus rate of retail inflation) is going to be more significant.

We must fasten our seat belts for volatile times, and we must have a reserve of liquid assets both to capitalise on great valuations and as abundant precaution for turbulent times.

PRICE TO PAY

If inflation remains elevated, RBI will be forced to undertake sharper monetary policy adjustments

If inflation remains elevated, at levels higher than expected, it increases the risk of RBI being behind the curve, and raises the odds of having to undertake sharper policy adjustments.

On Monday, data released by the National Statistical Office (NSO) showed that retail inflation, as measured by the consumer price index (CPI), rose to a seven month high of 6.01 per cent in January, up from 5.66 per cent in December. This is the first time since June last year that inflation has come in above the upper limit, although marginally, of the inflation targeting framework of the RBI. Considering that the RBI expects inflation to average 5.7 per cent in the fourth quarter (January-March), CPI will now have to moderate considerably in the next two months to be in line with the target.

The disaggregated data shows that food inflation rose to 5.43 per cent in January, up from 4.05 per cent in December. Food inflation has, in fact, risen considerably in the recent past — in October last year, the consumer food price index was at 0.85 per cent. In the last month items such as cereals, meat and fish, milk products, vegetables witnessed a rise. Worryingly, core inflation, which excludes the highly volatile food and fuel prices, has continued to remain elevated with price pressures being witnessed across categories such as household goods and services, and clothing and footwear. This is perhaps indicative of a pass-through of higher input costs — the wholesale price index has remained in double digits for the last 10 months.

However, as outlined in the recently held monetary policy committee (MPC) meeting, the RBI expects retail inflation to peak in the fourth quarter of this fiscal year, trending downwards thereafter, creating space for its continued accommodative stance. It has projected CPI at 4.5 per cent in 2022-23, with inflation averaging just under 5 per cent in the first half of the year, followed by 4.1 per cent in the second half. However, there are several upside risks to the MPC's projection of the trajectory of inflation. First and foremost, crude oil prices. Brent crude oil is currently trading at upwards of $90 per barrel. Higher crude oil prices will likely be reflected in higher prices at the pumps, passed on to the consumers, once the state elections are concluded. Unless the government offsets the price rise with cuts in fuel taxes. Second, with restrictions on economic activities being eased, contact-intensive services may also see price pressures. Third, as domestic demand strengthens, the pass-through of higher input prices to consumers may gain traction. Fourth, with inflation in developed countries also rising, there is the risk of importing high inflation. If inflation remains elevated, at levels higher than expected, it increases the risk of RBI being behind the curve, and raises the odds of having to undertake sharper policy adjustments.

How did Gujarat's ABG Shipyard, once thriving with a net profit of Rs 107 crore, slide in growth? Why has it been booked for fraud now?

Once considered a powerhouse in shipbuilding with an order book of Rs 16,600 crore, Gujarat's ABG Shipyard is now under probe for fraud. On a complaint by State Bank of India, the CBI recently booked ABG Shipyard, its directors, and ABG International Pvt Limited for allegedly causing losses of Rs 22,842 crore to a consortium of 28 banks.

A decade of losses

Until the end of 2012-13, ABG Shipyard was thriving, with a net profit of Rs 107 crore. The slide started the following year, with a loss of Rs 199 crore. By March 2016, its net loss had mounted to Rs 3,704 crore, up from Rs 897 crore in 2014-15. Revenues had fallen to Rs 37 crore, from Rs 401 crore a year earlier.

The company undertook a debt restructuring exercise in 2013-14. In its annual report that year, it cited cancellation of new ship/vessel orders, reduced lending from banks, high borrowing cost, low capacity utilisation of the Dahej shipyard in Surat, and the expiry of the Centre's shipbuilding subsidy scheme in 2007.

Once considered a powerhouse in shipbuilding with an order book of Rs 16,600 crore, Gujarat's ABG Shipyard is now under probe for fraud. On a complaint by State Bank of India, the CBI recently booked ABG Shipyard, its directors, and ABG International Pvt Limited for allegedly causing losses of Rs 22,842 crore to a consortium of 28 banks.

Growth

Registered with the Registrar of Companies in Ahmedabad, ABG Shipyard Ltd was incorporated as Magdalla Shipyard Pvt Ltd in March 1985. It became ABG Shipyard Pvt Ltd in May 1995 and ABG Shipyard Ltd in June 1995.

Between 1990, when it delivered its first ship, and 2013, it built over 165 ships, 80% of them for international customers. In 2000, it got its first government order to build two inceptor boats for the Coast Guard; in 2011, the Centre gave it a licence to build defence ships including submarines.

By February 2012, ABG Shipyard had an order book of Rs 16,600 crore. Its main shipyard was spread over 35 acres on the banks of the Tapi in Magdalla, Surat. It later set up a second shipyard in Dahej, Bharuch, 150 km from Magdalla, following an MoU with Gujarat Maritime Board for long-term lease of land and waterfront usage.

The company signed MoUs for large projects at Vibrant Gujarat summits, including one of Rs 2500 crore for a third shipyard.

Acquisitions & subsidiaries

ABG Shipyard acquired UAE-based Crossocean Ship Repair Limited, FZE, Fujairah on January 22, 2006, but sold it off in March 2008. In 2007-08, ABG acquired Vipul Shipyard adjacent to its Magdalla shipyard.

A key acquisition was of Western India Shipyard Limited (WISL), Goa, through a deal with ICICI bank and other lenders. ABG held a 60.15% controlling stake in WISL, which repaired ships of the Navy, Coast Guard and private players. It recorded its highest turnover of Rs 114 crore in 2010-11, before slipping into the red in 2012-13. The company suspended ship repair operations in 2016. In 2015-16, its promoters decided to disinvest from it.

ABG International Pvt Ltd was the holding company. ABG Shipyard had a controlling stake in Eleventh Land Developers Pvt Ltd, ABG FPSO Pvt and Vipul Shipyard. At various points, it had over 55 subsidiary companies.

Seizure and liquidation

In 2007, ABG Shipyard had inked a Rs 50-crore MoU for a maritime university. On Monday, the Gujarat Industrial Development Corporation (GIDC) on Monday took possession of 1.21 lakh sq m land allotted in Icchapore, Surat, for the university. "We have taken back possession of land as it was not used for the purpose allotted to the company," GIDC vice-chairman M Thennarasan said.

The plot had been allotted at Rs 700/ sq m, 50% of the prevailing premium price of Rs 1,400/ sq m, a concession red-flagged in the CAG report tabled in the Assembly in 2014. The CAG had also found the Gujarat Maritime Board (GMB) not taking action against the shipbuilder for non-payment of lease rental. GMB officials confirmed that dues from ABG Shipyard are still pending.

In an order on April 25, 2019 in ICICI Bank vs ABG Shipyard, the National Company Law Tribunal (NCLT) ordered the liquidation of the company under Section 33 of the Insolvency and Bankruptcy Code. In December 2020, the NCLT's Ahmedabad bench allowed the liquidator to carry out private sale of assets, after an auction found no bidders. Apart from five ships, the assets being liquidated are 92,000 sq m residential land in Bharuch and Gavier, 4.14 lakh sq m industrial land near Magdalla port, and 27 acres agricultural land in Diamond Harbour, Kolkata.

I-T PROBE INTO NSE EX-MD MAY REVEAL YOGI'S IDENTITY

The investigation launched by the Income Tax (I-T) Department, which on Thursday searched the premises of former NSE Chief Executive Officer and Managing Director Chitra Ramkrishna in Mumbai and Chennai, may throw up some leads on the identity of the unknown yogi with whom she had been sharing internal information.

In Chennai, an I-T team from Mumbai conducted searches on three premises, including that of Anand Subramanian, former Group Operating Officer and Adviser to the National Stock Exchange (NSE). "The probe team goes through financial records of the assessees concerned during the check period. Given that certain facts have been highlighted in the Securities and Exchange Board of India [SEBI] order, following the money trail can lead to the identification of the unknown person," said an agency official in the know of the procedure involved in investigations.

On February 11, SEBI issued an order levying penalties on the NSE, Ms. Ramkrishna and others for violating rules while appointing Mr. Subramanian as Chief Strategic Adviser and then re-designating him as the Group Operating Officer and Adviser to the then MD of the exchange.

SEBI, as first reported by BusinessLine, found that Ms. Ramkrishna shared internal information of the NSE with the yogi, with whom she had been in touch for about 20 years. It was alleged that she consulted the person via email for the appraisal of employee performance and this way, Mr. Subramanian got substantial increments in quick succession. In January 2013, Mr. Subramanian

was offered ₹1.68 crore for the post of Chief Strategic Adviser in the NSE, when his last-drawn salary was ₹15 lakh in a government corporation.

His cost-to-company shot up to ₹4.21 crore by April 2016. Ms. Ramkrishna resigned from the NSE in 2016. Although the senior functionaries had come to know about the issues, no action was taken in this regard at that time. During the inquiry, the SEBI found that the yogi was also well known to Mr. Subramanian. They communicated through the former's email account.

"Based on the emails, it appeared that confidential data pertaining to the NSE was forwarded to the unknown person by Noticee No. 1 (Ms. Ramkrishna) and also by Noticee No.6 (Mr. Subramanian) for seeking guidance or in response to information requested by the unknown person," said the order.

The information included data pertaining to the NSE's five-year financial projections, dividend pay-out ratio, business plans, agenda of the Board meeting and consultations over the ratings/performance appraisals of NSE employees.

Ms. Ramkrishna, in her statements to the SEBI on April 14, 2018, said the identity of the email id holder was "Siddha Purusha/Yogi i.e. a Paramahansa who maybe largely dwelling in the Himalayan ranges"; that he was a spiritual force who had been guiding her for the past 20 years; a force whose "spiritual powers do not require them to have any such physical co-ordinates and would manifest at will".

