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INTERNATIONAL

AN EXPERT EXPLAINS: UNDER A NEW CALIPH, WHY ISLAMIC STATE CONTINUES TO BE A FORMIDABLE THREAT

Within days of the elimination of the first caliph of the Islamic State of Iraq and Syria (ISIS), Abu Bakr al-Baghdadi, in a US raid in Syria in October 2019, the group named Abu Ibrahim al-Hashemi al-Qurashi its new caliph. On February 3, 2022, US forces claimed the elimination of al-Qurashi in a similar raid in Syria. Last week, confirming the death of al-Qurashi, ISIS named one Abu al-Hasan al-Hashemi al-Qurashi as its third Caliph.

Although details of his identity were not revealed, media reports suggest he is older brother of al-Baghdadi, and a key member of the shura or consultative assembly. While the February 3 raid would have provided rich information to further disrupt ISIS, the trajectory of the group since the loss of the so-called caliphate and its first two caliphs, suggests that ISIS core based in Iraq and Syria continues to pose formidable risks to the region and the world at large.

Defeat of first caliphate

In December 2011, the US withdrew its troops from Iraq, claiming that Al Qaeda in Iraq (AQI), led by Al-Baghdadi, had been decimated. By then, AQI's Syrian branch, Al Nusra Front (ANF), led by Abu Muhammad al-Julani, had already sent scores of cadres to Syria and grabbed territory.

By April 2013, the AQI had morphed into ISIS — and on June 29, 2014, it declared a caliphate across large swathes of Iraq and Syria. However, Julani declared that ANF would remain a branch of al-Qaeda, and later renamed it Hayat Tahrir al-Sham (HTS), which still controls northwestern Syria and some other parts of the country.

As the caliphate posed a global challenge, a US-led coalition launched Operation Inherent Resolve in October 2014, and announced the “decimation” of ISIS on March 23, 2019, after capturing Baghouz in northeastern Syria. Russia and Iran have supported the Bashar al-Assad regime in combating ISIS in other parts of Syria.

Cadres, funds survived

However, even post caliphate, the ideology, finances and over 20,000 ISIS cadre were believed to have survived. Most cadres were Iraqis and Syrians, who seemed to have melted into the populations of Iraq and Syria as sleeper cells. Thousands of foreign fighters and families were arrested and are still being held in areas controlled by the US-backed Kurd-Arab Syrian Democratic Forces (SDF) in northeastern Syria.

Thousands of foreign fighters who moved out of the caliphate and are yet to be fully accounted for. These fighters were the poster boys of the caliphate — while the Iraqi and Syrian ‘sons of soil’ were, and still are, the backbone of ISIS, who are fast rebuilding a rural insurgency in Iraq and Syria.

Despite the loss of two caliphs, ISIS has continued to show the ability to mount external attacks as far as the Philippines, Indonesia, and Sri Lanka, and inspire frequent attacks/plots, especially in Europe. It is reported that ISIS still holds tens of millions of dollars, and has regular sources of revenue.



The ISIS provinces beyond Iraq and Syria appear to be independent local groups, which are using ISIS platforms and its brand value to recruit locally or regionally. The ISIS propaganda machine has utilised opportunistic claims to keep its flag flying. Foreign fighters driven by ideological motivations may move among these provinces.

What future may hold

Interestingly, the locations of both US raids on the ISIS caliph lay close to the Turkish border, in northwestern Syria under the control of the HTS. On January 26, 2022, about 200 ISIS fighters attacked the Al Sina prison in Hasaka in northeastern Syria and freed thousands of its cadres. It took the US-backed SDF 10 days to end the fierce battle in and around the prison, pointing to the strength of the ISIS ecosystem along the Syria-Turkey border.

In recent years, the fight against ISIS has weakened because of reduction of US troops in support of the SDF, which is also having to fight Turkish forces, and the dialling down of US combat operations in Iraq. The Ukraine crisis is likely to break the coordination the US had with Russia against ISIS in Syria. On the other hand, the ISIS core looks energised.

The new caliph, who is believed to have been a close confidant of al-Baghdadi, has been moving across Iraq, Syria, and Turkey for the group's activities. It is likely that the ISIS deliberately chose a Turkmen as its second caliph, while the shura and al-Baghdadi's confidants may have been running the group away from an 'active chase'. It is possible that the third caliph may unleash new communication and operational strategies that are well-adjusted to new geopolitical realities.

The impact would be felt across the world through a few, but regular external attacks, inspiration to lone wolf jihadis, and ISIS platforms carrying opportunistic claims by self-styled ISIS branches pledging allegiance while pursuing their own local agendas. The Islamic State Khorasan Province (ISKP) is one such branch which has, until 2020, recruited foreign fighters from the region and beyond, and used them largely in Afghanistan. More such branches are likely to emerge or be re-energised, and pose fresh threats to South Asia and beyond.

A NEW DEAL

The Vienna talks aimed at reviving the Joint Comprehensive Plan of Action (JCPOA), also known as the Iran nuclear deal, have hit a wall after Russia sought sanctions exemptions for its future trade and defence ties with Iran. European negotiators say "a good deal" is on the table. But Russia, which has been slapped with a barrage of sanctions by the United States and its allies over the Ukraine invasion, seeks written guarantees that those curbs would not "in any way harm" its ties with Iran. The nuclear deal, reached in 2015, started unravelling in 2018 as the Trump administration unilaterally pulled the U.S. out of the agreement despite international certification that Iran was fully compliant with its terms. After the U.S.'s withdrawal, Iran started enriching uranium to a higher purity and installing advanced centrifuges at its nuclear plants. Now, nuclear experts believe Iran is just months away from having enough high purity uranium to make a nuclear bomb, though the Iranian leadership has repeatedly claimed that it has no plan to make one. Western officials say the growing nuclear capability of Iran demands urgent steps to conclude the deal and curb its nuclear programme. Removing sanctions on Iran and letting Iran's oil enter the global market could also ease oil and gas prices, which shot up after the Russian attack on Ukraine.



The West's push to conclude the deal gives Russia added leverage in the negotiations, at a time when relations between Moscow and western capitals are at their lowest point since the end of the Cold War. The U.S. and Europe are reportedly looking for alternatives to revive the deal without Russia. But it would not be easy. Russia, an original signatory of the JCPOA, is a member of the joint commission that supervises Iran's compliance. Under the agreement, Russia is also required to take control of Iran's excess enriched uranium and work with Tehran to turn its Fordow nuclear plant into a research facility. In theory, the deal can be revived if other signatories take up Russia's responsibilities. But it is not clear whether Iran and China would be ready to go ahead without Russia. While the Iranians have publicly said they would not allow any "external factors" to impact their national interests, Tehran is unlikely to ignore the sensitivity of Russia, an ally, and reach an agreement with the U.S., whose exit scuttled the original deal. This leaves the future of the nuclear deal in Russian hands. Russia's invasion of Ukraine and the West's response to it have already sent commodity prices soaring and shaken the global economy, which is yet to come out of the COVID-19 shock. A further delay or a total collapse of the Iran deal would not only deepen the security crisis in West Asia but also add pressure on global oil and gas prices. The signatories should not hold the Iran deal to ransom. They should continue to push for a collective agreement that could curb Iran's nuclear programme and take the country into the global economic mainstream.

IRAN CLAIMS MISSILE BARRAGE NEAR U.S. CONSULATE IN IRAQ

Iran claimed responsibility on Sunday for a missile barrage that struck near a sprawling U.S. Consulate complex in northern Iraq, saying it was retaliation for an Israeli strike in Syria that killed two members of its Revolutionary Guard earlier this week.

No injuries were reported in the attack, which marked a significant escalation between the U.S. and Iran. Hostility between the long-time foes has often played out in Iraq, whose government is allied with both countries.

The attack drew harsh condemnation from the Iraqi government, which called it a "violation of international law and norms" and demanded an explanation from the Iranian leadership. The government reiterated its refusal to allow Iraq to be used to settle scores between other countries and said it has requested an explanation from the Iranian leadership.

The U.S. said the missile strike emanated from Iran and strongly condemned it.

"The strikes were an outrageous violation of Iraq's sovereignty. No U.S. facilities were damaged or personnel injured, and we have no indications the attack was directed at the United States," State Department spokesman Ned Price told reporters in Washington.

Iran's powerful Revolutionary Guard said on its website that it launched the attack against an Israeli "strategic center of conspiracy" in Irbil.

An Iraqi official in Baghdad initially said several missiles had hit the U.S. Consulate in Irbil and that it was the target of the attack. Later, Lawk Ghafari, the head of Kurdistan's foreign media office, said none of the missiles had struck the U.S. facility but that areas around the compound had been hit. A statement issued by the Interior Ministry of Iraq's Kurdistan region said the missiles were launched from outside Iraq, from the east, without naming Iran.

The U.S. defence official said it was still uncertain exactly how many missiles were fired and exactly where they landed.



The attack came several days after Iran said it would retaliate for an Israeli strike near Damascus, Syria, that killed two members of its Revolutionary Guard.

EXPLAINED: WHAT IS UKRAINE'S NEW LAW ON CRYPTOCURRENCIES?

According to CoinDesk, the new Ukrainian law on cryptocurrencies determines the legal status, classification, ownership and regulators of virtual assets, in addition to establishing registration requirements for cryptocurrency service providers. In a tweet, Ukraine's digital ministry said: "From now on, foreign and Ukrainian cryptocurrencies exchanges will operate legally and banks will open accounts for crypto companies. It is an important step towards the development of the VA (virtual assets) market in Ukraine".

How will cryptocurrencies be regulated in Ukraine?

The cryptocurrency market in Ukraine will be regulated by its National Securities and Stock Market Commission — the equivalent of India's Sebi. The Ukrainian securities regulator will also have powers, under the new law, to determine policies on digital assets, issue licenses to businesses dealing with cryptocurrencies, and act as a financial watchdog.

Why has Ukraine legalised cryptocurrency?

Ukrainians have been one of the most active retail users of cryptocurrencies, and there had been discussions in the country earlier to legalise these digital assets, but the latest trigger has been Russia's military action in Ukraine. In light of the war, Ukraine has reportedly received more than \$100 million in donations in the form of cryptocurrencies since the crisis began last month.

A report by TechCrunch said that with the new law in place, Ukraine's first crypto exchange, Kuna, will no longer be limited to helping the country spend the donations directly with crypto-friendly suppliers, but help convert crypto to much-needed fiat. It added that the country has also partnered with the Bahamas-based exchange FTX to convert crypto contributions to Ukraine's war effort into fiat for deposit at the National Bank of Ukraine.

Incidentally, an earlier law to legalise cryptocurrencies was passed by Ukrainian parliament back in September as well, but was vetoed by Zelenskyy saying the country couldn't afford a new regulatory body.

What are the global experiences in legalising cryptocurrencies?

The most significant example of legally adopting crypto into a nation's economy has been that of El Salvador, which made Bitcoin a legal tender in September 2021. But the initiative has since been marred with problems such as technical glitches and identity fraud, in addition to a conflict between the decentralised nature of Bitcoin and an authoritarian government in El Salvador.

Other than the Central American country, several other jurisdictions are attempting to legalise private cryptocurrencies, like Bitcoin and Ethereum, or are launching Central Bank Digital Currencies (CBDC) that are digital currencies backed by the state.

EXPLAINED: HOW SOUTH ASIA VIEWS THE UKRAINE WAR

India's neighbours in South Asia have taken their own positions on the war in Ukraine keeping in mind their history, economy, the big power rivalry playing out in their countries, and their



relations with these powers. There was a clear divide among the seven countries between those who maintained a neutral position, and those who were unequivocal in their opposition to Russia.

Afghanistan, Bhutan, Maldives and Nepal supported the resolution against Russia in the United Nations General Assembly. Bangladesh, Pakistan and Sri Lanka abstained. Nepal, which is a member of the UN Human Rights Council, also voted for the HRC resolution to set up an independent investigation into Russia's alleged violations of human rights in Ukraine.

Sri Lanka: tourism & tea

Colombo had been hoping its economic meltdown would be arrested this year as tourism picks up again. But the Ukraine conflict has put paid to that. A shortage of foreign exchange has crippled Sri Lanka's import-dependent economy. The surge in oil prices due to sanctions on Russia has made India's \$500-million line of credit to Sri Lanka for fuel purchases look inadequate.

Even in the tourism sector, which is recovering from the double whammy of the 2019 Easter suicide bombings and the pandemic, Sri Lanka might take a hit once again – Russia and Ukraine were a major market.

Russia is also a major buyer of Sri Lankan tea, and Colombo can continue selling only if it can find a way around the sanctions.

While these were likely reasons for Sri Lanka's abstention, some in Colombo have questioned this neutrality, drawing comparisons with the 1971 India-Pakistan war that led to the liberation of Bangladesh, when Sri Lanka sided with Pakistan and gave its air force refuelling facilities.

"India had no right to violate the territorial integrity of Pakistan. Strong self-interest lay behind the position [taken by Sri Lanka in 1971]. The existential threat to Sri Lanka was seen as coming from India. No precedent could be created that could support India's support for Sri Lanka's minorities and infringement of Sri Lanka's territorial integrity," Rohan Samarajiva argued in Colombo Telegraph.

Pak's embrace of Russia

Pakistan's decision to abstain at the UNGA vote – it also passed up its speaking time before the vote and made no EoV – was a reflection of the new geopolitical possibilities it sees in the region. It ties with Russia were built over the last decade as a response to its tensions with the US during the two-decade-long Afghan war. US-Pakistan relations have cooled during the Biden presidency, especially after the US withdrawal from Afghanistan. The US President and Pakistani Prime Minister Imran Khan have not spoken even once. Pakistan hopes to build a new "axis" with China and Russia that will take charge of Afghanistan and Eurasia. But Imran Khan's awkwardly timed visit to Moscow – he became the first foreign leader to meet Russian President Vladimir Putin after the invasion of Ukraine – has left the world baffled, with many Pakistani commentators calling it "ill advised". Earlier this week, Imran Khan ticked off EU ambassadors in Islamabad for asking him to support the Western alliance and stand up for the UN Charter, asking them why they had not taken on India for its "annexation" of Kashmir.

Bangla: 1971, 2021 memories

Bangladesh had its own reasons for abstaining. Foreign Minister A K Abdul Momen said Dhaka's position was for "peace and stability throughout the world". "We have spoken about the need for a peaceful resolution through talks. We have said the same thing at the UN. We have said that we



are deeply concerned. The secretary general of the United Nations should take an initiative to bring about a peaceful solution,” Momen said in Dhaka after the vote in the UNGA.

Bangladesh’s abstention can be seen in the light of tensions between the US and the Sheikh Hasina government, and the Biden Administration’s December 2021 decision to sanction the Rapid Action Battalion, an elite paramilitary deployed against jihadist groups, for its alleged human rights violations.

On the other hand, Dhaka remembers with gratitude that Moscow helped India militarily during the 1971 war, while the US sided with Pakistan. Russia is now constructing Dhaka’s first nuclear power plant at Rooppur.

Nepal: pitch against Russia

Sandwiched between China and India, both of which abstained from voting on the UN General Assembly resolution against Russia, and a raging domestic debate in the country on whether to accept a \$500 million development grant from the US, Nepal’s unequivocal stand against Russia seemed to reflect its own geopolitical difficulties. In 2020, Kathmandu’s ties with New Delhi faltered over India’s new map which, Nepal claimed, showed its territory as part of India.

Amrit Rai, Nepal’s Permanent Representative to the United Nations, said in the UNGA that his country opposed any threat or use of force against the territorial integrity and political independence of any sovereign country.

Nepal has just emerged from a huge domestic political standoff, that included violent street protests, over a \$500 million US development grant for electricity transmission lines and road construction over the next five years. Sections of the Nepali polity were of the view that accepting the money would be tantamount to joining the US-led camp against China in the Indo-Pacific.

The US had reportedly threatened to review its relations with Nepal if it did not take the money. Just hours before the deadline for the grant, known as the Millennium Challenge Corporation (MCC), was due to expire, the Nepal parliament voted its approval with a resounding two-thirds majority. China said the US had used “coercive diplomacy to gets its way”, and asked if the MCC fund was “a gift or a Pandora’s box”.

Bhutan, Maldives, Afghanistan

BHUTAN, which is usually viewed as an Indian satellite, but which has, in fact, been asserting an independent foreign policy for a few years now, also voted against Russia.

Like Nepal, sandwiched between two regional giants, tiny Bhutan’s main concern has been to avoid getting caught in their rivalry. China claims on Bhutan territory led to the two sides signing an MoU in October 2021 for a three-step border agreement, which is being seen in India as window-dressing on the Chinese fait accompli on the ground.

“If we go by some of the geopolitical logic of Russian insecurity, people can all invade the homes of neighbours they don’t like or have disputes with. Russia’s logic in invading Ukraine is that if you are a big power & have certain insecurities, real or imagined, then you can ride roughshod over the sovereignty of a smaller country,” tweeted Tenzing Lamsang, editor of The Bhutanese.

THE MALDIVES, which signed a defence agreement with the US last year, and which, under the Solih government, has shed the previous Yameen government’s China tilt in its foreign policy, also



voted against Russia. Its foreign minister Abdulla Shahid is the president of the UN General Assembly.

“The Russia-Ukraine conflict has the possibility of becoming a much wider conflict with grave consequences. We are reminded of the need for closer cooperation among regional partners to avoid conflict and ensure security and stability both inside and outside our borders,” Maldives Defence Minister Maria Didi said at the Colombo Security Conclave in Male earlier this week, reflecting a sentiment across South Asia.

AFGHANISTAN, which continues to be represented at the UN by its ousted government, voted against Russia. The Taliban regime, which is yet to be recognised as the legitimate government of Afghanistan, issued a statement declaring neutrality in the Ukraine conflict. Among the people of Afghanistan, there is concern that Russia’s invasion of Ukraine has deflected the world’s attention from the humanitarian catastrophe in their own country.

UNITED NATIONS VOTES ARE NOT BLACK AND WHITE

The green, red and yellow buttons at the desks of delegates at the United Nations (UN) General Assembly and related conferences indicate only some of the options available when resolutions are put to vote. Over the years, the voting options have gone beyond ‘Yes’, ‘No’ and ‘Abstention’. It is possible to be ‘present and not participating’ or ‘absent at the time of the vote’. This makes it possible for member states to nuance their positions to suit their needs. The history of the UN shows that innovative use has been made by member states on several occasions. Some diplomats have often used these provisions to diverge slightly from their instructions to do a favour to some friendly delegations.

Voting system

The voting system in the UN Security Council is rigid. Every vote counts because the resolutions adopted by the Security Council are mandatory for all members of the UN. The resolutions adopted under Chapter VII of the UN Charter, ‘Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression’, are even more significant as they involve even war, as it happened in the case of Iraq.

In fact, the provisions of the UN Charter on voting have already been ‘tweaked’. The Charter provision requires the “concurring votes of the permanent members; provided that, in decisions under Chapter VI [Pacific Settlement of Disputes], and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting”. It would seem, therefore, that an abstention by a permanent member would amount to a veto. But it is now agreed that if a permanent member does not fully agree with a proposed resolution, but does not wish to cast a veto, it may choose to abstain, thus allowing the resolution to be adopted, if it obtains the required number of nine favourable votes.

An additional provision to add conditionalities to the vote is the explanation of vote before and after the vote. The explanation of the vote before the vote acts as canvassing for votes of others and the explanation of the vote after the vote can even amount to taking with the left hand what has been given with the right, as it happened in the case of India’s abstention on the Russian invasion. All the principles were stated in the explanation of the vote, but the vote itself was prompted by political expediency.

India’s vote



In the recent vote on the Russian invasion of Ukraine, the impression is that China and India voted together to indicate neutrality. But the impact of the vote of China is more nuanced than India's. If China had voted against the resolution, it would have amounted to a veto, which would not be in keeping with the cultivated image of China as a country which opposes foreign intervention in sovereign states. But the Chinese abstention reflected the new understanding between Russia and China. Intriguingly, the requirement of compulsory abstention by the affected parties in cases relating to Chapter VI does not apply to other resolutions and thus permanent members can veto resolutions against them even under Chapter VII.

The Indian abstention in cases relating to the Soviet Union at the UN was institutionalised by Indira Gandhi in 1979, when India became the only country outside the Soviet bloc to abstain in the UN General Assembly after the Soviet Union had vetoed a Security Council resolution against its intervention in Afghanistan. The world and India have changed since then, but the compulsions for India to abstain today are as valid as they were in 1979, regardless of the emergence of the Quad. Technically, India could have abstained only in the substantive vote in the UN General Assembly, as the resolution contained references to invasion and other strong words, but it also abstained in the UN Security Council on an earlier procedural vote to refer the matter to the General Assembly. The same applied in the case of the Human Rights Council.

The U.S. criticism of India's vote was as expected in the context of the Quad. But it should be remembered that its criticism was even more severe in 1979, when India's relations with the U.S. were not so close. The U.S. took stern actions like denying Tarapore fuel and supporting the jihadis in Afghanistan at that time.

The carefully crafted voting regulations in the UN General Assembly have created comic situations. Once the Chinese delegate went out of the hall when a vote was in progress. When he returned, he realised that he could not follow the instructions given on that particular resolution. He took the floor to say that, instead of his being marked absent, it should be recorded that he would not have participated in the vote if he was present. In roll-call votes, some delegates often vote wrongly, but the Secretariat, which knows better, records a vote as it should have been cast. On one occasion, a senior politician, who came from India as a delegate, wanted to change India's vote on Afghanistan. When India's name was called out, he said 'Yes' and I had to shout from behind, 'Abstention!' Fortunately, the delegate did not hear the correction. Such events are legion at the UN.

The UN regulations and practices on voting are designed to enable the delegations to express their national opinions, taking into account their vital national interests. In the ultimate analysis, delegations do not vote for or against other countries; they vote for themselves. In the case of India, votes in the Security Council, the General Assembly and the Human Rights Council reflect its current national concerns in the light of the situation in Ladakh, Afghanistan, the increasing ties between Russia and China, and its membership of the Quad. Without naming or blaming anyone, India has expressed its fundamental position that war is not a solution and diplomacy should be the only option to prevent war. It may have caused ripples in some countries, but it shall remain relevant in the emerging global order by keeping its options open.

RUSSIA-UKRAINE CONFLICT: ICJ'S PROVISIONAL MEASURES ON MILITARY OPERATIONS

The story so far: The ongoing conflict between Ukraine and Russia has entered its fourth week. It has led to one of the most severe humanitarian crises in Europe since World War II. Russia has sought to justify its "special military operation" as a response to the alleged act of genocide of the



Russian speaking people in the territories of Donetsk and Luhansk. Ukraine on February 26 approached the International Court of Justice (ICJ), the principal judicial organ of the United Nations (UN), requesting the ICJ among other things, to hold that no acts of genocide defined under the Genocide Convention 1948 and as claimed by Russia have been committed by Ukraine in Donetsk and Luhansk. Additionally, Ukraine also requested the court to indicate certain provisional measures, such as directing the Russian Federation to “immediately suspend military operations” in Ukraine, and to ensure that Russia will not aggravate or extend the dispute. The ICJ on March 16, rendered its order directing the Russian federation inter alia to immediately suspend all military operations in Ukraine.

Where does the ICJ’s jurisdiction lie?