FORMER MD OF NSE UNDER CBI RADAR IN SERVER CASE (DEVESH K. PANDEY NEW DELHI)

The Central Bureau of Investigation (CBI) on Friday examined former National Stock Exchange (NSE) Managing Director Chitra Ramkrishna in a case registered in May 2018 for alleged abuse of server architecture of the Exchange to provide access to a private company to the data before any other broker.

"Look-out circulars have also been issued against Ms. Ramkrishna; former Group Operating Officer and Adviser to the exchange Anand Subramanian; and Ravi Narain, who was the Managing Director and Chief Executive Officer of the NSE from April 1994 to March 2013," an agency official said. Statements of other persons may also be recorded soon. The development came a day after Income Tax Department carried out searches on the premises of Ms. Ramkrishna and Mr. Subramanian in Mumbai and Chennai.

The CBI case is against stock broker OPG Securities, its owner Sanjay Gupta and others, including unknown officials of the Security and Exchange Board of India (SEBI) and the NSE. As alleged, using an algorithmic trading software package named "Chanakya", the company got market feeds from the NSE server ahead of others.

The software was developed by accused Ajay Narottam Shah using the NSE trade data collected by him during 2005-06 in the garb of research work. He subsequently sold it to OPG Securities, according to the FIR.

The agency had alleged that Mr. Gupta and his brother-in-law, Aman Kakrady, were into illegal trading in China, Hong Kong, Singapore, Dubai and Ghana through OPG Securities. During 2010-12, he got illegal access to the NSE's server architecture in connivance with the Exchange officials through "co-location" facility. This helped the company to log in first to the Exchange server before other brokers.

It was alleged that in 2012, a load balancer — a device that facilitates distribution of network traffic across servers — had been installed by the NSE. While servers of all the other brokers were linked to the Exchange's primary servers, Mr. Gupta got access to the back-up server with the help of the data centre employees of the NSE.

NSE'S FAILURES'

The SEBI order exposes the complicity of the board in the unseemly episode. It notes that the board was "aware of the exchange of confidential information" with an unknown person.

Last week, the Securities and Exchange Board of India (SEBI) passed its final order in a sordid saga, involving the country's largest stock exchange. The order, strongly censuring senior officials of the NSE, including its former MD and CEO Chitra Ramkrishna, throws light on a series of governance lapses at the stock exchange. The stock exchange regulator has levied fines on the parties involved in acts of impropriety, and also barred NSE from introducing any new products for a six-month period. Given the scale of misgovernance, including the violation of several rules and regulations, however, harsher penalties were called for. More worryingly, the episode has exposed the absence of checks and balances at the stock exchange.

SEBI's order revolves around the irregularities in the appointment of Anand Subramanian who held key posts at the stock exchange between 2013 and 2016. It notes that Subramanian was given "an exorbitantly higher compensation/salary package", despite him having "no relevant experience in the position in which he was appointed." The investigation has found Ramkrishna guilty of giving Subramanian "frequent, arbitrary and disproportionate increases in the compensation". But this, as the probe report reveals, was more than corruption by individuals at the helm. That "concerns regarding delegation of substantial power" to Subramanian, who was merely a consultant, were not raised at the NSE board reveals serious institutional failings. It's mystifying that Ramakrishna shared confidential information such as "organisational structure, dividend scenario, financial results, human resources policy and related issues, response to regulator" with an "unknown person" through an unofficial email id. This unknown person "significantly influenced the decision making" of the stock exchange's MD and CEO. According to Ramkrishna, the unknown person was one Yogi Paramahansa, who was "maybe largely dwelling in the Himalayan ranges". A forensic investigation by E&Y has, however, revealed that this "unknown" person and Subramanian were the same — a finding that the NSE has concurred with.

These are not crimes of omission. The SEBI order exposes the complicity of the board in the unseemly episode. It notes that the board was "aware of the exchange of confidential information" with an unknown person. However, the NSE and its board took "a conscious decision to not report the matter to SEBI and keep the matter under wraps." It is apparent that the board, packed with well-known figures in financial circles, failed to discharge its duties. Steps must be immediately taken to ensure that such failings do not recur and aspersions are not raised on NSE's status as an independent institution.

SEBI WALKS BACK MANDATORY SEPARATION OF CHAIRPERSON, MD

Markets watchdog SEBI on Tuesday decided to implement the requirement to separate the positions of chairperson and managing director at listed companies on a voluntary basis and not make it mandatory for now.

The development comes in the wake of Finance Minister Nirmala Sitharaman recently saying that the regulator should hear if Indian companies had a view on the matter even as she made it clear that she was not "giving a diktat".

The top 500 listed entities were required to split the roles of chairperson and MD/CEO before the April 2022 deadline.

SEBI cited "unsatisfactory level of compliance so far" as among reasons for the latest decision, which came after its board meeting.

Initially, the listed entities were required to separate the roles from April 1, 2020. However, based on industry representations, an additional period of two years was given for compliance.

"Considering rather unsatisfactory level of compliance achieved so far, with respect to this corporate governance reform... constraints posed by the prevailing pandemic situation and with a view to enabling the companies to plan for a smoother transition, as a way forward, SEBI board at this juncture, decided that this provision may not be retained as a mandatory requirement," it added.

SEBI said that on review it was seen that the compliance level had progressed to only 54% as on December 31, 2021, from 50.4% as of September 2019 .

LIC'S MEGA IPO

Who can apply, and what can LIC employees and eligible policyholders look forward to?

The mega initial public offering (IPO) of Life Insurance Corporation (LIC) is coming when markets are volatile and foreign portfolio investors (FPIs) are pulling out from Indian stocks in the wake of the US Fed tightening rates. But LIC's 29-crore policyholder base is expected to help the IPO sail through.

Details of issue

The initial public offer of up to 31.62 crore equity shares comprises the net offer, employee reservation portion, and policyholder reservation portion. The IPO works out to 5 per cent of the total capital of 632.49 crore shares, with the government retaining the remaining 95 per cent.

LIC has calculated an earning per share (EPS) of Rs 4.70 and a return on net worth of 45.65 per cent for the fiscal ended March 2021. The net asset value per share is Rs 12.68 as on September 30, 2021.

Sebi is expected to clear the offer within a few days, and the IPO process and listing are expected to be concluded by March 2022.

LIC IPO: What does it mean for the government and LIC?

The government will be entitled to the entire proceeds of the offer after deducting the offer expenses and relevant taxes thereon. LIC will not receive any proceeds from the offer. The government is expected to mop up between Rs 50,000 crore and Rs 1 lakh crore from the IPO,

depending on the offer price. It will be a big boost to the government's revenues and aid in bringing down the deficit.

For LIC, the listing of shares means higher visibility and profile. Investors will be able to actively trade in its shares on the stock exchanges. It also means more transparency — LIC, which is now answerable only to the government, will have to inform investors and exchanges details of all price sensitive information. In short, LIC will be accountable to investors, who are expected to demand high levels of corporate governance.

Who can apply and have reservation and discount?

A portion of shares, not exceeding 5 per cent of the offer, will be reserved for employees. Another portion not exceeding 10 per cent, will be reserved for eligible policyholders. Policyholders and employees are likely to get shares at a discount. While the corporation has not disclosed details, a 5 per cent discount on the offer price is expected.

A minimum 35 per cent of the issue will be reserved for retail investors. The corporation may allocate up to 60 per cent of the QIB (qualified institutional buyers) portion to anchor investors on a discretionary basis. One-third of the anchor investor portion will be reserved for domestic mutual funds.

What are the challenges to the issue?

The IPO will hold the key to the government achieving its revised disinvestment target of Rs 78,000 crore for the current financial year — however, the market's appetite for the mega issue could be a challenge.

Given that inflation has been a growing concern worldwide, and central banks around the world are looking to raise interest rates, equity markets are likely to remain under pressure in the near future. A rise in interest rates in the US and in other developed markets would mean that FPIs will pull out money from emerging markets especially from the equity markets and move them into US treasury bonds. Not only will this put pressure on the secondary market, it will reduce the liquidity availability for investments in primary market issuances. Given that the size of LIC issue could be well above Rs 50,000 crore, liquidity will be of essence.

A decline in equity markets in the near term would also reduce the government's ability to command a higher premium. The government may have to settle on a lower price to make it attractive for the investors.

For investors

Investors will have to carefully look at the pricing of the issue, and do their due diligence on valuation. QIP participation will provide retail investors with an idea of the market's interest in the issue.

AFTER THE BUDGET'S 'CRYPTO SIGNAL', INDIA AWAITS REFORMS

It is high time that crypto made a splash in the country, and it needs to be carefully managed with systemic changes

In the Union Budget speech, Finance Minister Nirmala Sitharaman announced a 30% flat tax rate levied on any gains made from the transfer of virtual assets including cryptocurrencies and Non-Fungible Tokens (NFTs).

But first some background. Cryptocurrency (crypto) consists of a digital denomination designed to work as a medium of exchange through a distributed computer network (a blockchain) that is not reliant on any central authority such as a government or a bank for its upholding and maintenance. This announcement by the Finance Minister now leads to the assumption that crypto is legal in India.

Sign of optimism

This prescient move amounts to effectively being a de facto affirmation of the role that cryptocurrency and related technologies could play in India's financial-cum-economic system. Foreseeable are changes that would, down the road, legitimise and formally legalise the activities of crypto start-ups and enable them to access the necessary support system which might not have been available previously. Such a statement also heralds reforms aimed at removing ambiguity among the relevant stakeholders.

It is high time that crypto made a splash in the country, but this splash must, as with all innovation, be carefully managed to prevent rushed creative destruction and systemic liabilities. While critics are right in observing that the 30% flat tax rate is a harsh rate, this is a premium and price well-worth paying in exchange for what is effectively a ruling-out of prospects for a total ban on crypto by the central government.

Additionally, while the high tax rate would inevitably hamper the willingness of investors to convert cryptocurrencies into the national fiat, this may, in turn, open up more doors for technologically savvy and innovation-minded investors. The extremely high tax rate and the fact that the losses cannot be offset would invariably propel investors to turn to alternative means of storing and undertaking transactions in cryptocurrencies, without foregoing the significant losses involved as they "switch" back into the rupee. An inadvertent upside of this, then, is the prospective conversion and reallocation of crypto-funds from one form to another.

Will aid innovation

Such transformations would involve DeFi (Decentralised Finance) activities such as staking, lending, and providing liquidity, among others. DeFi (or "decentralized finance") is "an umbrella term for financial services on public blockchains. With DeFi, one can do most of the things that banks support — earn interest, borrow, lend, buy insurance, trade derivatives, trade assets, and more — but it is faster and does not require paperwork or a third party. As with crypto generally, DeFi is global, peer-to-peer (meaning directly between two people, and not routed through a centralised system), pseudonymous, and open to all". The processes highlighted above would drive innovation in the field of Indian DeFi; they would go a long way in assisting the building up of our crypto-financial ecosystem in the long run.

More generally, the adoption of crypto currencies and virtual assets would enable quicker and cheaper transactions compared to banks and new forms of wealth creation without centralised intermediaries — which are subject to accidental or intentional capture by vested interests. While crypto is yet to become completely mainstream, one can easily see that we are in the transition phase, as investors and innovators new to the crypto ecosystem dabble their feet to test the waters.

Potential concerns

The community of small and medium-sized enterprises (SMEs) and lower-end high net-worth individuals — the very community that has the most to gain from decentralised finance — is going to find it most difficult to access the ecosystem given the substantial barriers posed by the tax rates. Unless radical reforms are undertaken to liberalise the system — through positive incentives and infrastructural installation — it is unlikely that the community we speak of here is likely to reap the gains from the system (in light of the burdens they would confront). Participation would remain unlikely for at least a few more years to come.

Additionally, when it comes to India's crypto policy at large, there is a fundamental lack of clarity in aspects other than taxation. While the finer details can only be seen once the Cryptocurrency Bill is passed, there appears to be a push to treat crypto as purely an asset class than a currency. The consolation offered by the Government in the form of the Reserve Bank of India's CBDC, or Central Bank Digital Currency, will definitely help in pushing for the adoption of digital currencies, but, equally, defeats the fundamental purpose of cryptocurrency, which is decentralisation. As a flourishing and dynamic democracy, India deserves an empowered and mobilised middle class of consumers, investors, and crypto-minded citizens who can imbue their civic engagement and economic activities with cryptocurrency in contributing toward a brighter and better political future for all in India.

Reforms are an answer

The solution rests with systemic, real reforms. The obvious candidate for such reforms would be to reduce tax rates in the future, though this must be weighed against considerations concerning government revenue and the need to curb speculative bubbles surfacing in relation to the currency. While these are by no means short-term risks, they could pose medium- to longer-term threats, though arguably, the solution here lies not with taxing crypto altogether, but in introducing more rigorous regulations where appropriate without which crypto has the potential to become a source of illegitimate political funding or black money.

Tapping other insights

The second reform constitutes the incorporation of insights from seasoned partners from international communities; the key should rest with engaging these individuals for their insights and advice on the best practices associated with cryptocurrency policymaking. How can we push forward transformations to financial structures without rocking the socio-political boat? How can we navigate the potential security quagmires and challenges presented by crypto? How can we ensure that our infrastructure remains intact and capable of addressing the needs and the demands connected with crypto consumers? These are questions that only a synthesis of domestic and foreign talents (through organic dialogue and collaboration) could answer.

Systemic reforms are by no means easy, but they are critical as an amplifier of the successes that India has already accrued in the field, and as an accelerator of India's advancement in the sphere

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Salem Dharanidharan is an executive coordinator at the Dravidian Professionals Forum and co-founder of the Oxford Policy Advisory Group.

Brian Wong, a Rhodes Scholar and D.Phil in Politics candidate at Balliol College, Oxford, is also a co-founder of the Oxford Policy Advisory Group. Bethanavel Kuppusamy is a technology entrepreneur building Fantico, a celebrity NFT platform

EXPORTS RISE 25% TO $34.5 BN IN JAN. (VIKAS DHOOT NEW DELHI)

India's merchandise exports touched $34.5 billion in January, 25.3% higher than a year ago, while imports grew at a slightly slower pace, taking the country's trade deficit to a five-month low of $17.4 billion, say official estimates released on Tuesday.

While January's goods exports are 8.75% lower than December's all-time record figure of $37.81 billion, it takes India's exports near the $400-billion target set for 2021-22, with the first 10 months of the year already clocking outbound shipments worth $336 billion. This marks a nearly 47% increase from a year ago and a 27.1% increase over the pre-COVID period of 2019-20.

Gold imports fell sharply during January to just $2.4 billion, 40.5% lower than that in the corresponding month in 2021 and almost half the $4.72 billion imported in the previous month.

Biggest factor

The decline in the yellow metal's imports was the biggest factor behind India's import bill dropping to $51.9 billion in January, 12.7% lower than in December 2021.

Consequently, the trade deficit that had hit a record $22.9 billion in November 2021, and had averaged 21.7 billion since September, also dropped.

Exporters, however, said high imports remain a cause of concern with January's inbound shipments rising 23.5% year-on-year and staying above the $50-billion mark.

"The surge in gold imports in 2021 was driven by the pent-up demand of 2020 and we expect them to moderate to $30-35 billion in this calendar year," said Aditi Nayar, chief economist at rating firm ICRA.

"The fall in mobility and the demand for gold with the onset of the third wave and the associated restrictions, helped to pull back the merchandise trade deficit to the lowest level in five months, at $17.4 billion," she noted.

The trade data released on Tuesday revised January's exports slightly upward from the $34.06 billion estimated earlier this month, while imports were similarly revised down from $52.01 billion.

Exports of coffee and petroleum products almost doubled in January, while cotton yarn and handloom products rose 42.4%.

Sectors like ready-made garments, man-made yarn, leather and engineering goods grew between 20% and 25%, compared with January 2021.

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"Almost all the sectors reporting impressive growth last month were labour-intensive sectors contributing majorly to the exports basket, which itself is a good sign and should bolster job creation," said A. Sakthivel, president of the Federation of Indian Exporters' Organisations, exuding confidence that merchandise exports through the year could go past the $400 billion target. He, however, urged the government to expedite resolution of some key challenges facing firms on account of various export facilitation and promotion schemes' implementation norms.

The Commerce and Industry Ministry pegged the value of India's services exports during January at $26.91 billion, nearly 55% over last year's number and 46.6% over the pre-pandemic month of January 2020.

Services imports are estimated to have risen by 60.3% year-on-year to $15.8 billion, 45.3% over pre-COVID levels. However, the services trade estimations will be revised once the Reserve Bank of India updates the actual numbers.

INDIA'S SEMICONDUCTOR DREAM

While the government has already provided incentives for manufacturing, more needs to be done to make India self-reliant

The pandemic has brought to the fore the fragility of the global supply chain of semiconductor manufacturing. The situation is exacerbated by the overdependence of the world on East Asia for fab manufacturing, the rising price of silicon, and the China-U.S. trade war. No wonder, countries are scampering to safeguard their interests by introducing attractive packages to attract more chip manufacturing. The U.S. has announced a $50 billion package to create foundries there. Intel is adding two more foundries to its Arizona campus and also developing its own foundry business to compete with chip-makers such as TSMSC and UMC. TSMC, which controls 24% of the semiconductor supply chain, is setting up a $12 billion facility in Arizona. Japan and Germany have got TSMC to start specialty technology fabs in their respective countries.

It is timely, therefore, that India has approved a $10 billion package to incentivise the manufacturing of semiconductors in the country. The government has drawn out a list of incentives to get leading international manufacturers to set up their manufacturing unit in India either by themselves or with the help of a local partner. Considering the current geopolitical dynamics and the fact that semiconductors are at the core of fourth industrial revolution technologies, this is a welcome first step.

Fab manufacturing

Getting fab manufacturing will also build on India's strength in design. We have the largest number of chip designers outside of the U.S. who are working on state-of-the-art systems and technologies. For example, Karnataka boasts of over 85 fabless chip design houses of various global companies. The strong expertise of our semiconductor design professionals in EDA (Electronic Design Automation) tools provides solid ground to move towards manufacturing. To create the ecosystem for fab manufacturing, it is important to lock in the demand for semiconductors produced within the country. The total demand for semiconductors stands at $24 billion. This is expected to grow to $80-90 billion by 2030. However, this demand is for different categories of semiconductors used in various electronic devices and applications.

Considering that initial manufacturing would be in mature tech, it would be ideal to enter into an agreement with the consumers of such semiconductors like automotive manufacturers to ensure that whatever is produced is consumed. Better still is to get established fab companies to come on their own as they bring with them their demand base.

Similar work needs to be done to develop raw material supply capabilities. The India Electronics and Semiconductor Association is exploring the opportunity to start supplying processed raw materials like minerals and gases to the fab and ATMP (Assembly. Testing, Marking, and Packaging) industry. This will give a fillip to the Indian gas, materials, and mines industry and also expand opportunities for semiconductor equipment, spares, and service industry.

Fab clustering, where key semiconductor supply chains and related businesses are in one place to create backward and forward linkages, would also play a key role in creating an ecosystem for the semiconductor industry. Such a site should be chosen purely on the ability of the location to act as a force multiplier for the development of such an ecosystem. It needs to ensure high-quality infrastructure along with uninterrupted power availability with more than 99.7% uptime, connected to two different grids to ensure redundancy. The availability of semiconductor grade Ultra Pure Water to the extent of 10 MLD per fab is also a key requirement. Additionally, a conducive environment needs to be created for women to work night shifts along with zero labour disputes.