Article 36(1) of the Statute of the ICJ provides that the ICJ shall have jurisdiction in all matters relating to the UN Charter, or other treaties or conventions in force. The Genocide Convention 1948 under Article IX provides that disputes between states relating to the interpretation, application or fulfilment of the Genocide Convention, as well as those relating to the responsibility of a state for genocide shall be submitted to the ICJ at the request of any of the parties to the dispute. Russia and Ukraine are both parties to the Genocide Convention. The ICJ held that there exists a prima facie dispute between Ukraine and Russia over the question of whether the acts of genocide have been committed in Ukraine, and accordingly it has the jurisdiction.

What do the ICJ’s powers to indicate provisional measures entail?

The Statute of the International Court of Justice, under Article 41 empowers the ICJ to indicate provisional measures in any case before it in order to preserve the rights of the parties involved. When the ICJ indicates such provisional measures, the parties to the dispute and the UN Security Council have to be notified. Until 2001, there was uncertainty as to whether the provisional measures indicated by the ICJ were binding. However, in the LaGrand (2001) case between Germany and the U.S. relating to the denial of consular access to a German national in the U.S., the ICJ made it clear that provisional measures are binding in character and create international legal obligations. Further, provisional measures may be indicated by the ICJ either on the request of a state party or proprio motu i.e., on its own motion. The ICJ has also held in the Tehran Hostages Case (1980) that the non-appearance of one of the parties concerned cannot itself be an obstacle to indication of provisional measures. In the present case, the Russian Federation chose not appear in the oral proceedings before the court. Notwithstanding, the ICJ proceeded to decide the case.

Under what conditions can the ICJ’s powers be exercised?

The power to indicate provisional measures is subject to certain conditions.

In the Gambia v. Myanmar (2020) case dealing with genocide of Rohingyas in Myanmar, the ICJ held that it may exercise the power to indicate provisional measures only if it is satisfied that rights which are being asserted by the party which is requesting provisional measures is “at least plausible”. The ICJ in the present case held that Ukraine indeed has a plausible “right of not being subjected to military operations by the Russian Federation for the purpose of punishing and preventing alleged acts of genocide.” The ICJ expressed doubt regarding the use of unilateral military force against another state for preventing and punishing genocide, as a means under the Genocide Convention 1948. It highlighted that the Genocide Convention provides for other means such as resort to other UN organs under Article VIII, and for peaceful dispute settlement by ICJ under Article IX. It is important to note here that the ICJ at the stage of provisional measures does



not engage in a definitive analysis of whether rights which are claimed by the applicant actually exist. That analysis is for the merits phase.

Second, there must exist a link between the provisional measure which has been requested and the plausible right that is to be preserved by such measure.

Third, there must be “real and imminent risk” of “irreparable prejudice” to the rights claimed before the ICJ. The court observed that the mounting loss of human lives, harm to environment, and the refugee crisis are all instances of irreparable harm and prejudice justifying the indication of provisional measures.

What lies ahead?

The provisional measures indicated by the ICJ are binding, and non-compliance certainly entails the breach of an international legal obligation. However, the ICJ does not have the means or mechanism to secure the enforcement of the judgment itself. Indeed, the UN Charter under Article 94(2) provides that if any state fails to perform obligations pursuant to an ICJ decision, the UN Security Council (UNSC) may take measures necessary to give effect to the judgment. However, the possibility in the present case is bleak given that Russia has veto power in the UNSC.

Additionally, if there is an impasse in the Security Council, the UN General Assembly (UNGA) is empowered under Article 14 of the UN Charter to recommend measures for the peaceful adjustment of any situation “which it deems likely to impair the general welfare or friendly relations among nations.” In *Nicaragua v U.S.* (1984) when the U.S. refused to comply with the ICJ decision, and the Security Council was deadlocked, the UNGA adopted several resolutions deploring the behaviour of the U.S.. Further, the *Uniting for Peace* Resolution adopted in 1950 by the UNGA in the context of the Korean War, authorises the UNGA to consider any matter which may threaten international peace and security, and to make appropriate recommendations to the members for collective measures, including the use of armed force. The power of the UNGA to ‘recommend measures for peaceful adjustment’ has been affirmed by the ICJ in several cases including the *Certain Expenses Advisory Opinion* (1962), and *Wall Advisory Opinion* (2004). Russia’s non-participation in the oral proceedings has already reflected its disrespect for international law and international institutions. If Russia does not comply with the provisional measures of the ICJ, the reputational harm to its regime will only be compounded. Moreover, non-compliance with provisional measures will legitimise and justify counter-measures against Russia. Interestingly enough, Russia has been kicked out of the Council of Europe with immediate effect on the same day as ICJ’s provisional measures were indicated.

GENEVA CONVENTIONS AND THE RUSSIA-UKRAINE WAR

The story so far: Russia’s armed invasion of Ukraine starting February 24 has set off a steady escalation in hostilities on Ukrainian soil, and in many cases civilian infrastructure and non-combatants have been impacted. As the Russian military continues to sweep through the country marching on to the capital, Kyiv, there is growing concern surrounding the issue of human rights violations. Russian President Vladimir Putin has denied any responsibility for harm to civilians. However, as the evidence of casualties in the civilian population continues to mount, the world will increasingly look to the Geneva Conventions, a set of principles outlining norms for combatant behaviour during a war, for standards to which the invading Russian forces can be held. Ultimately, if there is a compelling case for prosecuting combatants for war crimes, crimes against



humanity, genocide, and the crime of aggression, evidence could be collected for an investigation and trial at the International Criminal Court (ICC).

What are the Geneva Conventions guidelines during wartime?

The Geneva Conventions are a set of four treaties, formalised in 1949, and three additional protocols, which codify widely accepted ethical and legal international standards for humanitarian treatment of those impacted by war. The focus of the Conventions is the treatment of non-combatants and prisoners of war, and not the use of conventional or biological and chemical weapons, the use of which is governed respectively by the Hague Conventions and the Geneva Protocol.

The First Geneva Convention protects wounded and sick soldiers on land during war. This convention extends to medical and religious personnel, medical units, and medical transport. While recognising distinctive emblems of these organisations, the convention has two annexes containing a draft agreement relating to hospital zones and a model identity card for medical and religious personnel.

The Second Geneva Convention protects wounded, sick and shipwrecked military personnel at sea during war. This convention also extends to hospital ships and medical transports by sea, with specific commentary on the treatment and protections for their personnel.

The Third Geneva Convention applies to prisoners of war, including a wide range of general protections such as humane treatment, maintenance and equality across prisoners, conditions of captivity, questioning and evacuation of prisoners, transit camps, food, clothing, medicines, hygiene and right to religious, intellectual, and physical activities of prisoners.

The Fourth Geneva Convention, which most imminently applies to the invasion of Ukraine by Russian military forces, protects civilians, including those in occupied territory. The other Geneva Conventions were concerned mainly with combatants rather than civilians. However, based on the experience of World War II, which demonstrated the horrific consequences of having no convention for the protection of civilians in wartime, the Fourth Convention comprising 159 articles outlines the norms for this critical dimension of conflict.

Along with the Additional Protocols of 1977, the Fourth Convention expounds upon the general protection of populations against certain consequences of war, the conduct of hostilities and the status and treatment of protected persons, distinguishing between the situation of foreigners on the territory of one of the parties to the conflict and that of civilians in occupied territory. This convention also spells out the obligations of the occupying power vis-à-vis the civilian population and outlines detailed provisions on humanitarian relief for populations in occupied territory. As the International Committee for the Red Cross, a key medical intermediary in such situations, explains, this convention also contains a specific regime for the treatment of civilian internees, including three annexes on hospital and safety zones, and model regulations on humanitarian relief.

Which countries are signatories?

The Geneva Conventions have been ratified by 196 states, including all UN member states. The three Protocols have been ratified by 174, 169 and 79 states respectively. In 2019, perhaps anticipating the possibility of its invading Ukraine in the near future, Russia withdrew its declaration under Article 90 of Protocol 1, which states that “The High Contracting Parties may at



the time of signing, ratifying or acceding to the Protocol, or at any other subsequent time, declare that they recognize ipso facto and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the [International Fact-Finding] Commission to enquire into allegations by such other Party, as authorized by this Article.” By withdrawing this declaration, Russia has pre-emptively left itself with the option to refuse access by any international fact-finding missions to Russian entities, individuals or resources that might potentially, in Moscow’s reckoning, find Russia responsible for violations of the Geneva Conventions standards.

Further, the four conventions and first two protocols of the Geneva Conventions were ratified by the Soviet Union, not Russia, hence there is a risk of the Russian government of the day disavowing any responsibility under the Conventions in toto.

What would be the steps for potential prosecution under the Conventions?

Under Article 8 of the Rome Statute of the ICC, it is the ICC that has jurisdiction in respect of war crimes, in particular “when committed as part of a plan or policy or as part of a large-scale commission of such crimes.” Under the statute, ‘war crimes’ refers to “Grave breaches of the Geneva Conventions... [including] wilful killing, torture or inhuman treatment, including biological experiments; wilfully causing great suffering, or serious injury to body or health; extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly; compelling a prisoner of war or other protected person to serve in the forces of a hostile Power; wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial; unlawful deportation or transfer or unlawful confinement; taking of hostages.”

What evidence of war crimes has been accumulated so far?

U.S. Vice President Kamala Harris called for an investigation into allegations of Russia committing war crimes in Ukraine, citing as example the bombing of a maternity hospital in the southern city of Mariupol. Similarly, there has been photographic and video evidence of lethal firing on civilians trying to escape across a damaged bridge in Irpin, near Kyiv; and hours of cell phone videos of bombed-out schools, houses, and apartment buildings across Ukraine.

However, analysts have argued that much of such evidence does not answer the central question of any war crime prosecution: who ordered which crime? The evidence that is required to answer this question, if it is recoverable, will come from the mobile phones and other communications equipment of Russian soldiers, which would typically include information on orders received from commanding officers, and video or audio evidence of attacks executed and the aftermath. To examine any such evidence emerging, on February 28 the ICC opened a war crimes investigation under its prosecutor, Karim Khan.

To what extent have Geneva Conventions been upheld worldwide in recent years?

On the 70th anniversary of the Conventions’ adoption, Amnesty International, a human rights advocacy group, noted in 2019 that there has been a “blatant disregard for civilian protection and international humanitarian law in armed conflicts where four of the five permanent members of the UN Security Council are parties – Russia, the U.S., the U.K. and France.” Specifically, Amnesty cited the U.S.-led coalition’s bombing of Raqqa in Syria, which left more than 1,600 civilians dead; destruction of civilian infrastructure and lives in Aleppo and Idlib by Russian forces, leading to mass displacement of millions; and the war in Yemen where the Saudi Arabia and the UAE-led



coalition, backed by the West, killed and injured thousands of civilians, fuelling a full-blown humanitarian crisis.

These cases underscore the grim fact that the Geneva Conventions, even when backed by rulings of the ICC, cannot be enforced by third parties to any conflict. However, they have in the past proved effective at raising global awareness of human rights violations across conflict zones, and in some cases led to sanctions or trade embargoes against the belligerents.

IN SANCTIONS ROUTE, WHAT THE WORLD MUST TAKE NOTE OF

Can the developed world respond to Russia's invasion of Ukraine — a flagrant violation of international law — by adopting measures not rooted in international law? The United States, Canada, and the European Union (EU) are using all the levers available to impose punitive economic sanctions on Russia. An important arrow in the sanctions quiver is trade restrictions. For instance, Canada has suspended the most favoured nation (MFN) treatment to Russia, which it owes to the latter under the rules of the World Trade Organization (WTO), i.e., the global institution that polices the international law on multilateral trade. Canada believes that “those who do not support the rules-based international order cannot benefit from it”. Likewise, the EU and the U.S. are contemplating similar moves.

In a parallel development, the U.S. and the EU have formally notified the WTO General Council that Russia's participation in the “Developed Countries Coordinating Group” (i.e., an informal group at the WTO) stands suspended due to its “egregious violation of international law, [the] UN Charter and fundamental principles of international peace and security”.

IN TIMES OF WAR, THE YUAN AS A REFERENCE CURRENCY FOR INTERIM OIL TRADE

The story so far: India and Russia are said to be considering the use of the Chinese yuan as the reference currency to facilitate oil trade between the two countries. This news comes in the backdrop of economic sanctions imposed by the West against Russia after the Russian military invaded Ukraine late last month.

Why is Russia trying to sell oil to India?

Russia has been trying to sell oil at a significant discount to India as demand for Russian oil has dropped since the U.S. and Europe imposed sanctions last month. Although there is no outright ban yet on the purchase of Russian energy exports, many energy traders have been reluctant to purchase Russian energy and sell it. Traders fear that the United States may impose further sanctions if the war in Ukraine intensifies and that this may leave them holding energy inventory that they cannot sell.

As part of Western sanctions, certain Russian banks were removed from the SWIFT payments system, thus affecting Russia's ability to trade with the rest of the world. Russian businesses have been unable to pay for imports and Russian consumers have been unable to purchase goods. The Russian central bank's foreign reserves were also frozen, which in turn has dented the Bank of Russia's ability to use its foreign reserves to defend its currency. The Russian rouble has lost about a quarter of its value against the U.S. dollar since the invasion. U.S. President Joe Biden, earlier this month, also banned Russian energy imports into the United States.

Why use the Chinese yuan instead of the U.S. dollar for oil trade?



Major oil producers have for decades sold their produce to foreign buyers in exchange for U.S. dollars. Oil sellers have been willing to accept U.S. dollars for their oil because the currency is widely accepted in the global market for goods and services. It should be noted that the value and the acceptability of any currency depend mainly on its purchasing power, that is, the amount of goods and services that can be bought using it. For a long time, the U.S. has been an economic powerhouse creating valuable goods and services. So, people around the world have been willing to sell their goods and services for U.S. dollars in the hope that they can use these dollars to purchase valuable American goods and services.

The U.S. government has made use of this economic advantage to further its foreign policy goals. Since global trade that is carried out using dollars is cleared by banks located in the United States, the U.S. government has the power to freeze dollars that belong to its adversaries which then debilitates economies.

To avoid this risk, many countries have been looking at alternatives to the U.S. dollar to carry out international trade. Of late, China has emerged as a significant economic power and this in turn has boosted the value of the yuan in the eyes of people and made it an increasingly acceptable currency for global trade. However, it should be noted that only about 3% of global trade is facilitated by the Chinese yuan while almost 90% of global trade still happens through the use of U.S. dollars.

What lies ahead?

It is unclear at the moment what using the Chinese yuan as reference currency would entail. It could simply just mean that the value of trade that happens between Russia and India will be quoted in terms of the yuan without the Chinese currency actually being used in bilateral trade. Or it could mean the yuan is actually used to facilitate trade between the two countries. Since neither the rouble nor the Indian rupee is widely accepted as a global currency for trade, this can lead to problems when there is a trade imbalance. In 2021, Russia's exports to India were valued at \$6.9 billion while India's exports to Russia stood at only \$3.3 billion. This represents a trade surplus of over \$3 billion in favour of Russia. If Russia were to accept the rupee instead of the dollar in bilateral trade, it would be hard for it to get rid of its excess rupee holdings. This is since the rupee's acceptability in global trade is minuscule compared to that of the dollar. The use of the yuan, which is more widely accepted, can help solve the problem.

The use of the dollar as a financial weapon against Russia, as was evident with the freezing of dollar assets held by the Bank of Russia last month and other sanctions on Russian banks, can also accelerate efforts by countries to reduce their dependence on the U.S. dollar. Countries may want to hold fewer dollars and euros and instead opt for alternative trade arrangements that involve the use of emerging currencies such as the yuan.

This could portend a fall in the status of the dollar over time unless the U.S. manages to maintain its current status as the most dominant economic superpower.

AN UNPREDICTABLE POPULIST'S MANY BATTLES

Unpredictability was one of the cornerstones of Russian President Vladimir Putin's foreign policy. Not many foresaw the Russian military intervention in Georgia in 2008, a few months after Georgia was offered membership in the North Atlantic Treaty Organization (NATO). Russia's annexation of Crimea, the Ukrainian Peninsula that hosts Russia's Black Sea fleet, in 2014,



immediately after the elected government of President Viktor Yanukovich was toppled by protests, surprised many. A year later, as the whole world was debating whether the embattled regime of Syrian President Bashar al-Assad was on the brink of a collapse, Mr. Putin sent Russian jets and special forces to the West Asian country that hosts a Russian naval base in the Mediterranean. All these operations are largely seen as a successful display of the new Russian power. Russia wrapped up its military operation in Georgia in 12 days. It annexed Crimea without any major military operation. And in Syria, the Russian intervention turned around the civil war.

Meticulous planning

Cut to the present. Russia had started mobilising tens of thousands of troops along its western border with Ukraine late last year. Western intelligence agencies repeatedly warned that Russia was planning to attack Ukraine. The unpredictability factor was totally missing. The Kremlin dismissed those warnings.

But in the early morning of February 24, Mr. Putin ordered “a special military operation” to “demilitarise and de-Nazify” Ukraine. Immediately thereafter, the Russian invasion of Ukraine began from three sides — from the Belarus border in the north, from the Russian border and Moscow-backed self-declared Donetsk and Luhansk republics in the east and Crimea in the south.

As the attack entered the third week, Russian troops have captured territories on the three sides, but Ukrainian cities continue to stay defiant. The attack has also triggered a united response from the West, which has imposed tough sanctions on Russia. Germany, Europe’s largest economy, has halted the Nord Stream 2 pipeline and the U.S. has banned imports of Russian oil and gas, besides other sanctions.

Germany has also announced a sharp rise in its defence budget, signalling a decisive shift in Europe’s security calculus.

As the war drags on and the West keeps tightening sanctions on Russia, it emerges that the Ukraine war is totally different from Russia’s previous military actions.

From spy to President

Born in 1952 in Stalin’s Russia, Mr. Putin graduated in 1975 from Leningrad State University (Now, Saint Petersburg State University). He served 15 years as a foreign intelligence officer for the KGB (Committee for State Security), of which six years were in Dresden, East Germany. In 1990, a year before the disintegration of the Soviet Union, Mr. Putin retired with the rank of lieutenant colonel. In the new Russia, he started his political career in St. Petersburg, the former capital of the Tsars. In 1994, he became the first deputy mayor of the city. Two years later, Mr. Putin moved to Moscow where he joined the Kremlin as an administrator. He captured the world’s attention in 1998 when President Boris Yeltsin appointed him as director of the Federal Security Service (FSB), the successor of the KGB. He never had to turn back.

Russia was in bad shape. Its economy was in a shambles. It was not in a position to challenge NATO, which had revived talks of expanding to Eastern Europe. In Chechnya, a separatist war was raging. Mr. Yeltsin, the vodka-drinking, aloof leader who was struggling to deal with the many challenges his big but weak country was facing, started looking at Mr. Putin, the young spymaster, as his successor. In 1999, he appointed Mr. Putin as Prime Minister. When Mr. Yeltsin stepped down, Mr. Putin became acting President. And in 2000, he began his first term after the presidential elections.



Great power rivalry

During the early years of Mr. Putin's presidency, Russia's ties with the West were relatively cordial. Russia had been taken into the G7 industrialised economies in 1997. Mr. Putin supported the U.S.'s war on terror after the September 11 terrorist attack. In 2001, President George W. Bush said Mr. Putin was "very straightforward and trustworthy". But the larger factors of great power rivalry would soon take over the post-Soviet tendencies of engagement. When the U.S. invaded Iraq in 2003, Russia took a strong position against it. A year after the Iraq invasion, NATO expanded further to the east, this time taking the three Baltic countries — Latvia, Lithuania and Estonia, all sharing borders with Russia — and four others in Eastern Europe into its fold.

Mr. Putin's later remarks would show how he looked at the U.S.-led global order. Having silently accepted NATO's expansion in the past, a more confident and militaristic Russia appeared to have drawn a red line on Georgia and Ukraine, both Black Sea basin countries that share borders with Russia. In 2008, Mr. Putin sent troops to Georgia practically ending its NATO dream. In 2014, besides annexing Crimea, he offered military and financial aid to separatists in the Russian speaking territories of Eastern Ukraine. The conflict that began in 2014 has now snowballed into a full-scale war between Russia and Ukraine.

Domestically, Mr. Putin has tightened his control on the Russian state over the years. He is one of the longest serving government leaders in Europe. Despite his crackdown on dissent and militarism, Mr. Putin remains a highly popular leader in Russia. In February, before the war started, Mr. Putin had a 71% approval rating among the Russian public, the highest since May 2018. He has mastered a complex model, with regular elections, that allowed him to retain total dominance on Russian politics, something which British historian Perry Anderson calls 'a managed democracy'. At the same time, he constantly pushed to expand Russian influence abroad, challenging the West. This model of dominance at home and counterbalance abroad, faces a tough test in Ukraine. It's too early to say which direction the military conflict would go. But one thing is clear. The West is determined to make sure that the economic costs of the attack are unprecedented and long term for Russia. Before Mr. Putin, there's a war and many more battles.

EXPLAINED: WHY ARE RUSSIANS USING THE LETTER Z TO SHOW SUPPORT FOR THE WAR IN UKRAINE?

As the war in Ukraine continues, support for President Vladimir Putin's actions within Russia has started to appear in an unusual symbolic form — the letter Z of the Roman alphabet.

The Zs that started to appear first as large signs painted in white on Russian tanks and military vehicles as they prepared to roll into Ukraine, have since become a graphic rallying point of the invasion.

The letter has often appeared on the Internet along with the hashtag #СвоихНеБросаем, meaning "We don't abandon our own".

What does the symbol mean?

The Art Newspaper has reported that the Russian Ministry of Defence explained on Instagram that the "Z" represents a number of slogans that begin with the Russian word "for" (Za): "For Victory"; "For Peace"; as well as other phrases starting with the letter "Z", including a correctly spelled version of what was painted on Rita Flores's door, "We are ending this war", and #ZAPATSANOV



(#FORTHEBOYS). Sergiy Kyslytsya, Ukraine's ambassador to the United Nations, however, compared it to a Nazi symbol.

Kyslytsya tweeted that "in Sachsenhausen in 1942 an extermination unit was built. SS cynically named it "Station Z". "Z" is a letter Russia is putting on their vehicles departing to Ukraine. Some interpret "Z" as "Zapad" (West). I would insist it is "Z" for "Zveri" (beasts)."

RUSSIAN COURT FINES WOMAN FOR ANTI-WAR PROTEST ON STATE TV

AN ANTI-WAR protester interrupted a live news bulletin on Russia's state TV Channel One on Monday, holding up a sign behind the studio presenter and shouting slogans denouncing the war in Ukraine.

The sign, in English and Russian, read: "NO WAR. Stop the war. Don't believe propaganda. They are lying to you here." Another phrase, which looked like "Russians against war", was partly obscured. "Stop the war. No to war," the woman protester, Marina Ovsyannikova, a Channel One employee, could be heard shouting, as the news anchor continued to read from her tele prompter.

Ukraine's President Volodymyr Zelenskyy thanked the protester, while Kremlin dismissed its as "hooliganism". Kremlin spokesperson Dmitry Peskov on Tuesday said, "The channel and those who are supposed to will get to the bottom of this."

Meanwhile, a Russian court fined a woman 30,000 roubles (\$280) on Tuesday after finding her guilty of flouting protest legislation when she interrupted a live news bulletin on state TV, the RIA news agency reported.

The United Nations human rights office called on Russian authorities on Tuesday to make sure that an anti-war protester is not punished for exercising her right to free speech. President Emmanuel Macron also said that France is offering protection from the French embassy and asylum to the anti-war activist who interrupted a news programme on Russia's state television, holding a poster protesting the war in Ukraine.

EXPLAINED: WHAT ARE KAMIKAZE DRONES, THE 'LETHAL' WEAPON BEING SENT BY US TO UKRAINE?

There are drones that fire missiles and then there are ones which are missiles themselves. Called the Kamikaze or suicide drones, these are unmanned aircraft that are part of the tranche of weapons that are being sent by the US to Ukraine to assist their fight against Russia.

Following Ukrainian President Volodymyr Zelenskyy's passionate speech seeking additional help as Russian forces pushed to encircle major cities, US President Joe Biden announced \$800 million in new military aid for Ukraine, including 800 additional Stinger anti-aircraft missiles, 9,000 antitank weapons, 100 tactical drones and a range of small arms including machine guns and grenade launchers. "This new package on its own is going to provide unprecedented assistance to Ukraine," Biden said, adding that the inclusion of drones "demonstrates our commitment to sending our most cutting-edge systems to Ukraine for its defence."

We take a look at what these drones are and how they aim to help the Ukrainians in their fight.



Also called Switchblade drones, these are small unmanned aircraft that are packed with explosives that can be flown directly at a tank or a group of troops that are destroyed when it hits the target and explodes.

The single-use weapons are cheaper than most US drones, and come in two sizes, according to AeroVironment, the manufacturer. The Switchblade 300 weighs about five pounds, flies up to 15 minutes at a time, and is designed to be carried in a backpack, assisting small infantry units tracking the Russians' movements. The Switchblade 600, by comparison, weighs about 50 pounds, flies up to 40 minutes, and is known as a "loitering missile" that can target armoured vehicles.

The drones have the capability of going past traditional defences to strike its targets and also cost a fraction of what the larger counterparts do. People around the world are usually accustomed to images of Hellfire missiles raining down from Predator and Reaper drones to hit terrorist targets in Pakistan or Yemen. However, the drone war has changed as the \$6,000 Kamikaze drones are fast replacing the \$150,000 Predators. The small lethal drones are difficult to detect on radar, and they can even be programmed to hit targets without human intervention, based on facial recognition.

Technical specifications

Weighing just five-and-a-half pounds, including its small warhead, the Switchblade can be taken into battle in a backpack and fly up to 7 miles to hit a target. They are called Switchblade because their bladelike wings spring out on launch.

The drone, made by AeroVironment Inc., has been in the arsenal of US commandos since it was secretly sent to Afghanistan in 2010 for use against the Taliban. Army officials have described it as a flying shotgun.

The Switchblade has a feature that allows the operator to adjust the blast radius. So, it can kill the driver of a vehicle but not a passenger, for example. The weapon can be "waved off" up to two seconds before impact, AeroVironment says, in the event of a mistake or a risk to civilians. The capability to abort an attack assumes importance at a time when the US Army had killed 10 civilians, seven of them children, in a drone strike in Afghanistan that officials say was a tragic mistake. A Pentagon review found that the strike team was unaware of the presence of children when it decided to fire. They added that a child was observed through a video feed of the target area after the launch but by then, the Hellfire missile couldn't be recalled.

The Switchblade also has cameras that show a target seconds before impact. The company's website says that the drone cruises at 63 miles per hour and provides "operators with real-time video downlinks for a centralised view of the area of operation".

Is the US the only country that has such drones?

Not really. Although the Kamikaze might be the most advanced form of this genre of drones, Russia, China, Israel, Iran and Turkey all have some version of it.

Iranian-backed militias have used small drones in 10 attacks this year on US bases in Iraq, the military says. Azerbaijan had used small Turkish-made drones against the Armenian military last year, bringing a decisive end to a stalemate over a disputed enclave that had gone on for years. A video released by Azerbaijan shows the drones hitting artillery, tank and troop emplacements surrounded by trenches. There have been also multiple occasions where Russia has used such



suicide drones to launch attacks in Ukraine following their invasion. Iranian-backed Houthi rebels used them to blow up Saudi oil facilities in 2019.

A CLOSER LOOK AT THE MAN-PORTABLE AIR-DEFENCE SYSTEMS

The story so far: On March 13, United States President Joe Biden approved a \$200-million arms package for Ukraine, which would include U.S. made Stinger Missiles, which are a type of shoulder-fired Man-Portable Air-Defence Systems (MANPADS). More than 17,000 anti-tank weapons and 2,000 Stinger missiles have already been sent by the U.S. and NATO in the first week of March itself. Analysts have said that anti-tank and anti-aircraft missiles have been effective in countering Russian military advances in the air and on the ground.

What are MANPADS?

Man-Portable Air-Defence Systems are short-range, lightweight and portable surface-to-air missiles that can be fired by individuals or small groups to destroy aircraft or helicopters. They help shield troops from aerial attacks and are most effective in targeting low-flying aircrafts. MANPADs or Man-Portable Anti-Tank Systems work in a similar manner but are used to destroy or incapacitate military tanks.

MANPADS can be shoulder-fired, launched from atop a ground-vehicle, fired from a tripod or stand, and from a helicopter or boat. Weighing anywhere between 10 to 20 kilograms and not being longer than 1.8 metres, they are fairly lightweight as compared to other elaborate weapon systems, making them easy to operate by individual soldiers. Operating MANPADS requires substantially less training.

According to U.S.-based policy think-tank, the RAND Corporation, MANPADS have a maximum range of 8 kilometres and can engage targets at altitudes of 4.5 km. Most MANPADS have passive or 'fire and forget' guidance systems, meaning that the operator is not required to guide the missile to its target, enabling them to run and relocate immediately after firing. The missile stays locked-on to the targeted object, not requiring active guidance from the soldier. The missiles are fitted with infrared (IR) seekers that identify and target the airborne vehicle through heat radiation being emitted by the latter.

When were MANPADS used in the past?

The first MANPADS were introduced by the United States and Soviet Union in the 1960s. Russian and U.S. MANPADS were also used during the Vietnam war. The U.S. supplied MANPADS to the Mujahideen in Afghanistan in the 1980s, which the latter used against the Soviet forces. Countries such as India, Pakistan, Germany, U.K., Turkey and Israel have also used MANPADS in their defence efforts.

As of 2019, 20 countries had developed the wherewithal to manufacture MANPADS and have together made 1 million such systems for defence and export purposes.

Over time, non-state actors such as rebel and terrorist groups have also illicitly acquired MANPADS, using them during civil wars and other high-intensity conflicts. MANPADs have been used in the Syrian war and in Libya. Non-state groups in African countries like Sudan, South Sudan, Angola, Somalia and Congo have also acquired and used MANPADs.



Russia is by far the biggest exporter of MANPADs, having sold over 10,000 such systems between 2010 and 2018 to various countries including Iraq, Qatar, Kazakhstan, Venezuela, and Libya.

What are the common variants of MANPADs?

The most common make of MANPADs is the U.S.-made Stinger missiles. These weigh about 15 kg, have a range of 4,800 metres or 4.8 km, and can engage low-flying aircrafts at an altitude of 3,800 metres. They have a passive guidance system, which uses infrared technology. Stingers have been sent or are currently being sent to Ukraine by the U.S., Germany, the Netherlands and Denmark. In January, the U.S. State Department gave clearance to Baltic countries Estonia, Lithuania and Latvia to provide U.S.-made stingers to Ukraine.

Stinger's Russian or Soviet-made counterparts are the Iгла MANPADS, which also employ infrared technology. They were used in Iraq when it was invaded by the U.S. in 2003. They have also been used by India, for instance, as part of Operation Trishul Shakti of 1992, during the Siachen conflict.

Starstreak, the British army's equivalent of the Stinger missiles, have also been used in the past and the U.K.'s Secretary of State for Defence, Ben Wallace, said recently that the U.K. is formulating a plan to provide Ukraine with a shipment of Starstreaks.

Sweden makes the RBS-70 MANPADS series while China's version, FN-6, is akin to the Stinger.

What are the concerns around MANPADS?

Observers fear that sending lightweight ground-based MANPADS to Ukraine may contribute to intensifying the network of illegal weapon trade. In other conflict-hit states as well, there is widespread evidence of MANPADS ending up with non-state and terrorist groups; the most prominent cases being Syria, Libya and Afghanistan. According to a Pentagon-financed study by the RAND Corporation from 2019, 57 non-state armed groups were confirmed or suspected to be possessing MANPADS.

Another concern around MANPADS is civilian attacks. According to the 2019 study mentioned above, more than 60 civilian aircraft have been hit by MANPADS since the 1970s, claiming the lives of more than 1,000 civilians.

UKRAINE CRISIS DELAYS AK-203 RETRIALS

As part of pre-production activities, retrials were scheduled to be done with ammunition from the original equipment manufacturer (OEM) in Russia in the first half of February, two defence sources independently said. But due to the current situation, they have been delayed by at least three or four months, one of the sources said.

While the production activities are on, manufacturing of rifles will start after the trials, it has been learnt.

As reported by The Hindu earlier, with repeated delays in the deals for procurement of AK-203 assault rifles, India signed a deal last August for 70,000 AK-103 assault tickets to be procured off the shelf. The delivery of these rifles has been completed, officials said.

In another small arms deal, the repeat order for 72,400 SIG-716 assault rifles from Sig Sauer is delayed, and more than two officials, on condition of anonymity, said it is likely to be dropped.



In December, Alexander Mikheev, Director-General of Rosoboronexport, said manufacturing of the AK-203 rifles at the plant in Uttar Pradesh was likely to begin within a few months and reach full-scale production within two or three years.

Over 6.1 lakh AK-203 assault rifles that cost over ₹5,000 crore will be manufactured by a joint venture, Indo-Russian Rifles Private Ltd. (IRRPL), at Korwa, Amethi in Uttar Pradesh. The IRRPL was set up jointly with the erstwhile OFB [now Advanced Weapons and Equipment India Ltd. (AWEIL) and Munitions India Ltd. (MIL)] of India and Rosoboronexport and Kalashnikov of Russia.

Increase in localisation

As part of this, the first 70,000 AK-203 rifles will be produced in India with a phased increase in the extent of localisation from 5% to 70%. The rest of the rifles will be produced with 100% localisation. A modern production line has been established and a small arms range set up where both factory and acceptance tests of assault rifles will be carried out.

Under a ₹700-crore deal in February 2019 with Sig Sauer of the U.S., the Defence Ministry procured 72,400 SIG-716 assault rifles through fast-track procurement, most of which were for the Army and have been provided to frontline troops involved in counter-insurgency operations.

The deal is in the Request For Proposal stage and went for approval from the competent financial authority in February, one of the sources cited above said.

However, there is a push for foreclosure of the case, given the emphasis for boosting domestic industry, the source added.

NO OVATION FOR INDIA'S STAND ON THE UKRAINE WAR

Russia's invasion of Ukraine has placed considerable moral responsibility on India, both as one of the world's largest countries and its most populous democracy. However, at the United Nations (UN), India has refused to condemn the violation of the rights of the Ukrainians. It has, instead, put out a homily that speaks of resolving differences through dialogue. It has moved with alacrity to save its citizens without expressing compassion for the people of Ukraine who face an onslaught from a much larger military power than them. It would be natural for observers to equate the actions of the state in a democracy with the will of the people. So, as we are a democracy, the Indian government's abstention in the UN Security Council vote on Ukraine is sure to rebound on Indians in their interaction with the rest of the world in the future, unfavourably.

No commitment to principle

Arguments justifying India's stance in the UN have emanated from the erstwhile grandees of India's diplomatic corps and current members of the national security community. The first of these is that in international affairs, a country must be guided by its national interest and not some abstract principles. What these principles could be is left unspecified, but what India's interests are have been stated with clarity. Of the latter, it is pointed out that due to the very high dependence of India on the Soviet Union for defence equipment and the likely need of support on the Pakistan issue in the Security Council, India must not offend Russia by condemning the invasion. The result is that India makes statements that convince no one, only drawing attention to its lack of commitment to principle in international affairs.



Actually, interests and principles are not that apart. If a people's principles are their most deeply held beliefs about how the world must be ordered, then their interest lies in ensuring that their principles prevail in international relations. Thus, if India does not want to see itself to be the victim of territorial aggression in the future, it must communicate strongly on the world stage that it condemns the Russian invasion of Ukraine.

The difference now

Those in charge of India's foreign policy must reflect on its choice to be on the same page as China — a habitual violator of the norm of peaceful coexistence — on an issue of unprovoked aggression against a sovereign state. At a time when India's abstention on the Russian invasion of Ukraine is being likened to its abstention in the UN on the Soviet invasion of Hungary in 1956 it would do to recognise the difference.

In the 1950s the West was clearly unsympathetic to India, playing its card openly on the Kashmir issue at the UN as early as 1947. On the other hand, the Soviet Union, the precursor to the present-day Russian state, had rescued India several times by exercising its veto in the UN Security Council. Now, close to 75 years later, the situation has changed. Public opinion in the West does not favour unconditional support of Pakistan vis-à-vis India while Russia encourages Pakistan. Moreover, we know by now that some limited support at the UN matters little, as taking the Kashmir issue to the UN Security Council has not got Pakistan to withdraw from the territory it occupied. As India does not intend to expand its territory, it need not rely on any particular country that is a permanent member of the Security Council to support its future plans.

The defence supply argument

Now on the matter of reliance on the Russians for defence equipment. It is indeed correct that India relies on the Russians for such equipment and their spare parts. At the same time there is a global market for arms. It is not evident that anything withheld by the Russians cannot be sourced from that market. We have in the past bought guns from Sweden, ships from the U.K. and aircraft from France. It is the unpalatable truth that there is considerable spare capacity in the production of weapons in this world, and ready money is sure to get you to the goods you seek. For India to base its public stance on the Russian invasion of Ukraine on the assured supply of armaments is to really drag ourselves down to the bottom of the pit in terms of ethics.

As an east-west conflict

A second response from India's security establishment has taken the form of a rationalisation of the decision to abstain on grounds that the Russian invasion and the West's reaction, that has not included war so far, is a conflict between the east and the west, and India should stay out of it. While the argument about our need for defence equipment has at least a Kautilyan veneer, this position is contemptible. To avert one's eyes from unprovoked aggression towards an independent country by one 10 times stronger would be to reveal a total lack of moral fibre. To say that this is just another east-west conflict from which India should stay out is tantamount to seeing the Russian invasion and the brave defence of their country by the Ukrainians as a mere marital squabble.

If there is a maxim that conveys an ancient belief of Indians, it is Vasudhaiva Kutumbakam, implying that the world is a family. Families do not usually tolerate the bullying of the weak by those stronger among them. If India had allowed this principle to fall by the wayside in 1956 when it refused to condemn the Soviet invasion of Hungary, its action today is much worse. At that time,



Jawaharlal Nehru was only concerned with propagating the Five Principles of Peaceful Coexistence, christened Panchsheel. Today, empowered by its economic ascent over the decades, Narendra Modi talks of India being the 'Vishwaguru' or World Teacher. By continuing to see herself as the world's teacher while refusing to take a stand on the invasion of Ukraine, India mocks her chosen self-image. A teacher is granted respect for speaking truth to power.

The invasion of Ukraine, rather like Hitler's invasion of Poland in 1939, is a once-in-a-century event. India's foreign policy establishment seems to have missed its significance for the world. India must take a long view of how it wants to engage with it. Its actions so far leave it in the company of Russia and China. These are not democracies as understood; indeed, most of their recent actions militate against that description. Vladimir Putin and Xi Jinping have ensured that they will have unusually long tenures as leaders of their states. Reminiscent of the fascists in Europe, they make expansionist claims based on ethnicity, persecute their own people based on religion or sexual orientation, and exude an ethnic chauvinism. Most Indians abhor these practices.

The final word

India is a democracy, even if a somewhat diminished one of late. Moreover, it has not officially discarded Panchsheel as yet. It cannot look away from the violation of widely accepted norms contained in the unprovoked invasion of Ukraine for fear of losing access to its supply of armaments or of reciprocal support in the UN on matters of concern to it. Nor does it have the option of playing the ostrich, as suggested by some, for that would fool no one else. Standing up for what you believe in brings with it the possibility of encountering hardship. But then, sticking to its principles is not just in India's national interest, it is also its own reward.



DreamIAS



NATION

VILLAGES ALONG CHINA BORDER TO OPEN FOR TOURISM

The Union government plans to open the villages along the Chinese border for tourists under the Vibrant Village programme announced in the Union Budget 2022-23.

Recently, the Union Home Ministry held a meeting with public representatives of such villages from the States of Himachal Pradesh, Uttarakhand, Sikkim, Arunachal Pradesh and the Union Territory of Ladakh.

A senior government official said the Budget provisions for the programme had been sent to the Expenditure Finance Committee for its approval after which the scheme would be presented before the Union Cabinet headed by Prime Minister Narendra Modi.

Tashi Gyalsen, chief executive councillor of the Ladakh Autonomous Hill Development Council (LAHDC), told The Hindu that a pre-exercise on plan formulation is under way at the district level in order to strengthen every border village.

“Some villages in Ladakh such as those in Changthang region can be turned into dark sky destination that could attract astronomy enthusiasts. Since the terrain is tough, several measures will have to be taken to improve the facilities for tourists,” Mr. Gyalsen who represents the BJP in the LAHDC, said.

On February 23, at a virtual meeting organised by the Rural Development Ministry, a senior Home Ministry official said that for economic activities under the scheme, “emphasis be given on tourism and culture”.

‘Set up infra facilities’

“In the Vibrant Villages programme, schemes related to livelihood generation, road connectivity, housing, rural infrastructure, renewable energy, television and broadband connections should be undertaken,” the official stated.

A Parliamentary Committee on Home Affairs in its December 2021 report had recommended that all villages in Ladakh, particularly those located in Zero-Border such as Chumar and Demchok, should be electrified “in order to stop migration of people from these areas”.

According to the report, of the 236 habitable villages in Ladakh, only 172 have telecom infrastructure and “only 24 and 78 villages have 3G and 4G Internet connectivity”, respectively.

Konchok Stanzin, councillor of Chushul in eastern Ladakh, said there are 19 villages along the border village that have nil or partial communication facilities. China has established new villages along the LAC in the past few years particularly across the Arunachal Pradesh border.

Another government official said the Vibrant Village programme was a counter to China’s model villages but the name has been carefully chosen so as to not cause any consternation in the neighbouring country.



INDIA EXTENDS \$1 BN CREDIT TO SRI LANKA

India on Thursday extended a \$1 billion credit facility to Sri Lanka to assist the island nation through its worst foreign exchange crisis and enable it to procure food, medicines and essential items.

An agreement to this effect was signed between the State Bank of India and the government of Sri Lanka on Thursday, during a visit of the country's Finance Minister Basil Rajapaksa to New Delhi. "Neighbourhood first. India stands with Sri Lanka," External Affairs Minister S. Jaishankar tweeted.

Mr. Rajapaksa met Prime Minister Narendra Modi on Wednesday to discuss Indian assistance amid Sri Lanka's extraordinary economic crisis. He interacted with Finance Minister Nirmala Sitharaman and Mr. Jaishankar on Thursday. An official statement from the Finance Ministry said issues of mutual interest and economic cooperation were discussed by the Ministers.

"Neighbourhood first. India stands with Sri Lanka. US\$ 1 billion credit line signed for supply of essential commodities. Key element of the package of support extended by India," Mr. Jaishankar tweeted.

In 2022, so far India has extended \$1.4 billion support to Sri Lanka, through a \$400-million RBI currency swap, deferral of a \$0.5 billion loan and another half a billion as a line of credit for the country to sustain its essential fuel imports.

Sri Lanka is facing its worst financial crisis, and had declared an emergency in August last in the face of a crippling foreign exchange crunch. The nation is still facing significant fuel and gas shortages, and high inflation in essential goods as well as food items. The situation has triggered a series of protests by the political Opposition and citizens' groups, who blame the Rajapaksa government for the crisis.

In a televised address to the nation on Wednesday, President Gotabaya Rajapaksa vowed to work with the International Monetary Fund to resolve the fiscal imbroglio.

Sri Lanka is due to repay foreign debt totalling nearly \$7 billion this year, amid a persisting shortage of dollars to import food, medicines and other essentials. It has already sought China's help to restructure its loans that amount to 10% of its total foreign debt. Much of Sri Lanka's external borrowings are through sovereign bonds in the international money market.

During Mr. Basil Rajapaksa's talks with the Indian side, New Delhi and Colombo agreed to set up a "framework for short, medium and long-term economic cooperation" between the two countries aimed at addressing Sri Lanka's present economic challenges, according to a media release.

With this objective, Mr. Basil Rajapaksa, Mr. Jaishankar and Ms. Sitharaman agreed to stay "in regular contact", while a coordinating mechanism was set up to maintain regular dialogue, the Sri Lankan mission said.

THE WAR'S COLD FACTS AND WHAT INDIA NEEDS TO GLEAN

"There is no finer teacher of war than war," said Mao and as the Ukraine-Russia war nears the end of three weeks, it is time one takes stock of India's position in the real world of geopolitics.



In the real world, 'power' talks — as Greek historian Thucydides wrote in the Fifth Century BC, "Right, as the world goes, is only in question between equals in power — while the strong do what they can and the weak suffer what they must." The dogged resistance of Ukraine notwithstanding, 'power' has spoken through Russian actions, with Russian President Vladimir Putin demanding that all Russian demands be met, including a call to surrender. This leads to two fundamental deductions at the macro-level.

Ukraine is alone

First, a nation's vital interests can be protected only by that nation itself. For all the pompous statements coming from the West, promises of arms supply being made and intelligence inputs that must be getting transmitted, the fact is that it is the Ukrainians alone who are facing the brunt of the Russian military might. It has always been conjectured whether the United States would come to the aid of a North Atlantic Treaty Organization ally in Europe, following a Russian advance, and risk its own cities in turn. The answer is starkly visible. Good intentions and media statements have never stopped a bullet and surely, there would be soul searching that is ongoing in the minds of allies such as Japan, South Korea and Taiwan too, as the fallacy of a 'friend' coming to fight with you and for you has been exposed, yet again.

The Indian parallel

India's experience has been similar. During the 1962 India-China war, Moscow had no time for New Delhi (in fact, it sided with Beijing) and the Americans offered moral and logistic support, despite New Delhi's request for military help. The 1965 war was one of redemption as India re-armed itself in a big way, a drive that continued and gave us the outright victory in 1971. Then, in 1974, it is to the credit of the Indian leadership for demonstrating India's scientific capability through a 'peaceful' nuclear explosion and the leadership in 1998 for going overtly nuclear. To the common man, this constitutes power, but between two nuclear-capable nations, an atomic weapon is a deterrent in the nuclear realm and not a determinant of 'conventional' power. As India faces two nuclear adversaries, the reality of India having lagged in true indigenous conventional capability must be accepted. This leads to the second deduction.

For a nation to have strategic autonomy in matters of national security, self-sufficiency in defence research and development and manufacturing is an inescapable imperative. This would afford the required deterrence to prevent war, and to prosecute it (war) if deterrence fails. The sessions at the United Nations on Ukraine, where India abstained, saw New Delhi as a tightrope walker as it is heavily dependent on Russia and the U.S., for political reasons as well as for arms.