Apart from incentivising more FDI in electronics to deepen our supply chains through incentive schemes, we need to focus on encouraging Indian manufacturers and start-ups to enter and master complex R&D and manufacturing verticals. We can then ensure that valuable Intellectual Property is created and owned by Indian companies. The semiconductor industry is changing fast as new-age technologies require innovation at the design, material, and process levels. Indian engineers have contributed immensely to this area in multinational companies. We must encourage them to set up their design start-ups with handsome government grants and tax incentives. Premier research institutions such as the Indian Institute of Science should also be asked to work aggressively on R&D in chip designing and manufacturing. Further, the government must focus on emerging technologies like LiDAR and Phased Array in which incumbents do not have a disproportionate advantage and the entry barrier is low. By working aggressively in new cutting-edge technologies, India can ensure that it becomes atmanirbhar.

GOLD LOANS RISING: SHOULD YOU TAKE ONE?

As the business continues to boom, the question remains: Is it beneficial for the borrower to sell or pledge gold, and who should take such loans?

As individuals in the low-income category and small businesses continue to be hit by reduced earnings, the gold loan business has been a booming segment for commercial banks and non-banking finance companies. With people pledging their gold jewellery for emergency cash, banks have reported a 45% jump in gold loan outstanding as of December 2021, since last year. As the business continues to boom, the question remains: Is it beneficial for the borrower to sell or pledge gold, and who should take such loans?

The rise in loans The total gold loan outstanding of banks shot up by 45.1% to Rs 70,871 crore during the 12- month period ended December 2021. Compared to March 2020, when it stood at Rs 33,303 crore, the gold loan outstanding has risen 112% over the last 21 months. The business witnessed a big jump when the Covid-19 pandemic hit the country in March 2020 and people started pledging their gold for meeting health care, agriculture, wedding and education expenses. PSU banks have now started focussing on this segment in view of the trend.

While this is RBI data and relates to business done by banks, industry experts say that if one includes loans extended by gold loan companies like Muthoot Finance and Manappuram Finance, the outstanding will be much higher.

How the loan works

The loan-to-value (LTV) ratio while pledging gold is 75%: The borrower will get only 75% of the value of the gold that he or she pledges against the loan. If the borrower fails to repay the loan, he or she will have suffered a loss, as they will not have got the full value of the gold. The best option is to sell the gold and get its full value during an emergency situation. The borrower can always buy back gold in stages from the market when their financial position improves. On top of this, the interest rate from gold loan non-banking financial corporations (NBFCs) in this era of low-rate regime works out to 12-18%.

According to India Ratings, unlike other secured loans — such as two-wheeler, commercial vehicle, or home loans — where the collateral stays with the borrower and only in an event of default is it repossessed, the collateral in a gold loan rests with the lender for the entire tenure of the loan. In case of default, the entire collateral will be auctioned by the lender and the money will be recovered. Since gold is a price-sensitive commodity, any default in gold loans typically beyond 90 days calls for an auction, as per internal policies of the originator. Hence, for up to 90 days, the lender makes efforts to recover the loan; beyond that, the efforts are towards an auction of the gold.

Should you take a loan?

In line with all interest rates in the economy, the interest rates on gold loans also are low. State Bank of India is offering loans at 7.3%. However, low rates should not be the only reason for individuals or small business owners to go for a gold loan. Experts say taking a loan in these times could be both a good and a bad idea depending upon who you are and what you are borrowing for.

Taking a loan for consumption needs or to fund a marriage may not be a good idea if your income is under stress. if you are unable to repay the gold loan, you run the risk of the financier selling the gold you pledged.

However, if the loan is for funding short term working capital needs and to cover up for a stretched payment cycle, experts say that one can go for it. "For a small businessman whose need is driven by a rise in the payment cycle and who is looking to cover a gap for a few months, it is not a bad idea," said an expert.

ATTEMPT TO CIRCUMVENT LAW': HOW SENSODYNE AD PUT GSK IN TROUBLE

The Central Consumer Protection Authority (CCPA) has directed GlaxoSmithKline (GSK) Consumer Healthcare to discontinue advertisements for Sensodyne products depicting foreign

dentists endorsing the product. The regulator has also ordered further investigation into other claims regarding the product made by the company in advertisements.

Why has GSK been asked to discontinue certain advertisements for Sensodyne?

The CCPA found that certain advertisements for Sensodyne products broadcast on television, Youtube, Facebook and Twitter showed UK-based dentists recommending Sensodyne products. Dentists practising in India are not permitted to endorse any drug or product of the industry publically under the Revised Dentists (Code Of Ethics) Regulations 2014. The CCPA held that the use of UK-based dentists by GSK to endorse their products "was an attempt to circumvent the law" as applicable to Indian dentists and give the impression that practising dentists in the UK are recommending its product.

The CCPA ordered the company to discontinue all advertisements for Sensodyne products in India featuring "dentists practicing outside India endorsing the product within 7 days" of its order dated January 27, 2022.

"Since dentists who are medical professionals qualified for treating dental health issues can be seen in the advertisement appreciating , recommending and suggesting the use of the product, the advertisement gives the consumer an indubitable impression that if consumers do not buy the product they are ignoring the advice of a dentist", the regulator noted in its order.

What other action could GSK potentially face?

The CCPA also ordered a probe into claims made by Sensodyne in advertisements that the product was "recommended by dentists worldwide", "world's no. 1 sensitivity toothpaste" and that it provides "clinically proven relief, works in 60 seconds". Under Section 21 of the Consumer Protection Act 2019, GSK could face a fine of upto Rs 10 lakh and a prohibition from advertising any product and service for upto one year if the CCPA finds that the company has indulged in misleading advertising.

The CCPA had initiated a suo moto action against specific advertisements of Sensodyne products in India featuring foreign doctors and issued a show cause notice to GSK in March 2021.

INTERLINE PACT: HOW IT WILL WORK FOR DOMESTIC FLYERS OF AIR INDIA, AIR ASIA

TATA GROUP airlines Air India and AirAsia India signed an agreement on interline considerations on irregular operations (IROPs) that will allow the two airlines to transfer passengers to one another in case of disrupted operations.

What are IROPs?

Airlines typically enter into such interline agreements with other carriers, especially on routes where they operate limited number of flights, to prevent inconvenience to passengers in case of disruptions. These disruptions could occur as a result of extenuating circumstances such as delays, cancellations, diversion of flights, etc.

What does this mean? As a consequence of this agreement, in case of disruptions witnessed by either of the airlines on one of the routes where the other airline is operational, passengers will be transferred to the alternative available flight.

How does this work?

Through the agreement, which is valid only for domestic routes till February 9, 2024, the transfer of passengers shall be done only on "as available" basis as determined by the airport manager of the accepting airline. For example, on a sector like Siliguri-Delhi, where both airlines operate, in case Air India's flight is cancelled for some reason, passengers on the cancelled flight will be transferred to the AirAsia India flight basis the available seats on the aircraft. This will be in addition to the other refund or free date change options that the airlines offer.

What about the various services available through one airline?

With respect to baggage allowance, in case a passenger booked on AirAsia India is being transferred to an Air India flight, the original Air Asia India allowance of 15 kg will be applicable. However, if a passenger originally booked to fly on Air India is being transferred to an AirAsia India flight, the free baggage allowance will be as per Air India's ticket. Air India typically has 25 kg of free baggage allowance on domestic routes in economy class.

LIFE & SCIENCE

JWST SPOTS ITS FIRST STAR, IN URSA MAJOR

All 18 segments of the primary mirror on the James Webb Space Telescope seem to be working properly a month-and-half into the mission, officials said on Friday.

The telescope's first target was a bright star 258 light years away in the constellation Ursa Major. "That was just a real wow moment," said Marshall Perrin of the Space Telescope Science Institute in Baltimore.

Over the next few months, the hexagonal mirror segments will be aligned and focused as one, allowing science observations to begin by the end of June.

The $10 billion infrared observatory – considered the successor to the ageing Hubble Space Telescope – will seek light from the first stars and galaxies that formed in the universe nearly 14 billion years ago. It will also examine the atmospheres of alien worlds for any possible signs of life.

NASA did not detect the crippling flaw in Hubble's mirror until after its 1990 launch; more than three years passed before spacewalking astronauts were able to correct the telescope's blurry vision.

While everything is looking good so far with Webb, engineers should be able to rule out any major mirror flaws by next month, Feinberg said.

Largest mirror

Webb's 6.5-metre, gold-plated mirror is the largest ever launched into space.

After 20 years with the project, "it is just unbelievably satisfying" to see everything working so well so far, said the University of Arizona's Marcia Rieke, principal scientist for the infrared camera. Webb blasted off from South America in December and reached its designated perch 1.6 million kilometres away last month.

FIRST WOMAN REPORTED CURED OF HIV AFTER STEM CELL TRANSPLANT

A U.S. patient with leukemia has become the first woman and the third person to date to be cured of HIV after receiving a stem cell transplant from a donor who was naturally resistant to the virus that causes AIDS.

The case of a middle-aged woman of mixed race, presented at the Conference on Retroviruses and Opportunistic Infections in Denver, is also the first involving umbilical cord blood.

Since receiving the cord blood to treat her acute myeloid leukemia - a cancer that starts in blood-forming cells in the bone marrow - the woman has been in remission and free of the virus for 14 months.

"This is now the third report of a cure in this setting, and the first in a woman living with HIV," Sharon Lewin, President-Elect of the International AIDS Society, said.

The case is part of a larger U.S.-backed study led by Dr. Yvonne Bryson of the University of California Los Angeles (UCLA), and Dr. Deborah Persaud of Johns Hopkins University in Baltimore.

It aims to follow 25 people with HIV who undergo a transplant with stem cells taken from umbilical cord blood for the treatment of cancer.

Patients in the trial first undergo chemotherapy to kill off the cancerous immune cells. Doctors then transplant stem cells from individuals with a specific genetic mutation in which they lack receptors used by the virus to infect cells.

Scientists believe these individuals then develop an immune system resistant to HIV.

STRICT ANTI-DOXXING POLICIES FOR META (ABHISHEK CHATTERJEE)

THE GIST

Meta's oversight board has suggested Facebook and Instagram to make strict doxxing rules. It urged Meta to consider doxxing as an offence which should prompt temporary account suspension.