Arms from the West too

After the Cold War ended, India diversified its purchases to dilute its dependence on Russia for arms. While the narrative has been on the MiGs, Antonovs, Sukhois, S-400, T-90 tanks, Grad rocket launchers, Kilo-class submarines, et. al, one overlooks the fact that India has become heavily dependent on the West too for a multitude of frontline armament systems. For example, the heavylift transport fleet of the Indian Air Force (IAF) relies heavily on the American C-17 and C-130J Super Hercules aircraft, while the helicopter fleet has the Chinook and Apache attack helicopters. Similarly, the Indian Navy has the Boeing P-8I long range aircraft for maritime surveillance and is acquiring MH-60 helicopters for anti-submarine warfare and Sea Guardian drones for reconnaissance. The Indian Army's M777 artillery guns are from the West, the IAF's Rafale and Mirage fighters from France, Jaguars from Britain and a multitude of drones from Israel; even the basic infantry rifle is being imported. And, India has signed three 'foundational'



agreements with the U.S.; the sword of Damocles, through the Countering America's Adversaries Through Sanctions Act (CAATSA) is ever present. The list is very long and encompasses both 'camps,' as it were. Are there any doubts now about why, besides political reasons, we abstained in the UN Security Council vote? So, what is the way out?

The writing is on the wall. A nation's standing in the pecking order based only on soft power is ephemeral. As the West twiddles its thumbs, 'Ukraine' proves that hard power dictates terms in geopolitics. Thucydides understood it in Fifth Century BC and we are in for a rough time if we do not get it even now. The Atmanirbhar thrust of the Government in matters of defence research and development and manufacturing, though gathering pace, has to become a national endeavour in mission mode, bridging differences across the political aisle and providing a political continuum to underwrite it. There is no other way out.

GOVT. RESTORES E-TOURIST VISA FOR 156 COUNTRIES

Days after it announced that international flights to and from India will resume fully from March 27, the Centre restored the electronic tourist visa (e-TV) facility for 156 countries, the Union Home Ministry said in an order.

However, all land and riverine borders, including the Attari-Wagah post along Pakistan, will continue to remain shut, except for those with special permission.

The Ministry said that the "instructions will not be applicable to Afghanistan nationals" who will continue to be governed by e-Emergency X-Miscellaneous Visa.

"Order for opening of Land ICPs (Integrated Check Posts) and riverine routes will be communicated separately," the order said.

It said that in continuation with the October 20 order, and keeping in view the improvement in the COVID-19 situation in India, the government has considered the need for further relaxation of visa and travel restrictions. "Currently valid e-tourist visa issued for five years, which was suspended since March 2020, shall stand restored to nationals of 156 eligible countries with immediate effect. Nationals of these 156 countries will also be eligible for issuance of fresh e-tourist visa," it said.

The order said valid regular (paper) tourist visa with validity of five years, issued to foreign nationals of all countries, shall be restored.

"Fresh Regular (Paper) Tourist visa up to 5 years validity may also be issued to the nationals of the eligible countries subject to the restrictions imposed from time to time," it said.

The long duration (10 years) regular tourist visa for the citizens of the U.S. and Japan, issued before March 2020, has also been restored. "Fresh Long duration (10 years) tourist visa can be issued to the nationals of the U.S. and Japan," it said.

The Ministry said foreign nationals who have tourist/ e-tourist visas may enter India only through designated sea immigration check posts or international airports.

UNGUIDED MISSILE



The accidental firing of a missile by India into Pakistan could have led to serious, unintended escalation of tensions between the two nuclear-armed countries, but, fortunately, that did not happen. The Government of India has said the incident, on March 9, happened in the course of routine maintenance, due to a technical malfunction. India has ordered a high-level Court of Inquiry. The Chargé d'affaires of the Indian High Commission in Islamabad was called twice by Pakistan to convey its concerns. Pakistan has alleged that the incident "indicates many loopholes and technical lapses of a serious nature in Indian handling of strategic weapons". Islamabad, which termed the inquiry as ordered by India as insufficient, has demanded a joint probe. It has also sought the involvement of the international community to promote "strategic stability in the region". As it moved closer to India in recent years, the U.S. has suspended its fixation with the conflict between the two neighbours, but the fear of nuclear escalation in the region is very deep in Washington's strategic thinking. India's global image of being a responsible nuclear power has been built over decades of restrained words and thoughtful action. The security of its nuclear command and technical capabilities has never been in doubt. This incident frays that reputation and measures must be taken to restore the confidence of the international community in India.

There has been no official word from India on which missile was involved, which Pakistan has said landed 124 km inside its territory. The description by Pakistan — that the missile was travelling at three times the speed of sound, at 40,000 feet, and is a surface-to-surface missile — has led to speculation that the accident involves the BrahMos supersonic cruise missile which is now in the inventory of India's three Services. India became a member of the Missile Technology Control Regime in 2016, an acceptance by major powers of India's status as a reliable defence partner that is capable of handling its strengths and contributing to global security. India is developing more missile systems, including a hypersonic variant. The handling and the launch of any such missiles are highly regulated with checks and balances to avoid accidents. This accident also has echoes of another incident in February 2019. A day after the Balakot air strike, as fighter jets of India and Pakistan were engaged in a dogfight near the LoC, an Mi-17V5 crashed in Budgam shortly after take-off from Srinagar killing its personnel onboard and a civilian on the ground. The Court of Inquiry confirmed that it was shot by an Israeli-origin Spyder surface-to-air missile system of the IAF. India must leave no scope for any doubts about its capacity to handle nuclear and other military assets. That objective can be achieved without a joint probe with Pakistan or any international involvement, but the objective must be achieved nevertheless.

IAF TO EMPLOY 'DIRECT TACTICAL PLANNING' FOR S-400

While China too possesses the S-400 Triumf long-range air defence system, currently being inducted by India, and remains a potent weapon for the neighbour, the Indian Air Force will counter it based on "direct tactical planning", an IAF representative informed the parliamentary standing committee on defence. While China was not directly mentioned in the reply, the country with which India shares a long contentious border has already inducted the S-400.

In the midst of the stand-off in eastern Ladakh across the LAC in April 2020, there were reports that the People's Liberation Army had deployed its S-400 systems.

Last December, India began taking deliveries of the S-400 systems, five regiments of which were contracted from Russia under a \$5.43 billion deal signed in October 2018.

The first unit is delivered and in place, two defence sources confirmed, stating that the second unit is scheduled to arrive very soon. With the threat of the U.S. sanctions under the CAATSA



(Countering America's Adversaries Through Sanctions Act), the two sides had, back then, worked out payments through rupee-rouble exchange.

More recently, a range of sanctions imposed on Russia for its offensive in Ukraine has caused concerns on any possible impact on deliveries of spares and platforms contracted and the three Services and the Defence Ministry are making assessments on the extent of impact, if any. The Defence Ministry is also closely watching any impact the sanctions may have on the shipping and cargo movement which could delay deliveries of large systems, one official said.

Russia is committed to honouring all deliveries as per contract, diplomatic sources said, stating their industry is capable of handling the requirements.

Speaking before the committee, Defence Secretary Ajay Kumar said that concerted efforts had been made by the Indian Air Force to ramp up its capability and to make up for shortfall in fighter squadrons.

Stating that this "pace of acquisition" was not there earlier, Mr. Kumar said that they have acquired 36 Rafale fighter planes, issued order for 83 Light Combat Aircraft and ordered Unmanned Aerial Vehicles.

SEAT SELECTION FEE ON FLIGHTS 'ARBITRARY', SAYS HOUSE PANEL

Airlines charging passengers a fee for seat selection on an aircraft is "arbitrary and unjustifiable" and the government must keep a close watch on fare pricing, a parliamentary panel said in its report on Monday.

Various airlines in the country offer passengers the option to select their seats on an aircraft before a flight. This could cost anywhere between ₹150 and ₹1,000 depending on the location of the seat. Passengers not interested in paying extra could wait for a seat to be assigned to them at the time of check-in at the airport.

"The committee is also of the opinion that fixing of different fares for selection of seats in the same flight is arbitrary and unjustifiable. Hence, Committee on the principle of equity feels that all the seats in a same flight should have same fare," said a department-related Parliamentary Standing Committee on Transport, Tourism and Culture in its report.

It rejected the response of the Ministry of Civil Aviation on the issue that air travel was "a contractual matter between airline and passenger, which is commercial in nature" as one that was "not at all justified."

"The Committee is of the opinion that for the Civil Aviation sector to grow in an open market, it is justifiable that the private airline operators should be given a free hand to fix the airfares as they are governed by competition. However, the Committee would like to draw the attention of the Ministry to the provision of the Aircraft Rules, 1937, which specifically mentions that the fares should be reasonable and should maintain reasonable profit," it said.

Airlines in India are allowed to "unbundle" airfares, which lets them break-up their total fare into service components and charge separately for them.

The panel recommended that the government issue guidelines to ensure that flights on the same route operated by different airlines should have similar airfares.



JHA TO LEAD COVID RESPONSE IN U.S.

Ashish Jha, an Indian-origin physician and public health specialist from Brown University, has been appointed the new White House COVID-19 Response Coordinator. Dr. Jha will replace Jeff Zeints, who has led the Biden administration's pandemic response thus far, U.S. President Joe Biden said in a statement on Thursday.

Dr. Jha, who is the Dean of the Brown University School of Public Health, has been a commentator with The Hindu and, since the pandemic began. Dr. Jha has worked on ebola and was a co-chair of a commission to tackle an outbreak of the disease in West Africa in 2014, according to a biography from Brown University.

Dr. Jha will take over the role at a time when close to a million Americans have died from COVID-19. The U.S. has just witnessed a wave of the Omicron variant, even as news of a new subvariant BA.2 — causing surges of the pandemic in Europe — is being watched closely. Two years into the pandemic and with three quarters of its population having received a single dose of the vaccine, the country is shifting to a different approach to managing COVID-19 as it shows signs of becoming endemic.

THE CURIOUS CASE OF SEALED COVER JURISPRUDENCE

The story so far: While hearing a criminal appeal against the Bihar Government on Tuesday, Chief Justice of India (CJI) N.V. Ramana admonished a counsel for submitting a 'sealed cover report' to the court. The CJI asked the counsel to not submit the report in a sealed cover. "We will not accept it," Justice Ramana remarked.

Later in the day, senior advocate Dushyant Dave recalled the same remarks to a bench led by Justice D.Y. Chandrachud hearing the government imposed ban on Media One channel. In this case too, the Centre had submitted relevant files to the court in a sealed cover.

"I am very averse to what is called the 'sealed cover jurisprudence'," Justice Chandrachud said.

What is sealed cover jurisprudence?

It is a practice used by the Supreme Court and sometimes lower courts, of asking for or accepting information from government agencies in sealed envelopes that can only be accessed by judges.

While a specific law does not define the doctrine of sealed cover, the Supreme Court derives its power to use it from Rule 7 of order XIII of the Supreme Court Rules and Section 123 of the Indian Evidence Act of 1872.

It is stated under the said rule that if the Chief Justice or court directs certain information to be kept under sealed cover or considers it of confidential nature, no party would be allowed access to the contents of such information, except if the Chief Justice himself orders that the opposite party be allowed to access it. It also mentions that information can be kept confidential if its publication is not considered to be in the interest of the public.

As for the Evidence Act, official unpublished documents relating to state affairs are protected and a public officer cannot be compelled to disclose such documents.



Other instances where information may be sought in secrecy or confidence are when its publication impedes an ongoing investigation, such as details which are part of a police case diary.

When has it been done in the past?

Sealed cover jurisprudence has been frequently employed by courts in the recent past.

Documents were examined in sealed cover in multiple prominent cases during the tenure of the former Chief Justice of India, Ranjan Gogoi. In the case pertaining to the controversial Rafale fighter jet deal, a Bench headed by Chief Justice Ranjan Gogoi in 2018, had asked the Centre to submit details related to the deal's decision making and pricing in a sealed cover. This was done as the Centre had contended that such details were subject to the Official Secrets Act and Secrecy clauses in the deal.

In the matters related to the National Register of Citizens (NRC) in Assam, the Supreme Court mandated coordinator of the NRC, Prateek Hajela, was asked by the apex court to submit period reports in sealed cover, which could neither be accessed by the government nor the petitioners.

Another instance was in the 2014 BCCI reforms case. The probe committee of the cricket body had submitted its report to the Supreme Court in a sealed envelope, asking it not to make public the names of nine cricketers who were suspected of a match and spot fixing scam.

Similarly, in the Bhima Koregaon case, in which activists were arrested under the Unlawful Activities Prevention Act (UAPA), the Supreme Court had relied on information submitted by the Maharashtra police in a sealed cover.

In the case of activist Gautam Navlakha for instance, the police had submitted a sealed envelope including information recovered from the electronic devices seized from the activist. The police had stated that this information could not be disclosed to the accused as it would impede the ongoing investigation.

At the time, Navlakha's counsel had countered the submission citing violation of his rights to fair adjudication, stating that the applicant did not know the contents of the sealed cover or whether it formed a part of the police's case diary.

Information submitted by state agencies in a sealed cover was also relied upon in the 2G and coal scam cases, the Ram Janmabhoomi case, the high-profile case pertaining to the death of judge B.H. Loya, as well as the 2019 case pertaining to the release of Prime Minister Narendra Modi's biopic around the national elections.

What is the criticism and what do the courts say?

Critics of this practice contend that it is not favourable to the principles of transparency and accountability of the Indian justice system, as it stands against the idea of an open court, where decisions can be subjected to public scrutiny.

It is also said to enlarge the scope for arbitrariness in court decisions, as judges are supposed to lay down reasoning for their decisions, but this cannot be done when they are based upon information submitted confidentially.



What is further contested is whether the state should be granted such a privilege to submit information in secrecy, when existing provisions like in-camera hearings already provide sufficient protection to sensitive information.

Besides, it is argued that not providing access to such documents to the accused parties obstructs their passage to a fair trial and adjudication. In the 2019 judgment in the case of P. Gopalakrishnan vs The State of Kerala, the Supreme Court had said that disclosure of documents to the accused is constitutionally mandated, even if the investigation is ongoing and said documents may lead to a breakthrough in the investigation.

In the INX Media case in 2019, while granting bail to Congress leader P. Chidambaram, a Bench of the Supreme Court had criticised the Delhi High Court for basing its decision to deny bail to the former Union Minister on documents submitted by the Enforcement Directorate (ED) in a sealed cover.

The three-judge Bench of Justices R. Banumathi, A. S. Bopanna, and Hrishikesh Roy had said: "Though it is held that it would be open for the Court to peruse the documents, it would be against the concept of fair trial if in every case the prosecution presents documents in sealed cover and the findings on the same are recorded as if the offence is committed and the same is treated as having a bearing for denial or grant of bail".

POLITICS AND ECONOMICS BEHIND THE PLAN TO MERGE DELHI'S CIVIC BODIES

Traffic builds up at the Silampur flyover in New Delhi. (Express Photo: Praveen Khanna, File)

Delhi's State Election Commission (SEC) last week deferred the announcement of elections to the three Municipal Corporations of Delhi (MCDs), due in April, close on the heels of the BJP-led central government communicating to the former that it was considering a proposal to unify the MCDs.

How will the BJP dispensation execute its plan to unify the three MCDs?

The Centre will have to make an amendment to the Delhi Municipal Corporation (DMC) Act to unify the three MCDs – East, North and South MCDs. The ruling BJP is planning to bring an amendment Bill in this regard during the ongoing budget session of Parliament. The first administrative step for the proposed unification of the MCDs would be to nullify their boundaries, which could be the "easiest task" in this process. "Unlike the MCD trifurcation in which fresh maps have to be drawn, now one has to just declare that it all comes under one corporation. The number of wards would remain the same," said a senior BJP leader. The next step would be the employees of the three corporations being brought under one umbrella. Here, while the number of the lower rank staff would not change much, the tally of higher rank officials would decrease in the 3:1 proportion. For instance, there would be one director for each department such as horticulture, sanitation, education, health, hospital, etc. in the unified corporation instead of the existing three directors. This would also be the case for commissioners, committee heads and mayors.

What are other reforms being planned along with the MCDs merger?

Senior BJP leaders have said that among the reforms that are being considered by the party dispensation are direct election of mayor, his / her tenure being increased to at least two-and-half years instead of existing one year, and provisions for allocation of funds directly from the Centre.

**What will be the effects of unification on the MCD's finances?**

All the three corporations are currently gripped by financial crises, even as the East and North MCDs are the worst-affected with their combined budget deficit exceeding Rs 2,000 crore. The South MCD was solvent till a couple of years ago, but it has also come under financial stress now with a budget deficit of Rs 500 crore, said a senior south corporation official. The total annual income of the three corporations from their own revenues is around Rs 6,700 crore, while the total annual salary and pension expenditure for their combined 160,000 employees amount to Rs 8,900 crore. "If the corporations are merged, the civic body would be able to save around Rs 200 crore by decreasing the number of officers and renting out some spaces that will be vacated," said a senior official.

So, will the savings following unification be enough to improve the MCD's financial health?

Former director of the North MCD's press and information wing Yogendra Singh Mann said it is not just about money, and that unification would result in "a lot of other advantages". "Firstly, there would be a balance of resources, income, and expenses. Currently, North regularly suffers from a delay of salaries. After this, there will be uniformity," he said. Also, the planning would be better as there is going to be a centralised authority for things like parking rates, property tax and new initiatives for the city, he said. An East MCD official, however, said that unification alone would not lead to anything until other problems are fixed. "The financial arrangements need to be worked out. The corporations must be given their dues and planning on remunerative projects needs to be done," he said, adding that "the planning, if done well, will help the MCDs recover, else it will harm all the three MCDs' financial condition".

Is the proposed MCDs unification just economics, or it is about politics too?

The unification of MCDs, if executed well, along with other reforms, would boost the corporation's financial health. But like the MCD's trifurcation, the corporations' unification would also not be about economics alone. The carving of the erstwhile civic body into three MCDs in 2012 by the then chief minister Sheila Dikshit and the Congress dispensation, was carried out in order to "decentralise" the mammoth MCD. However, it was also a political move to fix the civic body boundaries in such a way that the then ruling Congress could make inroads into the MCD, which had become a BJP bastion. The saffron party continues to rule the MCDs. Ten years later, it seems to be *deja vu* for observers, as the BJP is seeking to redraw the corporation's boundaries for political gains.

What does the BJP hope to gain from the MCDs merger?

With their employees striking work periodically, the MCDs have maintained that they are devoid of funds since the AAP-led Delhi government has allegedly been blocking it. "The unification move would also help the BJP send out a message to the public of how they plan to fix the MCDs' fund crisis if voted to power again," said a party leader. Also, the party wants to "run the corporation after the merger in a better pay with employees' salaries to be given on time and new initiatives taken", to claim that it was the trifurcation that had led to the crisis and that the unification would correct a "historical wrong". This, the BJP hopes, will at least help it put up a fight against the resurgent AAP in the civic body polls.

AAP MOVES SC OVER DELHI MUNICIPAL POLLS



The Aam Aadmi Party has moved Supreme Court accusing the Centre of interfering in the timely conduct of elections to the municipal corporations in Delhi before the expiry of their term in May 2022.

The petition urged the court to direct the State Election Commission (SEC), National Capital Territory of Delhi, to “conduct the municipal elections in Delhi according to the initially conceived schedule and before the expiry of the tenure of the municipal corporations of Delhi in May 2022”.

Last-minute deferral

The party asked whether the “State Election Commission can be influenced by an unofficial communication sent by the Central government to defer the municipal elections, which was otherwise absolutely prepared to schedule and conduct [the elections]”.

It alleged that the SEC had been preparing to hold the elections in April. Half an hour before it was to hold a press conference on March 9 about the election schedule, a press note was circulated informing about a “communication from the Lt. Governor of Delhi”.

“The communication conveyed that the Government of India was intending to pass a legislation to merge the trifurcated municipal corporations of Delhi,” the petition said.

EXPLAINED: THE RANK-PENSION CASE

The Supreme Court on Wednesday ruled there was “no constitutional infirmity” in the way the government had introduced ‘one rank, one pension’ (OROP) among ex-service personnel. The scheme, notified by the Defence Ministry on November 7, 2015, was challenged by Indian Ex-Service Movement, an association of retired defence personnel.

One rank, one pension

OROP means that any two military personnel retiring at the same rank, with the same years of service, must get an equal pension. While this might appear almost obvious, there are several reasons why two military personnel who may have retired at the same rank with the same years of service, may get different pensions.

Military personnel across the three services fall under two categories, the officers and the other ranks, as they’re called. The other ranks, which are soldiers, usually retire at age 35. Unlike government employees who retire close to 60, soldiers can thus miss out on the benefits from subsequent pay commissions. And since pensions are based on the last drawn salary, pensions too are impacted adversely.

Similarly, the age when officers in the military retire depends upon their ranks. The lower the rank, the earlier they superannuate.

But the problem is not just that.

From 1950 to 1973, there was a concept known as the Standard Rate of Pension, which was similar to OROP. In 1974, when the 3rd Pay Commission came into force, certain changes were effected in terms of weightage, additional years of notion service, etc., with regard to pensions. In 1986, the 4th Pay Commission’s report brought further changes.



What ultimately happened was that the benefits of the successive pay commissions were not passed to servicemen who had retired earlier. Pensions differed for those who had retired at the same rank, with the same years of service, but years apart.

Demand for OROP

Ex-servicemen demanded OROP to correct the discrepancy. Over the decades, several committees looked into it. The Brig K P Singh Deo committee in 1983 recommended a system similar to Standard Rate of Pension, as did Parliament's standing committees on defence. The Narendra Modi government notified the current OROP scheme in November 2015, and it was made applicable from July 1, 2014.

There are several reasons why soldiers have to retire early, the main reason being that the country needs a young military. It was argued that early retirement should not become an adverse element for what a soldier earns as pension, compared with those who retire later.

Question of finance

During the OROP protests of 2013-15, it was argued repeatedly that meeting the demand would be financially unsustainable. Because soldiers retire early and remain eligible for pension for much longer than other employees, the Defence Ministry's pension budget is very large, which impacts its capital expenditure.

The Parliament Standing Committee on Defence report submitted on Wednesday says there were 26,79,645 armed forces pensioners in the country as of April 1, 2021.

The total defence pensioners are 32.9 lakh, but that includes 6.14 lakh defence civilian pensioners.

The actual expenditure of the Defence Ministry on pensions was Rs 1.18 lakh crore in 2019-2020, Rs 1.28 lakh crore in 2020-2021, and Rs 94,860 crore until January 2022 for the current financial year.

The Defence Ministry's pension-to-budget ratio is the highest among all ministries, and pensions are more than one-fifth of the total defence budget. Retired defence personnel also have the largest share in pensions among all retired government employees.

There are administrative and legal issues involved too. When the late Manohar Parrikar was Defence Minister, it was estimated that a one-time payout of Rs 83,000 crore would be needed to clear all past issues. However, every time a new pay commission came, it would lead to substantial payouts to bring parity.

Challenge to OROP

The petitioners contended that the principle of OROP had been replaced by 'one rank multiple pensions' for persons with the same length of service. They submitted that the government had altered the initial definition of OROP and, instead of an automatic revision of the rates of pension — under which any future raising of pension rates would be passed on to past pensioners — the revision would now take place at periodic intervals. According to the petitioners, this was arbitrary and unconstitutional under Articles 14 and 21.

The demand for OROP was initially examined by Parliament in 2010-11. In its report of December 2011, the Rajya Sabha Committee on Petitions (Koshiyari Committee) recommended the



implementation of OROP. The panel defined OROP as a uniform pension to be paid to armed forces personnel retiring in the same rank with the same length of service, irrespective of their date of retirement.

In February 2014, the UPA government announced it had accepted OROP in principle, and that it would be implemented prospectively from 2014-15. In December 2014, the NDA government in a reply to Parliament reaffirmed the principle of automatic revision.

The court noted that the petitioners had highlighted this sequence of events to show that OROP always entailed an automatic revision. However, the petitioners contended, the government's letter of November 7, 2015 introduced a revised definition of OROP, where the revision between the past and current rates was to take place at periodic intervals.

The court's ruling

The court did not agree with the argument that the government's 2015 policy communication contradicted the original decision to implement OROP. It said that "while a decision to implement OROP was taken in principle, the modalities for implementation were yet to be chalked out", and that "there was no conscious policy decision on the part of the Union Government on the modalities for implementing OROP until the communication dated 7 November 2015 came into being".

The court also said that while the Koshyari Committee report furnishes the historical background of the demand, and its own view on it, it "cannot be construed as embodying a statement of governmental policy".

The court said that the OROP policy "may only be challenged on the ground that it is manifestly arbitrary or capricious". After evaluating the government's policy, it found "no constitutional infirmity in the OROP principle as defined by the communication dated 7 November 2015".

EXPLAINED: FOUR QUESTIONS IN KARNATAKA HC'S HIJAB JUDGMENT, AND WHY THE COURT UPHELD GOVT'S POSITION

The Karnataka High Court on Tuesday (March 15) upheld the restriction on Muslim women wearing a hijab in educational institutions. A three-judge bench comprising Chief Justice Ritu Raj Awasthi and Justices Krishna S Dixit and Khazi M Jaibunnisa, held that the right to wear a hijab is not constitutionally protected.

Condensing the submissions made during the 11-day hearing in February, the High Court said that it had formulated four broad questions, taking a holistic view of the matter. The court answered all four questions in negative.

"Whether wearing hijab/headscarf is a part of 'essential religious practice' in Islamic Faith protected under Article 25 of the Constitution", which guarantees the right to religious freedom:

The court held that there is no "Quranic injunction" on wearing the hijab and that wearing the hijab is not "religion-specific". The court's inquiry, it said, was to ascertain whether wearing the hijab is so essential that if not followed, one could not practise the religion.

"It is not that if the alleged practice of wearing hijab is not adhered to, those not wearing hijab become the sinners, Islam loses its glory and it ceases to be a religion," the court said.



The Bench looked at decisions by other High Courts on the hijab, including decisions by the Kerala High Court and concluded that they are irrelevant to the present case.

The court said that the petitioners did not present sufficient evidence to prove that wearing a hijab is an essential religious practice of Islam. It said the material presented was “extremely meager”, and the petitioners’ averments were “vague”.

“The respondents are more than justified in contending that the Writ Petitions lack the essential averments and that the petitioners have not loaded to the record the evidentiary material to prove their case. The material before us is extremely meagre and it is surprising that on a matter of this significance, petition averments should be as vague as can be. We have no affidavit before us sworn to by any Maulana explaining the implications of the suras quoted by the petitioners’ side,” the court said.

“Whether prescription of school uniform (by educational institutions) is not legally permissible, as being violative of petitioners’ Fundamental Rights...guarantees under Articles 19(1)(a) (i.e., freedom of expression), and 21 (i.e., privacy) of the Constitution”:

It is well established that schools may prescribe the dress that students should wear, the court said.

“There has been an overwhelming juridical opinion in all advanced countries that in accord with the general principle, the school authorities may make reasonable regulations governing the conduct of pupils under their control and that they may prescribe the kind of dress to be worn by students or make reasonable regulations as to their personal appearance, as well,” it said.

While the petitioners’ argument was specifically about allowing students to wear hijab of a structure and colour that suited the prescribed dress code so they could continue their education, the court stressed on the institution’s right to prescribe a dress code.

“We are not impressed by this argument. Reasons are not far to seek: firstly, such a proposal if accepted, the school uniform ceases to be uniform. There shall be two categories of girl students viz., those who wear the uniform with hijab and those who do it without. That would establish a sense of ‘social-separateness’, which is not desirable. It also offends the feel of uniformity which the dress-code is designed to bring about amongst all the students regardless of their religion & faiths,” the court said on the “principle of reasonable accommodation”.

On the example of Kendriya Vidyalayas allowing the headscarf, the court said that states need not follow the Centre. “What the Kendriya Vidyalayas prescribe as uniform/dress code is left to the policy of the Central Government. Ours being a kind of Federal Structure..., the Federal Units, namely the States need not toe the line of Center,” it said.

The court added that “...it hardly needs to be stated that the uniform can exclude any other apparel like bhagwa or blue shawl that may have the visible religious overtones”.

“Whether the Government Order dated 05.02.2022 apart from being incompetent is issued without application of mind and...is manifestly arbitrary and therefore violates Articles 14 & 15 of the Constitution” (equality before law and non-discrimination):

The Karnataka government order issued on February 5 under the Karnataka Education Act, 1983, said that colleges can restrict students from wearing the hijab. Along with “unity” and “intergrity”,



the order cited “public order” as one of the grounds for not allowing students to wear a headscarf in educational institutions.

The petitioners had 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 public gathering where dangerous weapons are paraded...,” counsel for petitioners Devadatt Kamat had argued.

The court, however, appeared to suggest that the words in the government order must not be construed literally.

“We hasten to add that certain terms used in a Government Order such as ‘public order’, etc., cannot be construed as the ones employed in the Constitution or Statutes. There is a sea of difference in the textual structuring of legislation and in promulgating a statutory order as the one at hands. The draftsmen of the former are ascribed of due diligence & seriousness in the employment of terminology which the government officers at times lack whilst textually framing the statutory policies,” the court said.

Quoting Oscar Wilde, the court said that there is room for improvement even in heaven. It agreed with the government’s submission that “the impugned order could have been well drafted...”.

The petitioners had also argued that the government order suffered from material irregularity as the rulings of other HCs cited by the government did not lay down the ratio, which the government wrongly stated that they did. The court recorded that it had already discussed the HC decisions referred to in the government order at another place (paragraph X, “As to views of other High Courts on hijab being an essential religious practice”), “and therefore, much need not be discussed here”.

In any case, the court said, “if the Government Order is otherwise sustainable in law, which we believe it does, the challenge thereto has to fail for more than one reason: The subject matter of the Government Order is the prescription of school uniform. Power to prescribe, we have already held, avails in the scheme of the 1983 Act and the Rules promulgated thereunder. Section 133(2) of the Act which is broadly worded empowers the government to issue any directions...which obviously includes the authority to prescribe school dress code.”

Whether any case is made out against the lecturers and principal of the college in Udupi where the hijab controversy first began:

This was a contention raised in one of the writ petitions filed by advocate Tahir Mohammad, associated with SDPI, the political outfit of the Popular Front of India (PFI). The petition sought action against the principal and teachers of the college for violating the departmental guidelines which prohibit prescription of any uniform, and for their hostile approach.

The court rejected the contention, saying: “The petition is apparently ill-drafted and pleadings lack cogency and coherence that are required for considering the serious prayers of this kind. We have already commented upon the Departmental Guidelines as having no force of law. Therefore, the question of the said respondents violating the same even remotely does not arise.”

TREATING VALUES OF INDIVIDUAL FREEDOM AS TRIFLES



Our social contract is built on an edifice that grants pre-eminence to individual choice. The Constitution's Preamble recognises this when it places an onus on the state to secure to all citizens, among other things, liberty, equality and fraternity. The last of those values is fortified by a further commitment. The state, the Preamble says, will guarantee "fraternity assuring the dignity of the individual and the unity and integrity of the Nation".

The chief architect of the Constitution, B.R. Ambedkar, saw the standards contained in these words as forming a triumvirate of values. Liberty, equality, and fraternity, he said, were principles of life, "a union of trinity". Divorce one from the other and the very purpose of democracy will be defeated. The Constituent Assembly believed that it was only a deep commitment to these principles that can help usher in a social revolution in the country. The structures of India's democracy — the various minutiae of administration that the Constitution spells out — were each built on the idea that securing individual happiness required the state to foreground these standards.

Enforcing popular morality

In that picture, independent courts, the framers thought, would stand as a guardrail against any effort to undermine social democracy. But far from acting as "sentinels on the qui vive" — as a former Chief Justice of India once described the Supreme Court of India's role — the judiciary has time and again enforced the popular morality of the day, treating values of individual freedom as dispensable trifles. Tuesday's judgment by the Karnataka High Court, in *Resham vs State of Karnataka*, is the newest addition to this litany. It upholds a ban imposed on the use of hijabs by students in classrooms across the State (Karnataka), and, in doing so, strikes a blow against each of the principles contained in B.R. Ambedkar's union of trinity.

Court's use of precedent

The judgment is premised on three broad conclusions. First, the court holds that the wearing of a hijab is not essential to the practice of Islam, and, therefore, the petitioners' right to freedom of religion is not impinged; second, it finds that there is no substantive right to free expression and privacy that can be claimed within the confines of a classroom; and, third, according to it, since the Government's order does not by itself ban the use of a hijab and since it is otherwise neutral, there is no discrimination aimed at Muslim women students.

These conclusions suffer from one flaw or another. In rejecting the plea that the wearing of a hijab is a legitimate exercise of religious freedom, the court refers to a plethora of precedent that points to only "essential religious practices" enjoying constitutional protection. According to the court, the petitioners failed to produce any evidence to show that the use of a hijab was essential to Islam. Yet, despite this, it proceeds to perform a theological study — which one would think it is ill-equipped to do, especially without conducting a full-fledged trial — and concludes that Islam does not make the wearing of a hijab mandatory.

This is an extraordinary finding for a secular court to make. No doubt, similar leaps of judgment have been made by the judiciary in the past — for example, in 2004, the Supreme Court concluded that the performance of the Tandava dance was not indispensable to the Ananda Margis faith, even though the followers of that religion believed it to be so. But if the Karnataka High Court's inference is partly based on flawed doctrine, it must take the blame for posing to itself the question of whether at all a hijab was essential to religion.

Free choice and state action



Unlike many of the cases in which the doctrine of essential practice is invoked, this was not a case where individual freedom was at odds with group rights. On the contrary, this was a case where exercise of free choice was curtailed by state action. The petitioners had contended that they wore the hijab as a matter of conscience. Article 25 of the Constitution guarantees to all persons not only an equal right to profess, practise and propagate religion but also a “freedom of conscience.” Counsel pointed to the Supreme Court’s judgment in *Bijoe Emmanuel* (1986), where the rights of Jehovah’s Witnesses who refused to partake in the singing of the national anthem was protected. There, the Court ruled that so long as students conscientiously believed that they must not participate in the recital, their rights could be abridged only in the interests of public order, morality or health.

In *Resham*, the Karnataka High Court draws a facile distinction from *Bijoe Emmanuel*. The judgment holds that there is no evidence in this case that the petitioners conscientiously believed in the necessity of the hijab — this is anomalous given that once a pleading is made on affidavit, the onus ought to have been on the state to establish that the petitioners were not, in fact, wearing the hijab out of a sense of conscience.

The court then proceeds to make an even more astonishing assertion: all cases where a right of conscience is pleaded, according to it, are ipso facto cases of religious freedom, and, therefore, ought to be subject to the test of essentiality. This conclusion ignores the fact that *Bijoe Emmanuel* was explicitly decided based on conscience and that conscience need have no direct relation to religious faith. It is possible, for example, that the hijab might not be essential to Islam, and yet that Muslim women choose to wear it as an exercise of their own individual beliefs.

On the classroom space

That the court was simply unprepared to grapple with this difference is even more evident in its rejection of claims based on free expression. The petitioners argued that in choosing to wear the hijab, they were merely exercising a form of identity relating to their rights to freedom of speech and privacy. The court counters this by holding that classrooms are “qualified public spaces”, where individual rights cannot be asserted to “the detriment” of “general discipline and decorum”. In spaces such as these — and the court draws a remarkable analogy with prisons — substantive rights, the judgment holds, metamorphose into derivative rights. It is unclear what the ruling means by all this, except that these apparently derivative rights are incapable of being invoked in protected environments.

In all of this, the court ignores the classic test for determining when and how the right to free expression can be legitimately limited: that is, the test of proportionality. There is, according to the judgment, no need to dwell on legal doctrine, because “the petitions we are treating do not involve the right to freedom of speech & expression or right to privacy, to such an extent as to warrant the employment of these tests for evaluation of argued restrictions, in the form of school dress code”. In this manner, the court also brushes aside requests for “reasonable accommodation”.

Many accommodations

Kendriya Vidyalayas, for example, as the petitioners claimed, allow for hijabs within the contours of the prescribed uniforms. But the judgment holds that to make such an accommodation would defeat the very purpose of uniforms. This finding fails to recognise that even within the existing dress code, many accommodations are, in fact, made. For instance, religious and cultural marks on the forehead and accessories on other parts of the body are not disallowed. If the purpose of



the uniform is to allow for no differences, surely every exhibition of faith in the classroom must be stamped out. Therefore, we can only see the failure to provide for a reasonable accommodation for the hijab as deliberate discrimination wrought on Muslim women.

The judgment makes repeated references to constitutional secularism. But secularism, properly understood, demands precisely what the petitioners here were pleading for: the rights to agency, choice, and equal treatment, and, more than anything else, a guarantee of fraternity undergirded, as the Preamble says, with dignity to every individual.

TRINAMOOL MLA COURTS CONTROVERSY

Well-known Bengali writer and Trinamool Congress (TMC) lawmaker Manoranjan Byapari has courted controversy after a video of his speech targeting Biharis went viral on social media. At an event on the sidelines of the Kolkata Book Fair recently, he described them as “Bimaris” and asked them to leave West Bengal.

“If Bengali blood runs in your veins, if [freedom fighters] Benoy [Choudhury], Badal [Gupta], Netaji, Khudiram [Bose]’s blood runs through your veins, if you have love for the motherland and mother tongue... then say Ek Bihari Sau Bimari (one Bihari equals to hundreds of diseases). We do not want diseases, make Bengal free of disease. Jai Bangla, Jai Didi Mamata Banerjee,” Mr. Byapari is heard saying in the viral video.

Leader of the Opposition Suwendu Adhikari quickly flagged it to target the TMC. “First his leader @MamataOfficial labels Biharis & UPites as “Bohiragotos” (outsiders) & now this clarion call to make Bengal free of Biharis,” Mr. Adhikari said.

The BJP leader also tagged former Union Minister and actor Shatrughan Sinha, who will be contesting from the Asansol Lok Sabha seat on a Trinamool ticket, in the video. “My humble question to Bihari Babu Shri @ShatruganSinha ji, Sir, what do you feel about this disgraceful rant of TMC MLA Manoranjan Byapari? Your new party colleague is very transparent about his feelings towards Biharis. His recent speech at the Kolkata International Book Fair,” he tweeted.

MLA defends remarks

Mr. Byapari accepted the authenticity of the video and that he had made those comments, but said only bits of his speech were circulated. “What the Leader of the Opposition is projecting is not the case,” he told The Hindu.

The TMC MLA, however, defended his remarks, saying, “Those who insult Bengali language, literature and culture while staying in West Bengal, we cannot compromise with them.”

A first-time MLA and Dalit activist, Mr. Byapari won the Balagarh seat in Hooghly district on a TMC ticket in the 2021 Assembly polls. He learnt to read in prison at the age of 24 and went on to author several books including his well-known autobiography, Itibritte Chandal Jibon (Interrogating my Chandal Life).

WHY PARLIAMENT PANEL CRITICISED CASTE-BASED NREGS WAGES PAYMENT

Parliament’s Standing Committee on Rural Development and Panchayati Raj has asked the government to roll back the system of caste-based wages, under which NREGS workers are paid based on whether they belong to a Scheduled Caste, Scheduled Tribe, or Others. The panel has



asked the Ministry of Rural Development to restore the earlier system by which a single Fund Transfer Order was generated without “any sort of segregation on the basis of caste”.

What is the caste-based payment system?

On March 2 last year, the Rural Development Ministry sent an advisory to states asking them to take necessary action for payment of wages to NREGS workers according to their categories — SC, ST, and Others — from the 2021-22 financial year. Under the new system, if 20 individuals (say, six SCs, four STs and 10 others) work together at a site under MG-NREGA, a single muster roll would be issued, but payment would be done by issuing three separate Fund Transfer Orders (FTOs), one for each of the three categories.

After the new system came into force on April 1, 2021, some beneficiaries started complaining that despite working at the same site and registering on the same muster roll, they were getting their wages at different times depending on their categories. Beneficiaries in the ‘Others’ category, which includes the ‘General’ and Other Backward Classes (OBC) categories, especially complained of delays.

The Ministry’s decision, which was denounced by civil society activists at the time, has now been criticised by the parliamentary panel as well. The Committee headed by Prataprao Jadhav, Shiv Sena member from Buldhana, said NREGS workers are part of the “economically weak populace and can come from any religion/caste, [and] creation of such payment system wherein one specific community is preferred over the other solely on the ground of caste will only give rise to resentment and create rift among the beneficiaries of MGNREGA”. “The practice which started from 2021-22 itself needs to be addressed urgently and not to be encouraged any further by ensuring that each and every labour working under the Scheme, irrespective of caste, gets payment within time-frame fixed by the MGNREGA,” it said in its report tabled in Lok Sabha on Wednesday.

What was the earlier system of payment?

The Rural Development Ministry notifies wage rates for states and Union Territories under Section 6(1) of The Mahatma Gandhi National Rural Employment Guarantee Act, 2005. Until 2020-21, the wages were being paid to NREGS beneficiaries through a single funds transfer order. In other words, if 20 beneficiaries, including SCs, STs and Others work at a site under MGNREGA, all received their wages at the same time, through a single muster roll and a single funds transfer order.

Why was the system of caste-based wage payment introduced?

According to the Ministry, the system of category-wise payment of wages was introduced to “accurately reflect on the ground flow of funds to various population groups”. Last October, a process of “streamlining” of the new system was taken up.

What specific criticisms has the Committee put forward?

In its report, the Committee said, “A startling fact that came to the fore during the examination of Demands for Grants 2022-23 pertaining to the mechanism of payment of wages being employed under MGNREGA was the audacious practice of wages being paid to the MGNREGA beneficiaries on the basis of caste, i.e. in the order of priority starting from SC/ST to remaining others.



“The Committee were taken aback and aghast on such revelation. Belying all logic and employing such modality, surpasses any prudence whatsoever. The Committee finding themselves at a total ‘loss of words’ could not fathom the rationale behind such idea.”

The Committee pointed out that MNREGS draws from the MGNREG Act, 2005, in which “such absurdity is nowhere mentioned”. The digression from the “basic tenets of treating all the MGNREGA beneficiaries at par calls for sternest possible criticism”, it said.

“The beneficiaries of MGNREGA cutting across the different sections of society have only one thing in common, i.e., they are poor, destitute and have no other fallback option but MGNREGA to look upon for their basic source of survival,” the Committee said. The system of caste-based segregation in wage payment would “give rise to resentment and create rift”, it said. It said the practice needed to be addressed “urgently”, and should not to be encouraged any further. It should be ensured that all labourers under the scheme receive payment within the timeframe fixed by the MGNREGA.

“In view of such piquant situation, the Committee unanimously recommend DoRD to restore the earlier mechanism of generation of single Fund Transfer Order without any sort of segregation on the basis of caste so that the welfare oriented nature of MGNREGA is not divided on caste basis,” it said.

The Union government has amended the Census Rules framed in 1990 to allow the details to be captured and stored in electronic format and also to enable self-enumeration by respondents.

The decennial Census exercise will be held for the first time both in the digital mode and through paper schedules (questionnaire /forms). The first phase of Census 2021 — Houselisting and Housing Census along with updating the National Population Register (NPR) — was scheduled to be held from April-September 2020 but was postponed indefinitely. The second and main phase — Population Enumeration — was to be concluded by March 5, 2021.

As reported by The Hindu, the respondents will have the option to fill details on their own.

Around 30 lakh enumerators who are mostly government officials and schoolteachers will each be assigned the responsibility to collect details of 650 to 800 people through online and offline modes.

It added that self-enumeration “means filling-up, completion and submission of census schedule by respondents themselves”.

Though the government had earlier announced that the Census will be done in the electronic mode and self-enumeration will be allowed, the rules were amended and notified to formalise the announcement.

According to the annual report of the Union Home Minister for the year 2019-20, there will be a three-pronged approach for updating the NPR database: self updating, wherein it is proposed to allow residents to update their own data fields after following some authentication protocols on a web portal; updating of NPR data in the paper format; and on the mobile mode.

The details of the respondent will be displayed on a mobile application developed in-house for conducting the Census exercise but no “biometrics or documents” will be collected.

JHARKHAND GOVERNOR RETURNS BILL AGAINST MOB LYNCHING WITH TWO OBJECTIONS

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



Jharkhand Governor Ramesh Bais has returned the state's Prevention of Mob Violence and Mob Lynching Bill, 2021 — which was passed by the legislative Assembly nearly three months ago — with two objections, The Indian Express has learnt. Sources said that the nature of the objections is yet to be brought to the notice of Chief Minister Hemant Soren.

The issue of mob lynching came into focus in the state in 2019, when Tabrez Ansari was tied to a pole and beaten to death by a mob in Dhatkidih village in Seraikela Kharsawan district on suspicion of theft. Ansari was seen in a video purportedly being forced to chant “Jai Shri Ram” and “Jai Hanuman”.

In an amendment discussion of the anti-mob lynching Bill in December last year, BJP MLA Amit Kumar Mandal had raised the issue of the definition of the word “mob” and its possible misuse. BJP leaders had alleged that the Chief Minister was doing appeasement politics.

However, Soren countered the BJP, saying it was trying to confuse people. During an interaction with journalists, Soren had said: “They (BJP) are intellectual people who are confusing normal people. If we talk about Mob Lynching Act, tell me if it is a Muslim Lynching Act, Adivasi Lynching Act or Hindu Lynching Act? ... A mob is a mob.”

The anti-mob lynching Bill was passed by voice vote in the state Assembly on December 21, 2021, and had been sent to the Governor for his assent.

SELECTIVE CATTLE SLAUGHTER COULD BE INTRODUCED IN UP TO CONTAIN THE STRAY ANIMALS MENACE, KEEP DAIRY VIABLE

Stray cattle may not have decisively impacted the outcome of the recent Uttar Pradesh assembly elections. But it's a problem that will not go away, as Prime Minister Narendra Modi has himself acknowledged. UP has an estimated 19 million-plus cattle (i.e. the cow and its progeny) population. Farmers rarely keep cows beyond 5-6 calvings, by which time they are 7-8 years old and their milk yields cannot cover feeding costs. As regards male cattle, they have no utility in today's world — where tractors, harvester combines/threshers, electric tubewells/diesel engines and artificial insemination have replaced bullock-drawn ploughs, treadmills, Persian wheels and breeding bulls. Nor does rearing cattle exclusively for manure or cooking fuel make economic sense when it is cheaper and less messy to use chemical fertilisers and LPG cylinders: Will the Ujjwala scheme's beneficiaries want to go back to dung cakes?