Doxxing is the act of publishing others' personal information on the internet with malicious intent which can make them victims of harassment and cyber attacks.

The board has asked to allow sharing of private residential addresses only when posted by the user to promote charitable causes or find missing people, animals, objects, or for contacting business service providers.

The story so far: Meta's oversight board, in a blog, suggested Facebook and Instagram to make strict doxxing rules. It urged Meta to consider doxxing as "severe," that should prompt temporary account suspension. It has asked Meta to implement strict regulations on publishing and sharing personal information like an individual's residential address that can easily identify people and make them targets for those with malicious intent.

What is doxxing?

Doxxing is publishing and analysing others' personal information on the internet with a malicious intent that can reveal the person's real identity making them victims of harassments and cyber attacks, according to security firm, Heimdal security.

The firm highlighted how doxxing is used to shame or punish people who would rather stay anonymous, because of their controversial beliefs or other types of non-mainstream activity. It reckons that most of us are careless with the information we share on the Internet, that cybercriminals can use to find out our real identity and harass us.

The security firm has highlighted a few instances of doxxing. A journalist made critical comments about the content of a popular Instagram account. The admins of the account retaliated by posting the journalist's private information including her name, her address, phone number, her partner's phone number etc. She was incessantly harassed and bullied until she took legal action.

In another incident as outlined by Heimdall security, a Facebook user suffered from post-traumatic stress disorder after her secret photos were posted on an infamous website. By the time she realised what had happened, her pictures were seen by almost 24,000 people. Her

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Facebook inbox was filled with soliciting messages from unknown men and some of them even dropped by at her address posted by the doxxer on the website.

Why is Meta's oversight board concerned about doxxing?

The board noted that publishing private or identifying information of an individual like their residential address and images on Meta's platforms with malicious intent can lead to harassment or stalking.

Doxxing can result in emotional distress, loss of employment and even physical harm or death, the board said. It recommended Meta to remove the exception that allows the sharing of private residential information when it is considered "publicly available." It has asked the Facebook-parent to allow sharing of private residential addresses only when posted by the user to promote charitable causes, find missing people, animals, objects, or for contacting business service providers. By default, users should be considered not to have given such consent. Meta must ensure that users have a quick and effective mechanism to request the removal of private information posted by others, the board said. It has also highlighted the need to create a specific communications channel for victims of doxxing, easily available to both people who use Meta's platforms and those who do not. This should allow the victim to explain their situation and the risks the illegally posted content creates for them, and prompt swift action from the company. Meta should prioritise action when the victim says they belong to a group facing heightened risk to their safety in the region where the private residence is located, the oversight board noted.

DEEPFAKE CAMPAIGN

The AI Yoon avatar is reportedly hugely popular with young South Koreans, as are its brash, Trump-esque responses to questions online from voters as well as journalists

From ancient Greece up to the populist demagogues of today, democracies have faced a conundrum: Those best suited to gain power — that is, win an election — are often not the best at governing. A divisive agenda, minority baiting, populist slogans and just plain old money power — there is not a democracy in the world where elections haven't been won on these dubious grounds. As important, the ruthlessness of politics may, in fact, tend to throw up cunning, ruthless, amoral figures for office. On the face of it, the "deepfake" candidate — now the frontrunner — in South Korea's presidential election could solve these problems.

Yoon Suk-yeol's campaign team has deployed AI Yoon, a digital character that looks like Yoon (only younger), dresses like him (but cooler) and talks like him (but more abrasive). The AI Yoon avatar is reportedly hugely popular with young South Koreans, as are its brash, Trump-esque responses to questions online from voters as well as journalists. The human Yoon recorded his voice and provided images for the creation of the digital avatar and its responses are provided by campaign staff.

The fact that a digital, brash look alike is what is needed for a politician to connect with people says something about politics. In a sense, AI Yoon is a surrender, an acceptance of hypocrisy — a digital rendering of being two-faced. And, given the inevitability of technology permeating politics, Yoon's campaign may just be pioneering a global trend. Besides, in South Korea, "deepfakes" like AI Yoon are allowed in election campaigns, as long as they are disclosed as being digital creations,

do not incite violence and do not lie or spread "fake news". These rules probably make the avatar a better leader than many flesh-and-blood politicians in prominent democracies.

HOW WETLANDS ARE THE NURSERIES OF LIFE

Every February 2 we commemorate World Wetland Day, and then for the rest of the year, developers, politicians, city planners and the like cast their beady and greedy eyes over them and draw out schemes to drain them and 'develop' them (into mass housing for example). The Ramsar Convention's definition of wetlands (with a bit of tweaking) sounds almost like an incantation of Macbeth's three witches: '...areas of marsh, fen, peatland or water, natural or artificial, perennial or temporary, static or flowing, fresh, brackish or salt...no more than 6 meters deep at low tide...' These largely static water bodies may not (according to public perception) have the charisma of the mountains or a rainforest – or even a desert – but they are places of beauty, wonder – and myriad life forms.

Four main kinds of wetlands have been defined: marshes, swamps, bogs and fens. Marshes – usually found at the edges of lakes, generally support herbaceous plants – grasses, rushes and reeds; swamps support woody plants, bogs accumulate peat – dead plant matter like sphagnum mosses – and fens are alkaline bogs enriched by mineral-rich water.

A high water table ensures these areas flood easily – and retain water perennially or seasonally. The water and soils are usually oxygen-free and the plants that grow are specifically adapted to deal with this. Wetlands may get their water from different sources – for instance, tidal wetlands from oceanic tides, and estuaries from a mixture of tidal and river water, floodplains from overflowing rivers, springs from groundwater seepage and bogs et al from rainfall or snow melt.

So, of what use are these sometimes smelly, muddy, glutinous places, humming and thrumming with stinging and biting insects, not to mention the odd hungry crocodile? Well, wetlands (found everywhere except Antarctica) are supposed to be the most richly bio-diverse places on earth and according to some, even more productive than a tropical rainforest. They support a bewildering and kaleidoscopic variety of life – whether of plants (some of which flower underwater), insects – dragonflies, bugs, beetles; amphibians – turtles; fish of which 200 new freshwater species are being discovered every year; reptiles – crocodiles and snakes; birds – waterfowl and waders, (300 species of birds are wetland dependent in India alone), and mammals such as beavers not to mention a host of smaller creepy-crawlies and algae. They are nurseries of life – especially for tropical fish. And they are vital for us too: rice, which is a staple for half the world's people – is a wetland plant.

In addition, wetlands work like humongous sponges, soaking up and storing rainfall and leaching it out gradually through the year; they also act like massive filtration plants, cleaning the muck we pour into them, and floodplains prevent ruinous flooding (the destruction of floodplains has had disastrous effects in cities like Chennai). Mangrove swamps tame and gentle even ferocious tidal waves and storm surges. On the debit side, some marshes do exhale methane (which was called 'marsh gas') and nitrous oxide – which are both greenhouse gases. But on balance, wetlands really do a lot of the hard, heavy and dirty lifting in order to keep ecosystems ticking over – and we seem hell-bent on destroying them.

It's believed that our "anti-wetland" activities have put under the guillotine 17 per cent of waterfowl, 38 per cent of mammals (which are freshwater dependent), 33 per cent of freshwater fish, 26 per cent of amphibians, 72 per cent of freshwater turtles, 86 per cent of marine turtles, 43

per cent of crocodilians and 27 per cent of coral reef building species – not an enviable scorecard. Asia is said to be losing 500,000 hectares of wetland every year and it is thought we've already destroyed 87 per cent of our existent wetlands, the world over.

Some of our most wonderful wetlands are Pulicat Lake in Andhra Pradesh, Chilika in Odisha, Sambhar in Rajasthan, the Gulf of Kutch, the Ganges and Brahmaputra deltas, and of course the magnificent Sundarban mangrove swamps. And it's not all doom and gloom: the Keoladeo National Park, aka Bharatpur – is a man-made and managed wetland and one of the best water-bird sanctuaries in the world (agreed it was devised as a hunting preserve and its destruction was plotted by political elements but then the "Bird Man of India", naturalist Salim Ali stepped in), and right here, in Delhi, the Yamuna Biodiversity Park is a shining example of what can be done: Given a barren patch of land near the river, which resembled a tank-testing ground, scientists of the Centre for the Environmental Management of Degraded Ecosystems, University of Delhi, led by the redoubtable professor CR Babu and Dr Faiyaz Khudsar suspected, by the kind of grasses they found here, that the area had once been a natural wetland. This meant that the water table was high, and, which in turn, meant that with proper scientific planning and planting it could be revived: The result? Two water bodies – shallow and deep – which attract waders and divers by the hundreds – and the 30 to 35 different riverine ecosystems planted to replicate those found in the Yamuna basin encouraging resident nesters, and attracted mammals from wild-boar, nilgai, and porcupine to that prime apex predator, the leopard (which alas had to be exiled).

Unfortunately, we still harbor this insane mania to "develop" our water-bodies, river-banks, lakesides and floodplains (where marshes and swamps are born and thrive) and to pave them over to "civilize" them, so there is no glutinous mud or squelch or bulrushes or reeds or dragonflies or wild duck, geese and herons to be seen anywhere. Also, we swear to clean them up every World Wetland Day, and then spend the rest of the year, vomiting raw sewage, and toxic chemical wastes into them without a second thought. And then, when our cities drown in the monsoons, because we've built shopping malls on the floodplains, we dare to wonder why…

A METAMATERIAL THAT CAN MAKE USE OF ORIGAMI TO REDUCE SHOCK

A car that dashes against an obstacle suffers damages, first to its fenders. There is a keen interest to develop materials that can be sandwiched in the fender system which will absorb the shock and prevent the interiors from being damaged. Origami metamaterials that crumple rather than tear, and take the impact, can play an important role in such situations. Researchers from Indian Institute of Technology Madras have developed such a material, which could have many such uses.