Even taking an average productive life of 7-8 years for both female and male cattle, it means about 15 per cent of animals being rendered redundant annually. For UP's 19 million cattle, it translates into some 2.9 million surplus animals — which farmers are letting loose every year and, perhaps, replacing with an equivalent number of fresh productive stock. Such regular herd turnover is what makes dairy farming viable; no rational farmer will maintain animals for their full lifespan of 14-15 years. The 2.9 million surplus cattle not dying, whether naturally or otherwise, are the chutta janwar (stray cattle) devouring the standing crop of the same farmers who have discarded them. Worse, their numbers are multiplying with every passing year. This is unsustainable, be it from an agricultural or even political standpoint.

What's the solution? Allocating more funds for cattle shelters or procuring dung from farmers — as the Chhattisgarh government is doing and Modi is proposing for UP — cannot be answers. Scarce public money is better spent on building schools and hospitals than gaushalas. The UP government should, as a starting point, allow slaughter of male cattle. These are the ones causing



real havoc, both in fields and in streets. It is not feasible to house them in gaushalas; they are violent and require more fodder and feed than cows. At a second stage, slaughter of crossbred cows can be permitted. Given that these animals have 50 per cent or more genes from Holstein Friesian, Jersey and other foreign breeds, they may not be deserving of the “holy” status reserved for indigenous desi cows! The advantage of this approach is that it ensures viability of dairy farming — crossbreds lactate earlier and yield more milk than desi cows and buffaloes. And no ruling party is better placed to take the bull by its horns than the BJP.

FALLING STANDARDS

The disclosure, made to the Punjab and Haryana High Court, that the director of IIM-Rohtak was ineligible for a post he held for five years, must embarrass both the government and India's premier institutes of management. It reveals extraordinary lapses and loopholes in the appointment process, first reported by this newspaper, and must prod the government to take swift action against those who looked the other way or let it happen. Even though IIM-Rohtak director Dheeraj Sharma failed to meet a minimum criterion — he secured a second class in his undergraduate examinations, instead of the first class required — his name was green-lit by the Appointments Committee of the Cabinet (ACC) headed by the Prime Minister, as was the norm till the IIM Act came into being. A second class undergraduate degree per se may be a silly reason to block the best candidate but if that's the criterion, any waiver needs a reasoned explanation to ensure that the playing field is level.

Not only that didn't happen, Sharma refused to submit his undergraduate degree to the Ministry of Education despite three reminders. And when Sharma's candidature was challenged in court, the Ministry of Education last year consistently denied any irregularity and asked for the plea to be dismissed. It has now filed an affidavit, conceding that it was wrong. But Sharma has now got a second term as the IIM-Rohtak director — even if his first term stands invalidated. While scams involving inflated degrees and qualifications are not unheard of in many colleges, the unearthing of such a deceit at an IIM does dim its success story. Justly celebrated as institutes of academic excellence, the IIMs pride themselves on being uncompromising when it comes to talent, and discouraging mediocrity. They have also fought a long battle to protect and preserve their academic autonomy, even if that has involved wrangles with the government. But the appointment — and now, a second term — of the IIM-Rohtak director suggests a breakdown of a system of checks and balances, and a culture of procedural impropriety.

Whether it was political influence or corruption that allowed Sharma to game the system, or convinced the system to lower its scrutiny, the revelations now send a warning to the IIMs. Since 2018, the IIMs have the power to appoint directors, chairpersons and board members, without any role of the government. But such processes must remain open, transparent and credible — and be seen as such. For the IIMs, the task now is to tighten the verification processes. Both IIM-Rohtak and the Ministry of Education must investigate the sins of omission and commission that led to this scandal. Yes, under the IIM Act, the institute has autonomy to choose its leader but does it want to give a second term to one who, on evidence, has been, dodgy? For, this has little to do with the transcripts of an undergraduate degree, this is about academic honesty and integrity.



BITTER PILL

“Wuhan is a beautiful place, you know,” says Vinod*, over the phone, as we talk about the plight of Indian medical students forced to return home two years ago after the outbreak of the COVID-19 pandemic. His stammer and long pauses reflect the anxiety that students and their parents have grappled with for over 800 days now. Even today, there seems to be no end in sight.

Vinod, from Kerala, had left the country in 2017 to join Wuhan University in China and returned to India when the pandemic began. He was a good student through school. “Two of my cousins were already studying medicine in China when I cleared Class XII. My National Eligibility-cum-Entrance Test (NEET) ranking wasn’t good enough to get me a seat in a government college; and a good private college seat costs anywhere between ₹50 lakh and ₹70 lakh on paper. In China, I could finish the same course in under ₹35 lakh,” he says.

Like Vinod, thousands of students travel out of the country for a medical degree each year simply because it is more affordable. But now, a crisis is in the making. As the students waiting to return to China are joined by students returning home from war-hit Ukraine, one has been surprised by the sheer numbers. Prime Minister Narendra Modi even went on to urge students to study in India.

Strong driving factor

Of course, the phenomenon of travelling overseas for education is not new. Data submitted in Parliament by the Centre last year states that there are 2.19 lakh Indian students in the UAE, 2.16 lakh in Canada, 2.12 lakh in the U.S., 23,000 in China, 18,000 in Ukraine, 16,500 in Russia, 15,000 in the Philippines, 7,500 in Georgia, 5,300 in Kazakhstan, 5,200 in Bangladesh, and 2,200 in Nepal. These numbers are for all Indian students studying abroad, of which medical students account for a large proportion.

While travelling abroad for a coveted advanced degree in a specialisation of choice is well documented, what drives undergrad students? It cannot, after all, be easy to leave behind the comfort of homeland and family and spend years in a foreign country where everything from the weather and language to food and teaching are alien.

There must be a strong driving factor, which is partially revealed by the figures submitted by the health ministry in the Lok Sabha. As per data submitted in December 2021, there were 88,120 MBBS seats and 27,498 Bachelors of Dental Surgery seats available in India. Against these seats, the number of candidates who registered for NEET last year alone was 15-16 lakh. So what happens to all the aspirants who don’t get a seat for medicine?

This is where an MBBS programme in Ukraine, Russia, China or the Philippines comes in. A seat in a medical school in these countries is much cheaper than one in a private college in India, where courses cost close to ₹1.25 crore in a reasonably good institution. Moreover, the courses there are far less competitive than in India.

In February 2018, it was made mandatory to pass NEET to get an eligibility certificate to study MBBS in medical colleges abroad, besides the usual criterion of students getting at least 50% in Physics, Chemistry and Biology in Class XII. However, most countries that accept Indian students allow entry at low NEET scores.

NEET exams are set for a total score of 720 (360 for Botany + Zoology; 180 for Physics; and 180 for Chemistry). On an average, a general category student must score over 550 to get a shot at a



seat in a good government medical college in India through the all-India or State quota. Whereas an aspirant planning to go abroad needs to score only the cut-off marks, which in 2021 for a general category seat was 138.

“While high scores in the NEET exam are not what eventually make a good doctor, the exam does give an insight into the ability of a student to get through a demanding course,” says Rajeev Jayadevan, senior consultant gastroenterologist and former president of the Indian Medical Association (IMA), Cochin.

Many pitfalls

The other issue that comes up is the intensive coaching required to get the high NEET scores that can procure a seat in a government college here. As Ravi Wankhedkar, former IMA president, says, the NEET exam favours those who can afford coaching and the investment needed to crack the paper, which leaves many students at a disadvantage. It is this that led the Tamil Nadu government to oppose NEET when it was made compulsory, stating that it went against the interests of its State board students. Many other State governments are now raising the same objections.

But studying abroad has its own pitfalls. For instance, the National Medical Commission (NMC) — a body of 33 members that regulates medical education and medical professionals and replaced the Medical Council of India in 2020 — advises students against enrolling in countries such as Kazakhstan that offer a bilingual course because NMC guidelines do not recognise bilingual courses in India. English is mandated as the sole medium of instruction. Additionally, the NMC in a notification earlier this year advised students against applying to universities in Kyrgyzstan because students were overlooking “the supervisory, regulatory and infrastructural issues in these institutions”.

Besides this, in the present crisis generated by the pandemic and the war in Ukraine, students who have returned are not sure how they will finish their graduation. NMC does not recognise any medical course that is conducted only online. Undergraduates are now looking at Egypt, Poland and Armenia as potential destinations to finish their course.

Also, as per the Indian Medical Council Act, 1956, students who get a medical degree from a foreign country need to clear the Foreign Medical Graduates’ Exam (FMGE) in order to register and practise in India. “The percentage of students who clear this exam hasn’t gone above 20%, which speaks to the quality of education that foreign graduates are exposed to,” says Dr. Wankhedkar. “Yet, with the cost of private medical colleges being so exorbitant, what can students do? The next logical step is for the Centre to step in and rationalise the fees. But we also cannot forget that these are business ventures.”

Status symbol

Dr. Wankhedkar points to the overwhelming desire, especially among middle-class families, to somehow see their children become doctors. There is a strong status symbol attached to it. “Taking advantage of this, there has been a mushrooming of colleges in many nations to offer medical degrees at a much lower cost than in India. The present crisis has only brought this issue to the forefront. While there is an urgent need to ‘rehabilitate’ these students, a long-term solution is the need of the hour.”

As of now, in a bid to cater to the large number of medical aspirants, India has been steadily adding seats to undergraduate courses across the country, but the demand continues to be far greater



than supply. Undergraduate seats have increased by 72%, from 51,348 seats in 2014 to roughly 1.1 lakh now. The Prime Minister recently asked the private sector to step in to help expand health education infrastructure. But, as Maheshwar Peri, founder of Careers360, points out, when NEET was imposed by the Supreme Court, 90% of private colleges increased fees by at least 400% within a day.

Now, in a bid to regulate the fee structure in private medical colleges, the NMC has said that the fees for 50% of seats in private medical colleges and deemed universities should be kept at par with government medical colleges in the same State or Union Territory.

Perhaps the way ahead is to open the gates, set up eligibility criteria for infrastructure and teaching standards alone, and set a cap on fees. This could help cover the supply gap that is being exploited today. Only adequate, affordable and high-quality medical education will make students opt for India.

Meanwhile Vinod assures me that he hasn't given up hope. "Today I got the news that students from Singapore and Pakistan are being allowed back into China. If it's true then maybe we can also head back by September. Right now, all I want to do is get to college and finish my internship."

"We carry the burden of our dreams, our parents' aspirations. They have invested a lot in us," he says. His parents have remained silent throughout. Only their hands on Vinod's shoulder betray their anxiety.

SANSKRITISATION

Coined and popularised by M.N. Srinivas, an eminent social anthropologist in his book *Religion and Society Among the Coorgs of South India* (Oxford, 1952), Sanskritisation refers to a change in the hierarchical caste system when certain castes that are ranked low in the caste hierarchy are able to elevate and enhance their position by adopting and emulating the socio-cultural beliefs, values, habits, customs and rituals of castes that are ranked higher than them.

Based on his ethnographic research in Rampura village in Karnataka, Srinivas produced a detailed explanation of the phenomenon of Sanskritisation in 'A Note on Sanskritisation and Westernisation (Far Eastern Quarterly, 1956)'. Initially, 'Sanskritisation' referred to the lower castes' adoption of the "Brahmanical" ways of life. But gradually, the process also involved the adoption of the practices and rites of the locally dominant caste in a particular region, which included non-Brahmin castes which were politically powerful, socio-economically influential and ritually higher in the local caste hierarchy.

GUJARAT SCHOOLS TO TEACH BHAGAVAD GITA

In Gujarat, the Bhagavad Gita will be part of the school syllabus for Classes VI to XII from the academic year 2022-23.

The announcement was made by Education Minister Jitu Vaghani in the State Assembly on Thursday during a discussion on the budgetary allocations for the education department.

The State government has issued a circular in this regard, the Minister said, adding that the idea was to "cultivate a sense of pride and connection with tradition".



“Shrimad Bhagavad Gita's values, principles and importance are accepted by people of all religions. In Class VI, the Gita will be introduced in such a way that students will develop an interest in it,” Mr. Vaghani said. To begin with, students will be explained the importance of the Bhagavad Gita and then stories will be introduced in the form of shlokas, songs, essays, debates, plays and quizzes, he added. From Classes IX to XII, the chapters will be introduced in detail to the students.

The move by the State government to introduce the religious text in schools has found support from the Opposition Congress and the new entrant in State politics, the Aam Aadmi Party.

EXPLAINED: THE CASE OF THE ANGADIA ‘EXTORTION’ AND MUMBAI’S MISSING DCP TRIPATHI

The angadia association has around 100 angadias as members. Their president, who wrote the letter, alleged that LT Marg police personnel were stopping angadia workers and checking their bags in December last year.

A senior IPS officer from the Mumbai Police was on Wednesday (March 16) named as a wanted accused in an extortion case. Who is this officer, and what is the case against him?

What is the allegation against the officer?

The case pertains to a complaint made by the Angadia association on December 7 last year to a senior Mumbai Police officer that IPS officer Saurabh Tripathi, DCP Zone 2, had demanded a monthly bribe of Rs 10 lakh to “allow” the angadias to run their business.

The Zone 2 jurisdiction covers areas between Marine Lines, Grant Road, and Charni Road areas of South Mumbai including Kalbadevi, Mumbaidevi and Bhuleshwar, where a large number of angadias operate.

Who is DCP Saurabh Tripathi?

Tripathi, 38, is an IPS officer of the 2010 batch. He is an MBBS and MD (dermatology), having studied at Nair hospital in Mumbai. He has served earlier as SP of Ahmednagar Police, DCP Zone 4 in the Mumbai Police, DCP Mumbai Traffic Police, DCP SB (1) CID in Mumbai, and as ADC to the Governor.

As Ahmednagar SP, Tripathi had investigated and filed a chargesheet in the Kopardi village gangrape-murder of a 15-year-old girl. The Kopardi incident sparked huge public outrage and political controversy, with the Congress demanding Chief Minister Devendra Fadnavis's resignation on “moral grounds” in the Maharashtra Assembly.

Who are the angadias and what is their work?

Angadias provide courier services for certain kinds of goods, but mostly cash, outside the formal banking system, and away from the Income-Tax Department. The system takes its name from the Gujarati “angadia” or carriers, who were traditionally men of the Patel community from Gujarat's Mehsana district.

When the system evolved in the 19th century, the angadias would transfer valuables including cash, jewellery, or important documents between Mumbai and parts of Gujarat for a fixed charge,



with no questions asked. As the business grew over the years, it saw the entry of other communities as well, including Marwaris from Rajasthan and Malabarais from Kerala.

The system is largely based on trust. The patron who uses the angadias' service hands over valuables or cash without any formal written agreement. The angadia charges a nominal fee of around Rs 200 per lakh of the value of the goods, and provides an insurance of about 70 to 80 per cent of the value of the goods in case the parcel is lost or robbed.

Secrecy and safety are of paramount importance in this trade. It is for this reason that the offices of agencies providing angadia services are located in a cul-de-sac in areas like Fofalwadi in Bhuleshwar and in Malad, which provide safety from robbers as well as prior information about raids by government agencies.

What specific allegations did the angadias make in their complaint?

The angadia association has around 100 angadias as members. Their president, who wrote the letter, alleged that LT Marg police personnel were stopping angadia workers and checking their bags in December last year. Those carrying money in their bags were taken to a police chowky in the area, and money was extorted from them under the threat of police action.

Those carrying Rs 5 lakh were made to pay Rs 50,000, and those carrying Rs 10 lakh were made to pay Rs 1 lakh or Rs 2 lakh. Several angadia traders paid the bribe and got their workers out of the police chowky.

Where does IPS officer Tripathi come in?

It is alleged that on three occasions, the angadia workers and their president met DCP Tripathi, who allegedly demanded Rs 10 lakh in monthly bribes to allow them to run their business. The letter alleges that DCP Tripathi said, "The action that I have started taking is getting me more than Rs 10 lakh per day. I am not begging from you. You will have to pay me that much and that too from September onwards."

Tripathi allegedly said: "You can go wherever you want to but you will have to pay me Rs 10 lakh per month. As of now I have asked only two police stations to take action, I will ask all police stations under me to start this action and I will make you cry."

What did the police do on receipt of the letter?

An inquiry was carried out based on the letter, following which, on February 19, a FIR was registered at the LT Marg police station against police officials of the LT Marg police station on charges of extortion and robbery. Three police officers have been arrested so far.

DCP Tripathi was initially not named in the FIR. But the case was subsequently transferred to the Mumbai Crime Branch, and during their probe, the role of DCP Tripathi was established.

Where is DCP Tripathi right now?

After his name started cropping up in the controversy, the DCP exited all WhatsApp groups. He was transferred out of Zone 2, but he did not take up the new posting. He went on leave, and continues to remain absent from duty. His house is locked. The Indian Express tried to reach him but his phone was switched off. He has not responded to questions sent to him by SMS and WhatsApp.



NO IFS OR BUTTS

Cigarette stubs are the most littered material on the planet. Now, some serious initiatives seek to tackle the menace

An elderly man is sitting outside a tea shop in Mysuru, holding a cup of tea in one hand and a cigarette in another. With him are more people smoking cigarettes. Strewn on the ground around them is a sea of cigarette butts. The man, now done with his tea, flicks the stub onto the sand, stamps out the embers, smiles toothlessly, and walks away. What the man doesn't know is that his cigarette butt has just been added to thousands more already buried deep in the earth.

"I keep a bin outside for cigarette stubs, but not many use them," says Chandrashekhar, the owner of the tea stall. But the bin is nowhere in sight. Mukund, a customer interjects, "I don't know what these butts contain, but I don't think they are toxic."

In truth, cigarette butts, the most littered item on the planet, are causing massive pollution to the environment: they contain plastic filters that never break down, and are a major source of microplastic pollution. According to the WHO, tobacco product waste contains over 7,000 toxic chemicals. Cellulose acetate, the major component of cigarette butts, along with the paper and rayon, pollute land and water. A report by Truth Initiative, a U.S.-based NGO, says that the chemicals that leach from a single cigarette butt can release enough toxins to kill 50% of saltwater and freshwater fish exposed to it for 96 hours.

Harm done

Not much has been done by the government to contain the pollution caused by cigarette butts, although in 2020 the National Green Tribunal passed an order directing the Central Pollution Control Board (CPCB) to lay down guidelines for their disposal. But the CPCB has not come up with any such guidelines.

Given the apathy, Nirit Datta, an environmentalist, decided to start a campaign across the country to spread awareness about what citizens could do to help the problem of pollution from stubs. Last year, Datta founded ButtRush, an initiative to collect cigarette butts and send them for recycling. A former IT professional, Datta has since quit his job and dedicated himself completely to the campaign.

"Cigarette butts make their way into the oceans. They make their way into the earth. This is the water we drink, the food we eat," he says. "I realised how little people know about the composition of cigarette butts. Many think they are made of cotton and are bio-degradable. Not many know they're made of cellulose acetate, which is very harmful."

MATERNAL MORTALITY RATIO DECLINES BY 10 POINTS: REGISTRAR GENERAL

The maternal mortality ratio (MMR) of India has declined by 10 points, says a special bulletin released by the Registrar-General of India. It has declined from 113 in 2016-18 to 103 in 2017-19, an 8.8% decline.

The country has been witnessing a progressive reduction in the MMR from 130 in 2014-16, 122 in 2015-17 and 113 in 2016-18 to 103 in 2017-19, said the release issued on Monday.



With this persistent decline, India is on the verge of achieving the National Health Policy (NHP) target of 100 per lakh live births by 2020 and certainly on the track to achieve the Sustainable Development Goal (SDG) target of 70 per lakh live births by 2030, the release noted.

The number of States that have achieved the Sustainable Development Goal target has now risen from five to seven — Kerala (30), Maharashtra (38), Telangana (56), Tamil Nadu (58), Andhra Pradesh (58), Jharkhand (61), and Gujarat (70).

There are now nine States that have achieved the MMR target set by the National Health Policy, which includes the above seven States and Karnataka (83) and Haryana (96).

Uttarakhand (101), West Bengal (109), Punjab (114), Bihar (130), Odisha (136) and Rajasthan (141) have MMR between 100 and 150, while Chhattisgarh (160), Madhya Pradesh (163), Uttar Pradesh (167) and Assam (205) have the ratio above 150.

U.P.'s achievement

Encouraging achievement has been reported by Uttar Pradesh, which has shown the highest decline of 30 points, Rajasthan (23), Bihar (19), Punjab (15) and Odisha (14), the release stated.

Kerala, Maharashtra and Uttar Pradesh have shown more than 15% decline in the MMR, while Jharkhand, Rajasthan, Bihar, Punjab, Telangana and Andhra Pradesh have shown a decline between 10% and 15% and Madhya Pradesh, Gujarat, Odisha and Karnataka witnessed a decline between 5% and 10%.

UNHEALTHY PRECEDENT

The Government's decision to begin the COVID-19 immunisation programme for children between 12 and 14 years with Corbevax, a protein subunit vaccine, from March 16, is welcome as a part of India's efforts to extend coverage to the school-going population, but it also raises some concerns. One is the urgency shown to greenlight the vaccination programme for children in this age group without first seeking the approval of the National Technical Advisory Group on Immunization (NTAGI), a body whose express mandate is to study various facets of the vaccine before clearing it for the national immunisation programme. Never before has the expert body been completely sidestepped to clear a vaccine for the immunisation programme, and by doing so, has set an unhealthy precedent. Also, the decision to use the new COVID-19 vaccine first on children between 12-14 years without widespread use in adults first could have been avoided. True, protein subunit vaccines are generally considered safe for all age groups, but that cannot be a reason to begin vaccinating young children first. Any serious adverse effects seen once the immunisation programme begins might cause vaccine hesitancy and jeopardise the immunisation programme using other vaccines for children. It is perplexing that Covaxin, which has been used for immunising adults and adolescents between 15 and 18 years and whose safety profile is now known, has been excluded for children in the 12-14 age group.

Earlier, concerns were raised about the absence of efficacy data for Covaxin at the time of approval by the Indian drug regulator and about its inclusion in the immunisation programme from mid-January 2021, which arguably led to vaccine hesitancy in the beginning. No lessons seem to have been learnt. Greenlighting Corbevax for children in the 12-14 age group, even when data on safety, immunogenicity and efficacy have not been made available even as preprint (it is not peer reviewed), is inexplicable in the current situation, which can no longer be described as an emergency. The fourth national seroprevalence survey that was done soon after the deadly second



wave peaked revealed that 67.6% of the population above 10 years had antibodies against the virus. The percentage of children in the 12-14 age group who would have been infected during the third wave driven by the extremely infectious Omicron variant might be staggeringly high. If children have been found to be much less likely to suffer from severe disease and death, the high seroprevalence in this age group even before the third wave makes it even harder to fathom the urgency shown by the Government to vaccinate this subset of children. Evidence-based policy making should not be jettisoned even if, or rather especially if, a pandemic is raging.

CLEAN ENERGY MUST USE THE BATTERY OF A CIRCULAR ECONOMY

In the Budget speech this year, the Finance Minister, Nirmala Sitharaman, emphasised the role of cleaner technologies such as solar energy and batteries in India's future economic growth. In addition, she mentioned the importance of transitioning to a circular economy from the existing linear one.