Poisson ratio

When you crush or stretch a material along a particular direction, it undergoes a modification in the perpendicular, or lateral, direction. For example, take a clay cube and compress it along one face, it will then bulge out in the sides. The ratio between the deformation along the force and the deformation in a direction lateral to the force is called the Poisson ratio. The Poisson ratio can be positive or negative. While, as in the example of the clay cube, we can easily visualise a material with a positive Poisson ratio, it is somewhat counter-intuitive to consider a material with a negative Poisson ratio. In fact, there is a lot of interest in such materials – they are called auxetics. One uses of auxetic materials is in lining the soles of sports shoes, where it offers better support when running or jumping. "If we try to crush or impact an auxetic material, it offers resistance to the crushing load as the material below will try to contract inwards, making it 'denser' and therefore, preventing the crushing load from moving further into the material," says Phanisri

Pradeep Pratapa from the Structural Engineering Laboratory of the Department of Civil Engineering at the Indian Institute of Technology, Madras.

In order to be useful, materials need to maintain a constant Poisson ratio when they crumble under pressure. However, they are prone not to do so, and the Poisson ratio varies as they deform. In the last decade, scientists have developed materials with constant Poisson ratio under pressure. But these are soft materials, which again limits their usability in preventing damage during an accident or impact, for instance.

Using origami

Into this scenario enter a special class of materials called origami metamaterials. These combine the Japanese art of paper folding (origami) and the existing material of choice and fold it to obtain desired properties.

Dr. Pratapa, with his PhD student, has developed a special class of origami metamaterials which show a constant value of Poisson Ratio when subjected to stress. "The origami metamaterials we have developed are mechanism-based systems. These are manufactured by joining panels along their edges to form 'creases' about which the structure locally 'folds' or rotates about," says Dr. Pratapa. The benefit is that the observed property does not depend on whether it is made from a sheet of paper, polymer or metal. What matters is that under impact the sheet folds up along the creases.

Morph cell

According to a paper published in Journal of Engineering Mechanics the material the researchers have developed has a "nearly constant Poisson function in the range –0.5 to 1.2 over a finite stretch of up to 3.0 with a minimum of 1.1." An idea that the researchers had, played a crucial role in developing this origami metamaterial.

The crux of the idea is a unit cell called Morph that Dr. Pratapa and collaborators developed earlier. "This cell can transform into two contrasting geometries. One which exhibits positive Poisson ratio and the other which exhibits negative Poisson ratio," explains Dr. Pratapa. It is possible to combine these two geometries to join and deform together as a single system, by joining them along their edges. This is what made it possible for the researchers to develop a material which showed a constant Poisson ratio when stress was applied. When the Morph cell undergoes folding, it attains two distinct configurations that look different, but have the boundaries in such a way that they can be combined without restricting its natural folding behaviour, he explains.

A MISSING LINK

Arthropods, the group of animals that includes creepy crawlies like spiders and woodlice, are the largest phylum in the animal kingdom and are found everywhere from the deepest ocean trench to the top of Mount Everest.

New research shows the newest addition to the group is a 520-million-year-old (about 10 times as old as the dinosaurs) organism called Erratus sperare (Philosophical Transactions of the Royal Society B: Biological Sciences).Erratus sperare was discovered in the Chengjiang Fossil Site, a UNESCO World Heritage Site located in Yunnan, China. The Chengjiang Fossil Site preserves an

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ancient underwater ecosystem which included the relatives of some well-known arthropod fossils like trilobites and anomalocarids.

Modern water dwelling arthropods have biramous limbs, legs that have two parts – one for breathing and one for walking – but how such specialised limbs evolved was a mystery. Some of the earliest fossil arthropods, like Anomalocaris, had swimming flaps that may have doubled as gills, but until now researchers didn't know how arthropods made the jump from these specialised flaps to the biramous limbs of modern arthropods.

Erratus sperare provides the missing link between arthropods that used such specialised flaps and arthropods with biramous limbs. It has both legs and flaps.

Now with the new fossil, researchers have finally solved the riddle. The gills also probably went on to evolve into the wings of insects and the lungs of terrestrial arthropods like spiders.

DEPRESSION REMAINS A NEGLECTED GLOBAL HEALTH CRISIS, SAYS REPORT

The world is failing to tackle the persisting and increasingly serious global crisis of depression it is facing, a Lancet and World Psychiatric Association Commission on depression has stated. The document was released Tuesday night.

It has estimated that 5% of adults worldwide suffer from depression each year, and yet it remains a neglected global health crisis. Poor understanding of this condition and lack of psychosocial and financial resources are already impacting on prevention, diagnosis, treatment, and the economic prosperity of nations.

There is abundant evidence that much can be done to prevent depression and aid recovery even in resource-limited settings, and yet the burden of people living with depression, many of them not diagnosed and consequently not treated. While in high- income countries, about half of people suffering from depression come under this category, this rises to 80-90% in low- and middle-income countries.

Pandemic influence

As expected, the COVID-19 pandemic has created additional challenges, with the hardship, bereavement, isolation, and uncertainties, besides limited access to health care exacerbating mental health conditions, and bringing more people to the brink. The document was authored by 25 experts from 11 countries, and advised by people with experience of depression.

Commission Chair Professor Helen Herrman said: "Depression is a global health crisis that demands responses at multiple levels. This Commission offers an important opportunity for united action to transform approaches to mental health care and prevention globally. Investing in reducing the burden of depression will give millions of people the chance to become healthier, happier and more productive members of society, help to strengthen national economies, and advance the UN's Sustainable Development Goals for 2030."

WHEN WILL INDIA'S MRNA VACCINE BE OUT?

The story so far: The Pune-based Gennova Biopharmaceuticals is expected to roll out India's first home-grown mRNA (messenger ribonucleic acid) vaccine by April. The COVID-19 pandemic awakened the world to the power of RNA therapies — two of the first vaccines that emerged in

late 2020, Pfizer-BioNtech and Moderna, used this technology. Now, an Indian company is developing an mRNA vaccine from scratch, signalling possibilities of the use of the molecule in a variety of diseases beyond COVID-19.

What is an mRNA vaccine?

Like other vaccines, the mRNA vaccine strives to activate the immune system to produce antibodies that help counter an infection from a live virus. While the traditional method to do this involves introducing a part or the whole virus in a way that it cannot replicate, there is always the risk of an adverse reaction in the case of the SARS-CoV-2 virus. Hence, a quest of vaccinology has been to tease out an immune response that is effective but also relatively safe. The theory goes that the less of a foreign body injected, the fewer the odds of an adverse response. A common approach by vaccine makers during the pandemic was to introduce a portion of the spike protein, the key part of the coronavirus, as part of a vaccine. Some makers, such as those that made the Oxford University vaccine (AstraZeneca) or Sputnik V, wrapped the gene that codes for the spike protein into an inactivated virus that affects chimpanzees, called the chimpanzee adenovirus. The aim is to have the body use its own machinery to make spike proteins from the given genetic code. The immune system, when it registers the spike protein, will create antibodies against it. Other vaccines use a piece of DNA to envelope the spike protein genes. An mRNA vaccine works in similar ways in that it too is a piece of genetic code inserted into the body to stimulate an immune response.

How are these vaccines different?

A piece of DNA must be converted into RNA for a cell to be able manufacture the spike protein. While an mRNA vaccine might look like a more direct approach to getting the cell to produce the necessary proteins, mRNA is very fragile and will be shred apart at room temperature or by the body's enzymes when injected. To preserve its integrity, the mRNA needs to be wrapped in a layer of oily lipids, or fat cells. One way to think of this is that an mRNA-lipid unit most closely mimics how a virus presents itself to the body, except that it cannot replicate like one. DNA is much more stable and can be more flexibly integrated into a vaccine-vector. In terms of performance, both are expected to be as effective. While both the Pfizer-BioNTech and Moderna's mRNA vaccines performed similarly in trials, the evidence over the last year shows that the latter generally elicited a more robust immune response and better protection against illness, though both vaccines were similar in their ability to stave off severe disease and death. A challenge with mRNA vaccines is that they need to be frozen from -90 degree Celsius to -50 degree Celsius. They can be stored for up to two weeks in commercial freezers and need to be thawed at 2 degree Celsius to 8 degree Celsius at which they can remain for a month. A major reason why mRNA vaccines never made it to India was the stringent freezer conditions that made them expensive. A major advantage of mRNA and DNA vaccines is that because they only need the genetic code, it is possible to quickly update vaccines to emerging variants and even use them for a variety of diseases. That said, none of the vaccines has been updated for the Delta or Omicron variant yet.

Is Gennova's mRNA vaccine different?

Gennova has revealed little public information on its vaccine but Sanjay Singh, the head of the firm, has previously said that the prospective vaccine uses a concoction of lipids and enzymes that allows the vaccine to be stored at 2°C to 8°C. However, the bulk of the materials necessary to manufacture the vaccine rely on imports. Company officials also say that the Indian mRNA vaccine will be cheaper than their imported versions but probably costlier than Covishield or Covaxin.

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What is the progress on the vaccine candidate so far?

The mRNA vaccine is currently in phase 2/3 trial to evaluate the safety, tolerability and immunogenicity of the candidate vaccine in healthy subjects. Around 4,000 volunteers have been recruited for the trial. Results from a phase-1 trial are expected to be published soon. Gennova has got ₹125 crore from the Department of Biotechnology. India has now fully vaccinated more than half its population and at least seven homegrown vaccines have been cleared by authorities. Vaccine makers are hoping to supply to those below 15 years as well as cater to demand for third doses. But there is a wide gap between readying vaccines and supplying them commercially because of the challenges of scaling up production.

Covaxin, despite being approved in January 2021 and developed by Bharat Biotech, an experienced vaccine maker, has only contributed to 14% of India's vaccination drive.