Market estimates

The call for a creation of a circular economy is significant since an efficient waste management ecosystem would be necessary to manage the enormous waste generated by renewable energy projects in the coming decades. According to the International Renewable Energy Agency (IRENA) — an intergovernmental organisation that supports countries in their transition to a sustainable energy future — the cumulative waste generated by India's total installed solar capacity could be as high as 325 kilotonnes by 2030. A consulting firm, JMK Research and Analytics, estimates that the market for battery recycling will be around 23 Gigawatt hours (GWh) by 2030. The prevalence of a circular economy could also partially insulate these industries from potential supply chain shocks triggered by extraneous developments.

A study by the Council on Energy, Environment and Water (CEEW) has estimated that India would need over 5,630 GW of solar and 1,792 GW of wind energy to achieve its net-zero target in the year 2070. A robust renewables waste management and recycling ecosystem could help people and India reduce environmental harm, provide energy security, and also create new jobs. So, here are six steps to nurture a circular economy in the Indian renewable energy industry.

A clear framework

First, policymakers should revise existing electronic waste management rules to bring various clean energy components under their ambit. These rules are based on extended producer responsibility that identifies component producers as responsible entities to manage their waste products. The Indian renewable energy industry has a complex structure that comprises various manufacturers, assemblers, importers and distributors. Hence, the revised regulations should clearly define the responsibilities of various stakeholders involved in the renewable energy value chain and provide annual targets for the collection and the recycling of waste.

Second, dumping and burning of different components should be banned. Currently, in the absence of any regulation, landfilling is the cheapest and most common practice to manage renewable energy waste. However, it is not environmentally sustainable. All clean energy technologies thrive on metals and non-metals with different levels of toxicity. If the waste equipment is dumped in the open, then these elements could leach into the environment and enter the food chain. Studies show that the leaching of heavy metals such as lead and cadmium from solar photovoltaic modules could increase by 90% and 40%, respectively, under acidic conditions.



Further, burning the polymeric encapsulant layer in solar photovoltaic modules releases toxic gases such as sulphur dioxide and some volatile organic compounds.

R&D is essential

Third, the renewable energy industry should invest in the research and development of recycling technologies. Recycling is a multistep process that includes dismantling, disassembly, and extraction. Dismantling is largely a manual process that is sometimes automated. Disassembly can be done mechanically, thermally or chemically. Besides these traditional methods, investments in research and development could help discover new ways of recycling that result in higher efficiency and a less environmentally damaging footprint. Industries should also explore technology transfers with global recycling firms for establishing domestic waste recycling facilities. For instance, efficient metal recovery from waste provides a resilient supply of raw material for the renewable energy manufacturing industry.

Focus on finance, quality

Fourth, there has to be a creation of innovative financing routes for waste management. Access to finance is a major roadblock for players in the recycling ecosystem. The central government should nudge public and private sector banks to charge lower interest rates on loans disbursed for setting up renewable energy waste recycling facilities. Assurance of a minimum waste quantum to run these facilities and issuing performance-based green certificates to recyclers that could be traded to raise money for waste management would also help ease the financial burden. A market for recycled materials could also be created through mandatory procurement by the renewable energy and other relevant manufacturing industries.

Fifth, there needs to be an improvement in product design and quality. Renewable energy component manufacturers should find substitutes for toxic metals such as cadmium and lead used in their products and simplify product designs to reduce recycling steps. Such improvements in process efficiencies could go a long way in curbing waste creation at the source and its subsequent impact on the environment.

Six, the Union and State governments should set stringent quality control standards for components used in their tenders. This will prevent premature end-of-life of components, and consequent waste creation. Substandard components generate considerable waste due to early life damage that is often irreplaceable, and the components often have to be discarded. Such quality enforcement could also position India's renewable energy industry as a global supplier of quality products.

Largely in the informal sector

The renewable energy recycling ecosystem has a complex structure where there are multiple actors involved, but it would be an integral part of our journey toward a sustainable future. Beyond sustainability, it would also offer quality employment opportunities for the future generations as new jobs would be created across the entire value chain of waste management and recycling. Further, workers in the informal sector could access various socio-economic benefits and look forward to an improved quality of life. We ought to remember that the majority of India's recycling sector is informal and workers have to work in unsafe environments without standardised wages. Therefore, developing an efficient renewable energy waste management and circular ecosystem is imperative rather than a choice. We can ignore this, but only at our own peril.



THE FLIGHT OF BROOMS

Resting against the back of the door, the broom you bought from a hawker may have come all the way from Karbi Anglong district in Assam. Broom grass (*Thysanolaena maxima*) has emerged as the most widely cultivated cash crop in the hills of the the State. Commonly known as Jharu, it is grown in the Jhum fallow season by people of the Tiwa, Karbi and Khasi communities as a mixed crop for its inflorescence used for making brooms. It also provides fuel and fodder during the lean period..

Karbi Anglong is the largest producer of brooms in India. Cultivation of broom grass is comparatively easy and requires only small financial inputs. It can be grown on marginal lands, wasteland and in Jhum fallow land. It grows well on a wide range of soils from sandy loam to clay loam. The planting can be done by seeds or rhizomes. The harvesting starts from February and continues till March-end. About 90% of the produce is sold during March and April. The rest is used by the farmers themselves.

Broom grass cultivation has the potential to generate local employment and can be used to enhance rural income. It constitutes a major source of income for Assamese families in the business. This year, the villagers sold dried broom grass for ₹90 a kg on an average.

Traders from nearby Meghalaya come to the villages after the harvest season. From Meghalaya, the brooms are distributed across the country.



DreamIAS



BUSINESS & ECONOMICS

EXPLAINED: US RATE HIKE AND THE MARKETS

On Wednesday, the US Federal Reserve decided to hike the benchmark interest rate for the first time since 2018 to rein in rising inflation in the world's largest economy. Equity markets worldwide, including in India, which generally react negatively to rate hikes in the US, jumped sharply on Thursday as the US Fed said economic activity and employment have strengthened. The markets are also drawing comfort from indications about a possible truce between Russia and Ukraine.

What did the Federal Reserve do?

It has decided to hike the benchmark federal funds rate by 25 basis points to a target range of 0.25-0.5%. While this was the first rate hike by the Fed in three years, it also indicated that it will raise interest rates six more times this year, which could take the interest rates higher by 1.75% by the end of the year.

The move is aimed at keeping a check on inflation, which faces an additional threat on account of the war in Ukraine. Inflation in the US hit a four-decade high of over 7.5% even before the Russian invasion. "With appropriate firming in the stance of monetary policy, the Committee expects inflation to return to its 2 percent objective and the labour market to remain strong. In support of these goals, the Committee decided to raise the target range for the federal funds rate to 1/4 to 1/2 percent and anticipates that ongoing increases in the target range will be appropriate," the Fed said.

Will the RBI too hike rates?

While there is no indication that the RBI will increase the key policy rates in its April policy review, it's likely to revise the growth forecast in the wake of the Ukraine war. It also remains to be seen whether the RBI will retain its accommodative policy stance.

RBI Governor Shaktikanta Das recently said central banks are in a bind as the recent geopolitical developments have further aggravated its challenges and dilemmas. "If they act aggressively to contain inflation which may perhaps subside as normalcy returns, they run the risk of setting in recession," Das said.

On the other hand, if they act too little and too late, they may be blamed for "falling behind the curve" and may have a lot of catching up to do later, which will be detrimental to growth, Das said. If the RBI hikes rates and tightens liquidity, markets are likely to take it as a negative.

OMCS SET TO BUY DISCOUNTED OIL FROM RUSSIA; NO SANCTIONS, SAYS US

State-owned oil marketing companies (OMCs) are set to procure crude oil from Russia at a discount, according to sources at OMCs as prices remain elevated due to the Russia-Ukraine conflict.

The White House has also said a move by India to procure crude from Russia would not be a violation of its sanctions on Moscow, but added countries should think about where they stand regarding Russia's invasion of Ukraine.



Despite a fall in oil prices over the past week, price of Brent crude has risen around 29 per cent since the beginning of the year, amid concerns about stable supply of oil and gas.

“The state-owned OMCs will be procuring from Russia for varying levels of their requirements, based on whatever they can process at their refineries,” said a source, adding the government had given the nod to procurement of Russian crude.

The official said the discount on offer made Russian crude a relatively attractive proposition. While India imports about 80 per cent of its crude oil requirements, only 2-3 per cent of crude imports are currently sourced from Russia. The move would come at a time when OMCs have been absorbing losses on marketing petrol and diesel, according to experts, as they have held rates constant for over four months despite a sharp increase in prices.

OMCs, which ordinarily revise fuel prices on a daily basis based on benchmark international prices, halted price revisions on November 4 when the Centre’s excise duty hikes were put in place and have maintained prices at the same levels through elections in Uttar Pradesh, Punjab, Uttarakhand, Goa and Manipur.

Russian cargoes of crude are currently facing issues finding buyers as traders are concerned about potentially violating sanctions. Major players are concerned about reputational damage from procuring Russian crude. Last week, global oil major Shell apologised for procuring Russian crude amid the ongoing Ukraine conflict and committed to halting all spot purchases of Russian crude and shut its service stations, aviation fuels and lubricants operations in Russia.

The US and Europe have imposed a slew of sanctions on Russia, including removing several Russian banks from the SWIFT messaging system, which plays a key role in international financial transactions. The US has banned all energy imports from Russia as well as new energy investments in Russia.

EXPLAINED: EXPORT AVENUE FOR FARMERS

There are winners and losers in wars. And collateral beneficiaries too: The ongoing Russian invasion of Ukraine is happening when Indian farmers seem set to harvest a bumper rabi (winter-spring) crop. That includes not only wheat, but also mustard, maize (corn) and barley. Their prices have all firmed up, thanks to the war-induced disruption of grain trade via the Black Sea and Russian banks being blocked from the international payments system.

India has already exported over 6 million tonnes (mt) of wheat during April-January 2021-22. Amit Takkar, managing director of Conifer Commodities Pvt. Ltd, a Gurgaon-based agricultural trade consultancy, expects total shipments for the fiscal to top 7.5 mt, an all-time-high.

The same goes for rice, where non-basmati exports have touched 14 mt in April-January and surpassed the 13.1 mt record for the whole of 2020-21. “We should end up doing close to 17 mt of non-basmati and another 4 mt of basmati,” says Nitin Gupta, vice president of Olam Agro India Ltd, a leading exporter of the cereal. Even corn shipments are on course to reach 3.5-4 mt, levels last seen in 2013-14 (see table).

The Ukraine factor



The surge in Indian rice exports since 2020-21 has been driven primarily by drought in Thailand – plus diversion of free/ultra-subsidised grain whose allocations, ostensibly for the public distribution system, were substantially increased post the Covid-19 pandemic.

But the escalating Russo-Ukrainian conflict's impact is wider and probably far more beneficial for Indian farmers. According to the US Department of Agriculture, Russia and Ukraine together account for 28.3% of the world's wheat exports, with the corresponding shares at 19.5%, 30.8% and 78.3% for corn, barley and sunflower oil, respectively. These are projections for 2021-22 made in early-February, before the war broke out.

The war has led to port closures in the Black Sea and Russian cargo movement being largely restricted through the Caspian Sea. As supplies from these two key agri powerhouses have dried up, it has created opportunities for India to fill the gap, even if partially. Further, it has driven up global prices and realisations for Indian farmers – just when they are about to bring their harvested rabi crop to the mandis!

The opportunity...

Mustard is selling now in Rajasthan's major wholesale markets at Rs 6,500-6,700 per quintal, as against Rs 5,000-5,200 a year ago and the government's minimum support price (MSP) of Rs 5,050. That's good for growers of this oilseed also in Uttar Pradesh, Madhya Pradesh and Haryana.

Barley prices, too, are ruling at Rs 2,100-2,200 per quintal, higher than last year at this time (Rs 1,300-1,400) and its official MSP (Rs 1,635). This feed grain, which is also malted for use by breweries, is cultivated mainly in Rajasthan, UP, MP and Haryana. Maize is similarly trading at Rs 1,900-2,000 per quintal in most mandis, compared to Rs 1,200-1,300 a year back and the MSP of Rs 1,870.

The biggest beneficiary of higher maize prices would be Bihar. The state has a nearly 25% share in the country's production of the feed grain, while even more, at roughly three-fourths, for the rabi crop marketed from late-April to May. There has been a huge jump in Indian maize exports to Vietnam and Malaysia, in addition to nearby markets such as Bangladesh, Nepal and Sri Lanka. These could further pick up with the Bihar crop's arrival. New supplies from Brazil and Argentina won't be ready for dispatch before late-June/July, besides requiring longer voyage time to South-East Asian ports than from Visakhapatnam or Kakinada in Andhra Pradesh.

The opportunities are still higher in wheat, which is currently being shipped from Gujarat's Kandla and Mundra ports at \$340-350 per tonne free-on-board. That price (Rs 26,000-26,775/tonne) works out above the MSP of Rs 20,150, even after deducting port handling, storage and vessel loading charges (Rs 1,400), transport (Rs 1,500-3,000, depending upon the distance from inland to port) and costs of bagging, loading, etc at the mandi (Rs 1,600-2,000).

Simply put, soaring international prices have opened up export possibilities for Indian wheat, so much so that the government might not have to undertake significant MSP procurement this time. Farmers in Gujarat, Maharashtra, Karnataka or even MP and Rajasthan are likely to realise MSP-plus prices on the back of rising export demand. This will help whittle down public wheat stocks, which, at 23.4 mt on March 1, already stood below the 29.5 mt and 27.5 mt for the same date of 2021 and 2020, respectively. With lower procurement and the Pradhan Mantri Garib Kalyan Anna Yojana (free grain scheme) ending this month, there could be a corresponding reduction in the Centre's food subsidy outgo as well.



The overall improved price sentiment may, moreover, induce farmers to plant more area under maize, cotton, soyabean, sesamum and sunflower in the upcoming kharif cropping season. That should go some way in promoting crop diversification – especially, weaning farmers away from paddy and sugarcane.

...Threats

On the downside, there is also the possibility of exporters competing among themselves to ship out the maximum quantity of grain. This is evident in Indian wheat being heavily discounted and offered at \$340-350 per tonne, compared to \$400-450 for grain from Argentina, Australia and European Union. The rush of cargoes is also resulting in congestion at ports and vessel wait periods (time spent after arrival and berthing) going up from 1-2 days to 5-7 days. “Logistical bottlenecks are going to be a real problem in the weeks ahead,” warns Takkar.

A second, perhaps greater, risk relates to availability of fertilisers. While the Food and Agriculture Organisation’s global food price index has hit an all-time-high in February, it has also been accompanied by skyrocketing prices of fertilisers and their raw materials/intermediates. Ensuring adequate availability of urea, di-ammonium phosphate (DAP), muriate of potash (MOP) and complex fertilisers, well before the start of kharif plantings from June, would have to receive priority.

“With question mark over the supply of MOP from Russia and Belarus, the government has to talk to other countries such as Canada, Israel and Jordan. Similar expeditious effort is needed to secure supply of DAP, phosphoric acid and rock phosphate from Saudi Arabia, Morocco, Jordan, Senegal, Tunisia and Togo,” a fertiliser industry source points out.

THE RUPEE DEPRECIATION CATCH: IMPORT INTENSIVE EXPORTS LIKELY TO TAKE A HIT

The depreciation in the value of the rupee may be good for the country’s export sectors, but there’s a vulnerable sub-category that’s adversely impacted: labour-intensive export sectors such as gems and jewellery, pharmaceuticals and electronics that are highly dependent on imports of inputs.

Usually, a depreciation in the domestic currency is expected to give a boost to exports, as traders get more local currency when they convert the export proceeds, but importers, on the other hand, need more local currency to buy the same quantity of imported inputs.

Sectors such as gems & jewellery and electronics that have a high import intensity — the value addition of imported items as a proportion of the value of items that are subsequently exported — are faced with higher input costs and lower demand as they are forced to pass on some of the increase in cost of imports. Since the beginning of the year, the rupee has depreciated by 2.6 per cent to a near all-time low of Rs 76.5 as against the US dollar.

“Overall electronics exports are dependent on imports as local value addition in the sector is minimal,” said Vinod Sharma, MD at Noida-based Deki Electronics, which manufactures capacitors. Sandeep Narula, chairman of the Electronics and Computer Software Export Promotion Council, said that manufacturer-exporters would be hit by the depreciation of the currency since 60 to 80 per cent of the exports from the sector are import-led. Trade issues with Russia and Ukraine are also set to impact the sector as both countries are important destinations for electronics exports such as mobile phones. Narula added a significant proportion of exporters in the sector do not hedge their exposure to currency fluctuations.



“Even if the Indian exporters would have hedged the currency against depreciation, our experience is that 30 to 40 per cent of importers may not have opted for risk covering, resulting in higher import cost,” Narula said. Electronics exports accounted for 4.9 per cent of India’s exports in FY21.

The gems and jewellery sector is facing a double whammy as gold prices have risen sharply while the rupee has depreciated. Gold demand has fallen sharply as the Russian invasion of Ukraine has sent prices soaring to Rs 52,230 per 10 gm on the MCX on Monday. Gold is up 8.8 per cent since the beginning of the year.

“(Jewellery) manufacturers are not getting orders because the price rise is huge,” said K Srinivasan, chairman and managing director at Coimbatore based Emerald Jewel Industry, which manufactures and exports gems. Srinivasan said both domestic and international consumers understood that prices had shot up due to the Russia-Ukraine crisis and were delaying purchases. Srinivasan noted that many manufacturers were hedging both their exposure to higher gold prices and the devaluation of the rupee, but said smaller manufacturers may not be in the position to do the same.

Exports from the gems and jewellery sector had an estimated imports intensity of 63 per cent in 2014, according to a working paper by the Institute for Studies in Industrial Development (ISID). Therefore, imports accounted for almost two-thirds of the exported value of gems and jewellery in FY2014 according to the ISID working paper. Gems and jewellery exports accounted for about 9 per cent of India’s exports in FY21.

Petroleum product exports are also highly dependent on imports. However, the relative inelasticity of the demand of petroleum products allows exporters to pass on the impact of higher input prices, according to experts. The import intensity of petroleum product exports was estimated at 91 per cent in FY14 by ISID.

India’s pharmaceuticals exports are also heavily reliant on imports, particularly from China. The ISID estimated import intensity of 39 per cent in pharma exports in FY14. Pharma exports were 6.6 per cent of exports in the previous fiscal.

Commerce Minister Piyush Goyal on Monday said he did not think that a weak currency supported exports at an Associated Chambers of Commerce and Industry of India event. “I believe a strong currency reflects the strength of a nation and will always be good for exports, because India, at the end of the day, is a net importer of goods,” he added.

Biswajit Dhar, professor at Jawaharlal Nehru University, said high-tech manufacturing including electronic goods as well as automobile and automobile component exports would be hit by the depreciation in the rupee as exporters would have to pass on increased cost of imports which would affect demand. “There is going to be a cascading effect on the manufacturing sector,” Dhar said.

Experts said any benefit to exports from a weaker rupee in high value-addition sectors would also depend on the movement of currencies of nations that India competes with in such sectors. The currencies of most developing countries, including competitors such as Bangladesh, Vietnam and Indonesia have also weakened this year but to a less extent than the rupee. However, a general slowdown in the recovery of global trade due to the Russia-Ukraine conflict is a key concern among exporters.



Sunil Kumar Sinha, principal economist at India Ratings, that research showed that there was a significantly stronger correlation between a rise in global trade and Indian exports as compared to the correlation between rupee depreciation and an increase in exports.

THE LAND QUESTION

Last week, the Union cabinet approved the creation of a National Land Monetisation Corporation to monetise the surplus land holdings of Central Public Sector Enterprises (CPSEs) and other government agencies. Considering that various arms of the state have considerable land holdings across the country, monetisation of their “surplus, unused and under-used non-core assets in the nature of land and buildings” is a prudent strategy as it will lead to more efficient utilisation of these “under-utilised” assets.

The rationale for creating a land monetisation corporation is multifold. First, a detailed and comprehensive inventory of the state’s land holding will not only help it identify the surplus land, and push for monetising it, but will also help create a database for potential investors. After all, properly marked land parcels with geographical identifiers, with their boundaries clearly demarcated, and with the legality of title well established, will provide greater clarity and certainty to private investors. Second, public sector entities hold vast tracts of land that are either unused and underused land. As per reports, the total vacant land available with Railways is estimated at around 1.25 lakh acres. Similarly, the defence ministry also has considerable land holdings outside of the cantonment boundaries. Thus, collating them under a single entity will lead to a more efficient monetisation drive, and better utilisation of these assets. Third, proceeds from the monetisation of these assets will help generate additional resources, boosting government coffers. After all, land in and around prime areas can possibly generate substantial returns. Fourth, auctioning off surplus land will increase the supply of land, which may address the issue of the “artificial” scarcity of land that exists in certain areas. This could depress prices and thus have a moderating effect on costs of projects.

Considering that land monetisation is a complex process, entrusting this work to a separate agency is the right way to go about it. As the government itself has acknowledged, it requires “specialised skills and expertise” in areas such as “market research, legal due diligence, valuation, master planning, investment banking and land management.” A separate entity, housed with professionals with specialised skills is better suited for this task. However, the entity will have to grapple with several issues. First, the estimation of surplus land may be a contentious issue. Ministries, departments, and public sector entities may be reluctant to demarcate land parcels as “surplus”. Second, the corporation will have to grapple with issues such as the absence of clear titles, ongoing litigation, and muted investor interest. Third, there is also the issue of the encroachment of government land to contend with. But while this monetisation drive should lead to more efficient outcomes, it does raise questions over the management of commons, and whether public purpose can be better looked after by more effective management of public land by the state.

AT RS 13.63L CR, DIRECT TAX MOP-UP BEATS RE BY OVER RS 1L CR; HISTORIC HIGH: CBDT

The government has collected Rs 13.63 lakh crore as direct taxes for FY22 till Wednesday, a new high for the Income Tax Department, as per data released Thursday.

Revenue from direct taxes, including personal and corporate income taxes, jumped over 48 per cent in the current fiscal after a 41 per cent surge in advance tax payments. The net direct tax

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



collection number — as of March 16 — is Rs 13.63 lakh crore as against Rs 11.18 lakh crore in 2018-19, Rs 10.28 lakh crore in 2019-20 and Rs 9.24 lakh crore in 2020-21.

“If you look at the gross numbers, it is today Rs 15.50 lakh crore which is more by 38.3 per cent of 2020-21, more by 36.6 per cent of 2019-20, more by 32.7 per cent of 2018-19. We have never entered gross collection wise beyond Rs 12.79 lakh crore. This year, we have entered into Rs 15 lakh crore gross numbers which also is a historic high for the department,” Central Board of Direct Taxes (CBDT) Chairman JB Mohapatra told news agency PTI.

Net direct tax collections until March 16 were at Rs 13.63 lakh crore, against Rs 9.18 lakh crore in the year-ago period, the CBDT said. The net collections in direct taxes — made up of income tax on individual income, corporation tax on profits of companies, property tax, inheritance tax and gift tax — in the current fiscal is 35 per cent higher than the collection of Rs 9.56 lakh crore in the pre-pandemic year of 2019-20.

Advance tax collections, the fourth installment of which was due on March 15, rose to Rs 6.62 lakh crore, up 40.75 per cent, the CBDT said, adding refunds aggregating to Rs 1.87 lakh crore have been issued this fiscal.