NO ROOM FOR BRAVADO

Signalling the end of the third wave that began in the last days of 2021, the Government, on February 16, asked States to review and amend or end additional COVID-19 restrictions. Restrictions that hinder the free movement of people and economic activities may no longer be necessary considering that the third wave seems to be truly coming to an end, the Government noted. From less than 7,000 daily fresh cases in the fourth week of December 2021, the number of cases began rising sharply in the last days of 2021 and increased exponentially before peaking on January 20, with over 3,40,000 cases recorded. The decline in daily fresh cases too witnessed a sharp fall after peaking. But relying entirely on daily fresh cases might give a misleading picture as the Government revised the testing strategy on January 10, which makes only those with symptoms and certain at-risk contacts of laboratory confirmed cases eligible for a test. The sale of self-test kits soared in many cities but the reporting of results by their users was poor. In addition, the mild nature of the disease in many fully vaccinated and previously infected people might have led to complacency and a reluctance to get tested. Despite the limitations in the measurement of cases, the sustained decline in the number of cases and in the positivity rate since the third wave peaked does indicate that the third wave is nearing its end. For the first time since the third wave peaked, the seven-day average test positivity rate nationally fell below 5% on February 12; it was 3% on February 16. But 16 States still report a seven-day average test positivity above the national average; it is very high in the Union Territory of Puducherry (28.8%), Mizoram (26.2%), Odisha (19%), and Kerala (18.4%). The true indicator that India has reached the fag end of the third wave is reflected in the reduced number of hospitalisations.

The waning of the third wave caused by the extremely infectious Omicron variant should be no reason to lull India into complacency. The notion that India's enhanced surveillance, manpower and infrastructure can "fight any possible COVID-19 waves in the future" not only reeks of overconfidence but is also dangerous. Viruses continuously evolve and what shade and characteristics the next variant will have and the impact it will have even in a population which has a large proportion of people fully vaccinated and/or naturally infected is unknown. Such bravado a year ago before the deadly second wave driven by the Delta variant resulted in a large-scale loss of lives and badly impacted the livelihood of millions in India. As long as the virus is in wide circulation in a large percentage of the world population, India should not lower its guard even when all restrictions to free movement are removed and economic activity is fully restored.

EXPLAINED: HIPPOCRATES, CHARAKA, AND THE OATH OF MEDICAL ETHICS

The National Medical Commission has suggested to medical colleges that the traditional Hippocratic Oath should be replaced by a "Charak Shapath". A look at the Hippocrates, Charaka, and the universal principles of medical ethics

The National Medical Commission (NMC), the regulator for medical education and practices that replaced the Medical Council of India in 2020, has suggested to medical colleges that the traditional Hippocratic Oath should be replaced by a "Charak Shapath".

The minutes of NMC's meeting with medical colleges on February 7, chaired by Dr Aruna V Vaniker, president of NMC's under-graduate medical education board (UGMEB), record, "No Hippocratic Oath. During white coat ceremony (with parents) the oath will be 'Maharishi Charak Shapath' present in NMC website".

The Kerala unit of the opposition Congress has criticised the proposal as an attempt to "saffronise medical education", and senior leader and Thiruvananthapuram MP Shashi Tharoor has tweeted, "I am all in favour of introducing Indian elements into Indian education, but not at the expense of universal values and standards. Why can't the Charaka Shapath supplement, rather than supplant, the Hippocratic Oath that doctors worldwide take?"

The Indian Medical Association (IMA), the national representative platform of doctors of modern medicine, is yet to issue a statement on the proposal, but statements by individual doctors on social media suggest the medical community is divided in its opinion.

Hippocrates and Hippocratic Oath

The Hippocratic Oath is attributed to Hippocrates of the island of Kos, a Greek physician of the classical period (4th-5th centuries BC, until the death of Alexander the Great in 323 BC), broadly corresponding to the period from the death of the Buddha (486 BC) to the rise of the Mauryas (321 BC) in India.

Among the great contemporaries of Hippocrates were the Athenian philosopher Plato and his teacher Socrates, and Plato's student and Alexander's tutor, the polymath Aristotle.

The Corpus Hippocraticum is a collection of 70 books on medicine; however, most scholars agree that the Hippocratic Oath was probably not the work of the individual identified as the historical Hippocrates, the "father of modern medicine". The oath seems rather to be "more Pythagorean (who lived a century or more before Hippocrates) in its moral and ethical flavour... (and it) might have been enriched by other authors in antiquity". ('Ethical Aspects of the Hippocratic Oath and its Relevance to Contemporary Medicine', Sisir K Majumdar (1995), Bulletin of the Indian Institute of History of Medicine, Hyderabad).

Basically, the Hippocratic Oath is a charter of ethical principles that physicians over the ages have sworn to uphold in the practice of their profession. The earliest available fragments of what is understood to be the original oath date back to the late 3rd century AD, and a millennium-old version is now in the library of the Holy See.

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Classical oath and its legacy

Two translations of the pagan oath from the Greek original, by WHS Jones ('The Doctor's Oath', Cambridge University Press, 1924) and Ludwig Edelstein ('The Hippocratic Oath: Text, Translation, and Interpretation', Johns Hopkins Press, 1943), are frequently referred to:

"I will use treatment to help the sick according to my ability and judgment, but I will never use it to injure or wrong them.

I will not give poison to anyone though asked to do so, nor will I suggest such a plan. Similarly I will not give a pessary to a woman to cause abortion. But in purity and in holiness I will guard my life and my art.

I will not use the knife either on sufferers from stone, but I will give place to such as are craftsmen therein.

Into whatsoever houses I enter, I will do so to help the sick, keeping myself free from all intentional wrongdoing and harm, especially from fornication with woman or man, bond or free.

Whatsoever in the course of practice I see or hear (or even outside my practice in social intercourse) that ought never to be published abroad, I will not divulge, but consider such things to be holy secrets." (Extracts, BMJ, October 1998)

Modern codes of medical ethics such as those formulated by the American Medical Association (AMA) and the British Medical Association (BMA) are broadly rooted in the Hippocratic Oath, but they also draw heavily from other sources — such as the work of the English physician and ethicist Thomas Percival (1740-1804).

No one version of the oath

There is no universally accepted version of the physician's oath. Many medical schools around the world hold a ceremony in which graduating doctors swear to a broad charter of ethics that are sometimes customised by individual institutions. A version of the 'physician's code of ethics' is commonly displayed in hospitals or clinics in most places, including India.

The AMA describes its Code of Medical Ethics as a living document that has evolved as medicine and society have changed. The AMA's Code was adopted in 1847, and underwent updates in 1903, 1949, 1957, and 2008.

The World Medical Association (WMA) adopted an international code of medical ethics in 1949, which was amended in 1968, 1983, and 2006. In May last year, the WMA published a proposed modernised version of the international code, "outlining physicians' duties towards their patients, other physicians, health professionals and society as a whole", according to the WMA website.

According to the WMA, some of the duties of physicians in general are to:

* always exercise his/her independent professional judgment and maintain the highest standards of professional conduct;

* respect a competent patient's right to accept or refuse treatment;

* not allow his/her judgment to be influenced by personal profit or unfair discrimination;

* be dedicated to providing competent medical service in full professional and moral independence, with compassion and respect for human dignity;

* deal honestly with patients and colleagues, and report to the appropriate authorities those physicians who practice unethically or incompetently or who engage in fraud or deception;

* certify only that which he/she has personally verified;

* respect the local and national codes of ethics.

Charaka and Charak Samhita

Like several other sages mentioned in the literature of ancient India, the historicity of Charaka is uncertain, and the compendium of medicine that carries his name is unlikely to have been the work of a single individual.

The Charak Samhita is a medical pharmacopoeia and collection of commentaries and discussions on medical practices that is dated to the 1st-2nd centuries AD.

Along with the compendium of Susruta (c. 4th century AD), which is about surgery, the Charak Samhita is considered the foundational text of ancient Indian medicine, which was an evolved system of understanding and treating disease that resembled that of Hippocrates and Galen (2nd century AD), and was in some ways ahead of the Greeks.

The ancient Indian interest in physiology is understood to have drawn from yoga and mysticism, and to have been enriched by the growth and spread of Buddhism to new lands, the arrival of the first Christian missionaries, and the contact with Hellenic practitioners of medicine.

In theory and praxis, ayurvedic medicine today remains broadly unchanged from these ancient Indian principles.

Ancient Indian system of medicine

At the heart of ancient Indian medicine is the doctrine of the three 'doshas' (humours). It was believed that a balance of the three vital fluids, wind, bile/ gall, and mucus/ phlegm is essential for good health — and that these humours were tied closely with the scheme of the three 'gunas' or universal qualities — virtue/ lucidity (sattva), passion/ energy (rajas), and dullness/ torpor (tamas). To the three primary humours, wind, bile, and phlegm, some authorities added a fourth, blood.

The functions of the body are regulated by the five 'winds' or vayu — udana, which emanates from the throat and accounts for speech; prana, from the heart, responsible for breathing and swallowing; samana, in stomach, involved in digestion; apana, in the abdomen, ensuring excretion and procreation; and vyana, which causes the motion of blood. (A L Basham, The Wonder That Was India, 1954)

Food is seen as the key to good health: it is why the body exists — and as bad food causes sickness, good food heals. A passage from the Charak Samhita describes a debate among sages which concludes with the view, "The use of good food is one cause of the growth of a person, and the use of bad food is a cause of diseases" — even though the debate is not conclusively closed. (Wendy Doniger, On Hinduism, The Hindus)

Surgery reached great heights in ancient India. Basham noted that the caesarian section was known, bone-setting was highly evolved, and plastic surgery was "developed far beyond anything known elsewhere at the time".

The medical ethics of Charaka

The physician was an important and respected member of ancient Indian society, and medical practice followed rules of professional conduct and ethical principles. Basham quotes from a part of the sermon that Charaka instructs a physician to preach to his pupils at a ceremony at the end of their apprenticeship.

This ethical code is universal, and remains just as relevant and applicable today.

The Indian Express has reported that undergraduates at the country's premier health institute, AIIMS, have been taking the Charak Oath during their annual convocation for several years now. Dr M C Misra, former director of AIIMS, has told The Indian Express that the Charak Shapath was already part of the annual convocation when he took charge in the post in 2013.

Discussion and inclusiveness

The Charak Samhita speaks, unsurprisingly, of the "welfare of cows and Brahmans". But it also underlines the importance of the physician praying, "every day on rising and going to bed for the welfare of all beings", (Basham) and of debate and discussion among the learned.

The passage in the Charak Samhita mentioned above (quoted in Wendy Doniger, 'On Hinduism', 'The Hindus') describes a debate among sages who were invited by a king to determine the origin of disease. The sages put forward their theories, which were in several cases the essence of major philosophical and medical traditions of ancient India.

One said that the individual is born from the soul, so disease too must come from the soul; a second said that the mind, when overwhelmed by energy and torpor, gives rise to both the body and the pathological changes in it; a third said that creatures and disease both come from rasa; a fourth argued that since the individual is created from the six material elements of earth, water, fire, wind, space, and soul, disease too is born of these same elements; a fifth submitted that just as an individual must have a father and mother, so too must disease; but the sixth rebutted that while a blind person isn't necessarily born of another blind person, all creatures are the product of karma, and so is disease.

As the sages argued, one of them advised the rest not to take rigid positions — typical, Doniger says, of the way all of the shastras strive to be open minded and inclusive.

SOUND AND SENSIBILITY

There is, evidently, an excess of funds at Cambridge. A vast survey to figure out what kind of music people are into makes sense for Apple or Amazon music, perhaps, but does it for a university?

Academia, in all its esoteric glory, can be rightfully criticised for locking itself in an ivory tower, behind a moat of jargon and gates barred with snobbery. But there is such a thing as an over-correction, of pandering so much to the popular tastes so as to become irrelevant. A study from the University of Cambridge crosses that line, and is intellectually at par with —

and as useful as — online personality quizzes a la "Which Hogwarts house do you belong to?" and "Which 1990s action movie best describes you?"

The study, which had over 3,50,000 participants from 50 countries, claims that contemporary music tastes show a strong correlation with personality types — "between extraversion and contemporary music; between conscientiousness and unpretentious music; between agreeableness and mellow and unpretentious music; and between openness and mellow, contemporary, intense and sophisticated music" — across the globe. Then there are surprises, like the fact that neuroticism is associated with "intense" music. In essence, extroverts love Ed Sheeran and Beyonce while neurotics brood over Nirvana.

There is, evidently, an excess of funds at Cambridge. A vast survey to figure out what kind of music people are into makes sense for Apple or Amazon music, perhaps, but does it for a university? More importantly, why are researchers engaged in what barely passes for pop psychology? It was bad enough that HR departments took pleasure in administering nonsense personality tests like the Myers-Briggs, must universities descend to "listicles" in order to ruin the joys of music? Most importantly, perhaps, it is annoying when anyone over the age of 18 searches for the meaning of their existence in pop music. It's alright for research to be more down to earth, but that doesn't mean it needs to plumb the depths. Anyway, there's an easy way to test the Cambridge correlation. Just listen to "Single Ladies" and wait to become the outgoing life of the party.

NEW GECKO FROM NE GETS ARMY TAG

A team of herpetologists have recorded a new species of bent-toed gecko from a wooded part of the Umroi Military Station in Meghalaya. Its scientific name is Crytodactylus exercitus and English name is Indian Army's bent-toed gecko. Exercitus in Latin means army.

"The name was given to honour the Army for its services to the country. The military station where the bent-toed gecko was discovered was also a factor behind its name,".

The finding of the study was published in the latest issue of the European Journal of Taxonomy. The paper recorded another new bent-toed gecko, the Cyrtodactylus siahaensis named after Mizoram's Siaha district where it was found.

These lizard specialists had in a separate study recorded the Cyrtodactylus lungleiensis, a new species of bent-toed gecko named after Mizoram's Lunglei town.

Mr. Purkayastha said a team of researchers has been scanning the urban, rural and jungle areas across the northeast to uncover the herpetofaunal diversity of the region. India is now home to 40 species of the bent-toed gecko with the northeast accounting for 16 of them.

BIRD MONITORING TEAM RECORDS 203 SPECIES

The Winter Bird Monitoring Programme for 2021-22 has recorded the presence of 203 bird species, including 53 non-resident species, in the districts of Mysuru, Mandya, and Chamarajanagar.

The teams have collected data from 147 locations spread across Mysuru-Mandya-Chamarajanagar belt between January 14 and February 13. "Due to COVID-19 restrictions, the census could not be completed in a single day and had to be stretched,"

said A. Shivaprakash, who led the bird census and is involved in the monitoring programme since the last three decades.

In all, 20 teams comprising 63 birders took part in the bird enumeration and each team was given a different route to cover, monitor and enumerate the birds, according to Mr. Shivaprakash.

While 203 species were recorded this year, 204 species were recorded last year. The bird count too was healthy this year and the team recorded 34,361 birds of all species underlining the sheer diversity of birds that is supported in the region. This is against 32,304 birds counted in last year's exercise. The data has also generated interesting insights and of the 203 species of birds the most abundant – total counts from all locations — was Cattle Egret (2,064) followed by Eurasian Coot (1,111), Bar-headed Goose (995), Barn Swallow (974), and Little Cormorant (900).

The most abundant species in any single location was Northern Shoveler and 650 of these birds was found in Lingambudhi Lake in Mysuru. There were 530 Spot-billed Pelicans at Ranganathittu apart from 480 Asian Openbills and 410 Indian Cormorants, also at Ranganathittu. Hadinaru lake in Nanjangud taluk played host to 400 Bar-headed Goose, as per the data generated by the bird monitoring teams.

Among the most birds counted in any waterbody across the region, Ranganathittu had the highest numbers with 2,366 birds of various species.

THE WILD ORANGES OF INDIA

Limes, lemons and oranges are taste-giving and nutrition-enriching elements of our diet. It is estimated that there are about one billion trees of the citrus genus on earth. Over 60 different citrus fruits are popular in the world today, all of which are hybrids of the three fruits mentioned below, or hybrids of hybrids, and so on: (1) The large, sweet and spongy-skinned Pomelo (Citrus maxima; chakotara in Hindi, bamblimas in Tamil); (2) the tasteless Citron, which is used in traditional medicine (Citrus medica; Galgal, matulankam or komatti-matulai), and (3) the loose-skinned and sweet mandarin orange (Citrus reticulata, Santra, Kamala orange) that we associate with Nagpur.

Each citrus variety has some distinguishing feature as a USP: for example, the rare Tahiti orange, a descendent of the Indian Rangpur lime, looks like an orange-colored lemon and tastes like a pineapple.

The first oranges

Where did the citrus originate? Botanist Chozaburo Tanaka was an early proponent of the Indian origin of the citrus. An exhaustive study of the genomes of many citrus varieties concluded that the last common ancestor of all the varieties we see today grew about eight million years ago in what is now Northeast India (overlapping Meghalaya, Assam, Arunachal, Nagaland and Manipur) and adjacent regions of Myanmar and Southwest China (Wu, et al, Nature (2018) 554, 311-316)

This region is, famously, one of the world's richest biodiversity hotspots. A biodiversity hotspot is defined as a region that contains at least 1,500 species of native plants, and has lost at least 70% of its vegetation. The Northeast corner has 25% of India's forests and a large chunk of its biodiversity. Here you will find tribes such as the Khasi and Garo, and nearly 200 spoken languages. This area is also a rich repository of citrus genomes, with 68 varieties of wild and developed citrus found here today.

The fruit of ghosts

Of special interest is the wild Indian citrus, a progenitor species of citrus that is native to Northeast India (Latin name Citrus indica Tanaka). Some experts believe that it may even be the original member of this group. Our own wild orange has been studied in the Garo hills of Meghalaya, where only scant patches remain (Kalkame Momin et al, International Journal of Minor Fruits, Medicinal and Aromatic Plants (2016) 2, 47-53).

Recent searches, along with detailed molecular comparisons, have led to its rediscovery in the Tamenglong district of Manipur, a thickly forested place with a population density of just 32 per square kilometre (Huidrom Sunitibala and colleagues, Genetic Resources and Crop Evolution, (2022) 69, 545-558). The Manipur team could find three isolated clusters of Citrus indica, the largest of which had 20 trees. High rainfall and high humidity prevails here, with annual temperature extremes of 4 and 31 degrees Celsius.

The Manipuri tribes call it Garuan-thai (cane fruit), but they appear to have neither cultivated nor culturally assimilated this fruit, as has been done by the Khasi and Garo people. The Garo name for the fruit is Memang Narang (ghost fruit), because of its use in their death rituals. Traditional medical uses involve digestive problems and common colds. Villages attentively tend their memang trees.

The fruit itself is small, weighing 25–30 grams, from dark orange to red in colour. The tribes relish the ripe fruit, with its intense sourness. The taste comes from phenolic compounds, which are strong anti-oxidants, and flavonoids (such phenolics and flavonoids are found in fashionable anti-ageing skin lotions).

Mankind, however, seems to prefer sweetness, and orange breeders have responded. We Indians, however, are not that averse to sour tastes! We are very fond of the lime (Citrus aurantifolia Swingle; nimbu,elumichampalam). India is the world's leading producer, and our breeders have done very well, with new varieties (Vikram, Premalini, etc.) from agricultural Universities in Parbhani and Akola giving high yields even in semi-arid terrain.

As a result, Citrus indica remains obscure. Its status is severely threatened, it is cultivated in only a few villages, and the genome has not been sequenced.

Reducing the phenolic and flavonoid content in citrus fruit may not all be for the good, as they serve in defending the plants from pathogens. Carefully identifying, preserving the remaining wild varieties of citrus in the Northeast, and studying them in detail would not just provide knowledge. It would help future-proof the oranges and limes that are grown today, aiding in improving disease resistance as well as the health benefits that these wonderful fruits provide.