Almost 53 per cent of all direct tax collection was from corporate tax, while 47 per cent came from personal income tax, including securities transaction tax (STT) on shares.

The direct tax mop-up exceeded the Budget Estimate (BE) of Rs 11.08 lakh crore and Revised Estimate (RE) of Rs 12.50 lakh crore presented in the 2022-23 Budget by Finance Minister Nirmala Sitharaman on February 1.

The gross collection for FY20 was Rs 11,34,706.3 crore and that for FY19 was Rs 11,68,048.7 crore. The gross collection includes corporate income tax of Rs 8,36,838.2 crore and personal income tax of Rs 7,10,056.8 crore.

The cumulative advance tax collections for this fiscal stood at Rs 6,62,896.3 crore as on March 16, compared to Rs 4,70,984.4 crore for the corresponding period of the preceding fiscal. This was 50.5 per cent higher than Rs 4,40,281.4 crore advance tax collection in 2019-20 and 31 per cent more than Rs 5,06,714.2 crore mopped up in 2018-19.

UNDERSTANDING CITIZENS' RELUCTANCE TO PAY TAXES

Do perceptions that citizens hold about how the government spends tax revenues affect how willing they are to pay taxes? Proponents of the Classical theory of benefit-based taxation have long argued that the willingness among citizens to pay taxes depends on the benefits that taxpayers expect to receive in return for paying their taxes. According to this theory, people may be more willing to pay taxes if they believe that the money will be spent in a way that personally benefits them. If, on the other hand, government spending is not likely to directly benefit them, taxpayers are less likely to pay their taxes. So taxes that are purely aimed at redistribution of wealth may not appeal to a lot of taxpayers.

Ignorant about tax spending

In “Where do my tax dollars go? Tax morale effects of perceived government spending,” a team of four researchers including Matias Giacobasso and Ricardo Perez-Truglia study over 2,000 households in Dallas County, the second largest county in the U.S. state of Texas, to gauge how



their willingness to pay property taxes changes with new information on how their tax money is spent by the government.

According to the authors, first of all, there were significant misperceptions among households about how the taxes that they paid were being spent by the government. For instance, households on average underestimated, by as much as 13 percentage points, the share of the property taxes that they paid which went towards funding public education. Such misperceptions existed despite the fact that there was publicly available information about how the government spends the taxes that it collected. In fact, almost half of the property tax that was collected in Texas was used to fund public education.

The researchers, who wanted to find out how sensitive households were to changes in government spending, decided to exploit this misperception among citizens. They informed the households during tax filing season about the actual share of property taxes that went into public education. The researchers then tried to gauge the effect that the new information had on the willingness of households to pay taxes. To measure taxpayers' willingness, they looked into data on property tax appeals that were filed by the sample population of households. It should be noted that an appeal allows a household to potentially lower the amount that it pays as taxes to the government.

On average, these tax appeals are successful two out of three times and help households save \$579 in the first year. In 2021, an average house in Dallas County was estimated to be worth \$327,690 and it was supposed to pay \$6,370 in property taxes, which represents an effective property tax rate of around 2%.

Once households were informed that their government spent a larger share of their taxes towards funding public education, there was significant change in their behaviour. The response to the new finding varied across households. Households with children enrolled in public schools were less likely to appeal against property taxes. This seems natural as these households personally benefitted from the taxes allocated towards public education.

On the other hand, households without children enrolled in public schools were more likely to appeal against property taxes once they found out that a larger share of property taxes was allocated towards public education. However, whether the share of taxes spent on public education was within the county or not did not seem to affect household decision to appeal.

Lack of access

The authors also note that one way to encourage people to pay taxes would be to make information about how tax revenues are being spent by the government more accessible to citizens.

They also recommend that the government should offer detailed information on the various purposes (such as health, education, roads, etc) towards which tax collections will be earmarked.

These steps, the authors believe, will reduce the tendency to appeal against taxes and increase willingness to pay taxes.

The study's conclusions may hold lessons for countries like India where there is an active push by the government to get more citizens to pay their taxes.



This is because a significant share of tax evasion that happens in India may simply be due to the fact citizens do not feel that they receive sufficient benefits from the government for the taxes that they already pay.

So, an effective way to improve tax compliance could be to improve the provision of benefits and make the government more accountable.

RETAIL INFLATION CLIMBS TO 6.07%

India's retail inflation inched up to an eight-month high of 6.07% in February from 6.01% in January, with rural India experiencing a sharper price rise at 6.38%. For urban consumers, the inflation rate, in fact, fell from 5.91% in January to 5.75% in February.

Food prices saw an upward trajectory, with inflation measured by the Consumer Food Price Index rising to 5.85% in February from 5.43% in January. This trend was divergent for rural and urban India, with the latter seeing a slight moderation in food inflation, while rural food inflation shot up by 0.7 percentage points to 5.87%. Food and beverages inflation hit a 15-month high, and the rising prices of edible oils are likely to pose a challenge in coming months, ICRA chief economist Aditi Nayar pointed out.

"Inflation appears to have become generalised and we believe it will be 5.5% to 6% through 2022-23, so the Reserve Bank of India [RBI] may consider a change in its forecast too," Bank of Baroda chief economist Madan Sabnavis said, warning of vegetable prices shooting up further with the onset of summer and the anticipated fuel price hikes this month.

The RBI has projected an average retail inflation of 4.5% for the coming year.

Most economists don't expect the RBI to shift from its accommodative growth-focused policy stance yet, despite the retail inflation crossing its tolerance threshold of 6% for the second month.

'MICROFINANCE FIRMS CAN FIX INTEREST'

The Reserve Bank of India (RBI) on Monday allowed microfinance institutions to fix interest rates on loans, with a caveat that the rates should not be usurious.

In revised guidelines that will take effect on April 1, the RBI tweaked the definition of a microfinance loan to indicate a collateral-free loan given to a household with annual income of up to ₹3 lakh.

Earlier, the upper limits were ₹1.2 lakh for rural borrowers and ₹2 lakh for urban borrowers.

As per the revised norms, regulated entities (REs) should put in place a Board-approved policy regarding pricing of microfinance loans, a ceiling on interest rate and all other charges applicable to microfinance loans.

"The revision of the income cap to ₹3 lakh will expand the market opportunity and interest rate cap removal will promote risk-based underwriting, said Udaya Kumar Hebbar, MD and CEO at CreditAccess Grameen Ltd.

Earlier, the cap on the interest rate was the lower of average cost of borrowing multiplied by 2.75; or cost of funds plus 10%, according to industry executives.



Each RE shall disclose pricing-related information to a prospective borrower in a standardised, simplified factsheet, the RBI said.

“Any fees to be charged to the microfinance borrower by the RE and/ or its partner/ agent shall be explicitly disclosed in the factsheet. The borrower shall not be charged any amount which is not explicitly mentioned in the factsheet,” it added.

There shall be no pre-payment penalty on microfinance loans. Penalty, if any, for delayed payment shall be applied on the overdue amount and not on the entire loan amount, the regulator said. Any change in interest rate or any other charge shall be informed to the borrower well in advance and these changes shall be effective only prospectively, it said.

The RBI said each RE would have to put in place a mechanism for identification of the borrowers facing repayment-related difficulties, engagement with such borrowers and providing them necessary guidance about the recourse available.

“The REs shall have a due diligence process in place for engagement of recovery agents, which shall, inter alia, cover individuals involved in the recovery process,” it said.

To ensure due notice and appropriate authorisation, the RE will provide the details of recovery agents to the borrower while initiating the process of recovery.

As per the new norms the minimum requirement of microfinance loans for NBFC-MFIs stands revised to 75% of the total assets.

RBI LIFTS CURBS ON HDFC BANK

The RBI has lifted all restrictions on HDFC Bank, permitting it to unveil new digital initiatives, the private sector lender said on Saturday.

In December 2020, the RBI had barred HDFC Bank from issuing new cards and introducing new digital initiatives after repeated instances of technological outages at the lender, which is the market leader in the credit cards segment.

The RBI action came after the bank’s customers faced a number of incidents of outages in Internet banking, mobile banking, and payment utilities over two years. Rivals ICICI Bank and SBI Cards had seized the opportunity to narrow the gap with HDFC Bank.

The action against HDFC Bank was followed by a ban on new card issuances by Mastercard and American Express due to their failure to adhere to data localisation rules.

Following remedial action from HDFC Bank, the regulator partially lifted the ban on card issuances last year in August. However, the ban on launching new technology initiatives continued.

With the lifting of both the bans, the bank said it was fully committed to ensuring continued adherence to the highest standards of compliance with RBI recommendations.

“We have utilised this time to draw up short, medium, and long-term plans to meet the evolving digital requirements of our customers and we will roll out these initiatives in the days to come,” HDFC Bank added.



US MAJORS STILL DOMINATING CARDS, PAYMENTS ECOSYSTEM; HOMEGROWN COMPANIES GAIN GROUND

The sanctions-led withdrawal of card payments networks like Visa and Mastercard from Russia throws light on the dominance of US-based companies in the global payments ecosystem.

In India itself, the top two UPI payment apps — Walmart-owned PhonePe and Google Pay — accounted for 364.43 crore UPI transactions in February, which was over two-thirds of the total transactions (446.77 crore) recorded during the month.

The credit cards segment, which is another major mode of payments in the country, is also dominated by American companies Visa and Mastercard together controlling more than half of the market share.

American card network operators suspended their services in Russia in light of the sanctions imposed on Russia by the United States as a result of the ongoing conflict in Ukraine.

The withdrawal of services from Russia by these companies means that any cards issued by banks globally on these networks will not work anymore in Russia at PoS terminals or ATMs. Further, cards issued by Russian banks on these networks will also stop working outside the country.

As per data from the National Payments Corporation of India (NPCI), PhonePe saw 212.02 crore transactions worth Rs 4.08 lakh crore in February, while Google Pay recorded 152.41 crore transactions worth Rs 2.91 lakh crore. The third and fourth biggest Unified Payments Interface (UPI) apps were Paytm Payments Bank, with 61.38 crore transactions worth Rs 72,204.32 crore, and Amazon Pay, with 6.35 crore transactions worth Rs 6,044.47 crore.

Interestingly, the cards space has layers to it with the scales tipped in the favour of the foreign players. According to a January 2021 report by the Reserve Bank of India (RBI), with 60.36 crore cards issued, the NPCI's RuPay card had more 60 per cent share in the number of cards issued as of November 30, 2020. But a significant chunk of this was from debit cards, with only 9.7 lakh RuPay credit cards being issued as of November 2020.

The significant lead for RuPay in number of debit cards notwithstanding, the value of card payments made through point-of-sale (PoS) machines using credit cards, where the American card network companies like Visa and Mastercard enjoyed a majority share, far exceeded those done using debit cards.

During January 2022, RBI data showed that Rs 87,768.50 crore worth of credit card transactions were made at PoS terminals, while debit card transactions at PoS terminals stood at Rs 59,494.77 crore.

However, the debit card-led expansion of RuPay in the cards segment to have over 60 per cent share in November 2020, compared with only 15 per cent in 2017, did manage to unsettle Visa and Mastercard.

In August last year, Visa had reportedly raised concerns about a “level playing field” in India during a meeting with US Trade Representative Katherine Tai. It had specifically flagged India's “informal and formal policies” that “appear to favour” the business of NPCI, which runs RuPay. Mastercard, led by Indian-origin executive chairman Ajay Banga, had also raised similar concerns back in 2018.



The Reserve Bank, in July last year, had banned Mastercard from issuing any new cards for not complying with data localisation requirements.

However, in terms of ATM transactions, which are driven by debit cards both in volumes and value, a hypothetical withdrawal of services by foreign companies like Visa or Mastercard is unlikely to affect ATM operations given that transactions at the automated teller machines are conducted through the NPCI-run National Financial Switch.

EPF RATE CUT TO 8.1%, TO HIT SAVINGS

The return on workers' retirement savings parked with the Employees' Provident Fund Organisation (EPFO) has been slashed to 8.1% for 2021-22 from the 8.5% rate credited to members' accounts in the past two years.

The last time the EPF savings were paid an annual return this low was in 1977-78, when the rate was 8%, but that marked the highest EPF rate at the time since the EPFO's inception in 1952. Since then, the EPF rate has been lower than 8.5% in three years — 1979-80, 1980-81 and 2011-12 — when an 8.25% return was paid on balances.

The EPFO's Central Board of Trustees (CBT), chaired by Labour and Employment Minister Bhupender Yadav, recommended 8.1% at its meeting in Guwahati on Saturday. The rate will have to be ratified by the Finance Ministry before it is notified and credited to members' accounts.

The cut in the EPF rate, at a time when inflation is resurging, attracted criticism from the central trade union representatives on the Board who called for the 8.5% return to be retained.

Employee representatives had also opposed the last rate cut on EPF savings from 8.65% in 2018-19 to 8.5% in 2019-20.

Mr. Yadav sought to downplay concerns and said he felt good to announce 8.1% at a time when a 10-year fixed deposit with the State Bank of India yields just around 5.4%, while returns on savings instruments such as the Public Provident Fund are in the range of 6.8% to 7.1%.

"This year, our Board, keeping the kind of international situation and the [volatile] condition of the stock markets, has opted to keep social security goals in mind with the investments. We cannot invest in high-risk instruments, we are looking at stable returns for social security needs," he said after the meeting.

The EPFO's income from investments this year stood at ₹76,768 crore from about ₹70,000 crore in 2020-21, when it had paid out 8.5% to EPF accounts. The EPF corpus went up during the year from ₹8.29 lakh crore to ₹9.42 lakh crore.

The EPFO has been investing at least 5% of incremental EPF inflows into members' accounts into the equity markets since 2015-16. A minimum 45% of fresh accruals are invested in government securities, with a ceiling of 65%.

K.E. Raghunathan, an EPFO trustee and a member of its Board's Finance and Investment Advisory Committee, told The Hindu that the 8.1% rate became feasible amid the current tumult in the markets, because the EPFO's fund managers had offloaded some of its equity and bond holdings before the Russia-Ukraine war.



LIFE & SCIENCE

WHAT CAUSES THE INTERRUPTED SLEEP OF THE ELDERLY?

A common human wish is to be able to sleep like a baby. Indeed, in adults, the total hours of sleep, and the quality of this sleep declines with age. Older people are especially prone to listless, fragmented sleep. A chronic drop in the quality and quantity of sleep can lead to diminished mental and physical health, and to a reduced lifespan (Mander et al., *Neuron*, 94, 19 (2017)).

Research has provided many clues to what induces sleep in humans. The pineal gland, at night, releases the hormone melatonin which is involved in regulating the sleep-wake cycle. This has made it a popular supplement for overcoming insomnia, although its effectiveness beyond the short term remains debatable.

However, our 'awake' state is much more complex, because nearly the whole brain is involved. This is perhaps why we are perplexed by the often-disrupted sleep of the elderly, where wakefulness repeatedly encroaches upon blissful sleep.

Voluntary movements

It is known that in older people with sleep disturbances, degeneration of nerve cells is seen in brain centres involved in the coordination of voluntary movements. A recent study has added a new dimension to our knowledge (Li et al., *Science*, 375, 2022). The study points to the hypothalamus, which lies in the centre of the brain and is the size and shape of an almond. An area in this part of the brain, the lateral hypothalamus, plays an outsized role in wakefulness, feeding behaviour, learning and sleep. Emanating from here are a bunch of nerve cells that fan out and project their nerve ending to all the parts of the central nervous system that are associated with the state of arousal. The chemical message released by these neurons is in the form of small proteins, called hypocretins and also known as orexins (The two names come from two groups of scientists who independently discovered these neuropeptides in 1998).

Excitatory signals

Like all neurons, Hcrt/OX neurons have endings called synapses, which may be next to the synapse of another neuron, or next to a muscle cell. Electrical signals pass along the length of neurons until they come to the synapse, where they are fleetingly transformed into chemical signals, which cross over and generate a response in the adjacent neuron. In the language of neuroscience, an excitatory signal will lead to the firing of the next neuron – electrical signals are conducted to a synapse at the other end of that neuron. Inhibitory signals tamp down the firing of an active neuron. Hypocretin tends to be excitatory, stimulating the neurons that it reaches.

Hypocretin stimulates wakefulness, and with it, motivated behaviour such as seeking food or a mate, as well as responsiveness to cold, nausea or pain. Of the 86 billion neurons in the human brain, less than 20,000 produce hypocretin, but their influence is profound. Most of all, hypocretin is important for maintaining prolonged periods of wakefulness. Directly injecting hypocretin into the cerebrospinal fluid (so that it is quickly delivered inside the brain) will keep you wide-awake for several hours. And neurons that produce hypocretin are no longer active when you are asleep.

In experiments, mice deprived of food stay awake and busy for a very long time while they search for food. Mice lacking hypocretin, in which the hypocretin gene has been knocked out, are far less motivated in their hunt.



Fractionation of sleep

What happens to the sleep of the elderly? Li et al. show that with age, changes occur in these hypocretin-producing neurons. They become hyperexcitable, conducting signals and releasing neuropeptides at a very low threshold, at the slightest provocation.

The unwanted activation of inactive hypocretin neurons leads to the fractionation of sleep. Changes in aged neurons thus make it more difficult to inhibit their activity.

There is a rare disorder of the nervous system triggered by the loss of Hcrt/OX neurons. Narcolepsy has strange characteristics – an overwhelming desire to sleep in the daytime, even though the total hours of sleep remain unchanged; a tendency to hallucinate as the sleep-wake phases are blurred; frequent loss of muscle tone – cataplexy – during which muscles become flaccid. Only a handful of cases have been documented in India, mostly men in their thirties (Ray, Indian Journal of Medical Research, 148, 748 (2018)). Patients with this condition have vanishingly low amounts of hypocretin in their cerebrospinal fluids.

Finally, can sufferers of fractured sleep dream of ways to bring better constancy to their sleep? In aged mice, the analgesic Flupirtine, although beset with toxicity issues, appears to raise back the threshold at which hypocretin neurons get excited, thus restoring the structure of sleep.

EXPLAINED: WHAT TO MAKE OF COVID-19 RESURGENCE IN CHINA, HONG KONG AND ELSEWHERE

While the Covid-19 pandemic is seemingly nearing its end in India, with the daily count of cases having fallen to the lowest levels since May 2020, several countries, especially those in Europe, continue to report a very high number of cases.

Worryingly, the pandemic is showing signs of resurgence in a few areas, most notably in China where a sudden rise in cases is being reported. The surge in China follows an unprecedented wave in Hong Kong since early February.

China, where the pandemic originated in December 2019, was the first one to gain near complete control over the outbreak. At least, that was what the data being reported from the country suggested. New cases had all but stopped, after the country had reported the first 85,000 infections by April 2020. In a country of 1.4 billion people, the daily count of cases remained mostly in double digits through most of the last two years.

But things have changed drastically in the last three weeks. The daily case count has been consistently in three digits since February 18, according to the website Our World in Data, and has now entered the thousands. In the last ten days, the country has reported a daily average of nearly 700 new cases. There hasn't been any corresponding increase in Covid-19 deaths, though. China has continued to report zero deaths for several months now.

That is not the situation in Hong Kong, however. Hong Kong has been experiencing a massive wave of new infections, and also seeing a number of deaths. There have been over 3,500 Covid-related deaths in Hong Kong in just this month. In a country that had been reporting cases only in single digits until December, hospitals are now overcrowded and patients are unable to find beds, or critical healthcare support.



But these are not the only two. Most countries in central and western Europe are reporting large number of Covid-19 cases, and some, like Germany, in lakhs every day. Even the United States is averaging over 25,000 new cases every day.

No new variant

Unlike the other major waves, the current resurgence is not triggered by the emergence of any new fast-transmitting variant of the virus. At least, none has been identified so far. In most of the countries reporting high numbers, it is the Omicron variant that is spreading. In Hong Kong and China, the Omicron wave seems to have hit a few months late compared to the rest of the world. In Europe and the United States, the Omicron wave has remained far more persistent than it has in India, for example. The decline has been much slower and unsteady.

The cases of China and Hong Kong stand out mainly because, unlike Europe or the United States and much of the rest of the world, these two regions never really witnessed the kind of surge they are experiencing now. Most other countries, on the other hand, have seen multiple waves. It is not clear what finally enabled the Omicron variant to break through the defences in Hong Kong and then in China.

Relaxations in restrictions

The refusal of Covid-19 to fade away in the United States and Europe could be attributed, at least in part, to the steady relaxation in restrictions, and normalisation of routine interactions. In most of these countries, normal life is almost back to pre-pandemic levels. But the situation in India is not very different. And here, the decline of the third wave has been remarkably swift.

The other possible reason could be the waning effectiveness of the vaccines. Europe and the United States vaccinated their populations far earlier than India, and the coverage of the booster doses has not been as universal as the original dosages. This could be true for China and Hong Kong as well. China has been the leader in vaccinating its people, having started as early as June 2020. But the percentage of people taking the booster doses has been much lower.

PATENT RIGHTS ON COVID-19 JABS MAY BE WAIVED

Intellectual property rights held by international pharmaceutical companies on COVID-19 vaccines may be relaxed for up to five years, according to a proposal by the European Union (EU) against the backdrop of a festering two-year-old dispute at the World Trade Organization involving India, the U.S., South Africa and the EU.

This reprieve will, however, not apply to COVID-19 drugs and diagnostic devices, though the EU proposed a “discussion” on this in the next six months and also rebuffed India’s original demand for a waiver on intellectual property restrictions on COVID therapeutics.

This waiver will allow pharmaceutical companies in developing countries not only to make but also, further down, export vaccines without explicit permission from the patent holders, said a version of the negotiation text that The Hindu has viewed.

Though India, along with South Africa, was among the proponents of the original waiver in 2020, it is unclear to what extent this proposal will benefit Indian manufacturers, who have in the past year, not only entered into licensing arrangements with global pharmaceutical companies but also developed indigenous vaccines. Nearly 100 countries, including the U.S., support the Indian



position. Many developing countries, including India, already have a system of compulsory licensing, whereby exigencies can permit the government to authorise production of a drug or vaccine irrespective of whether it is protected by patents.

A clause in the text said these “waivers” would apply to developing countries that have not exported more than 10% of the COVID-19 vaccine doses in 2021 and it is unclear if India was included in this definition.

THE GENETIC VARIANTS CAUSING SEVERE COVID-19

The story so far: Scientists in the United Kingdom as part of a research project, GenOMICC (Genetics of Mortality in Critical Care), have identified 16 new genetic variants that make a person more susceptible to a severe COVID-19 infection.

What is the GenOMICC study?

The GenOMICC— reportedly the largest of its kind — is a research study that brings together clinicians and scientists from around the world to find the genetic factors that lead to critical illnesses. While millions suffer from infectious diseases every year, even though most cases are mild, some people become extremely unwell and need critical care. This may be because of their genes and the GenOMICC project is about identifying them. The scientists involved compare the DNA of critically-ill patients with members of the general population. However, ferreting out such differences requires a large number of people and comparing their genetic structures at multiple levels of resolution. Since 2015, the GenOMICC has been studying emerging infections such as SARS (severe acute respiratory syndrome), MERS (Middle East respiratory syndrome), flu, sepsis, and other forms of critical illness.

How was the GenOMICC study for COVID-19 done?

Researchers from the GenOMICC consortium, led by the University of Edinburgh in partnership with Genomics England, sequenced the genomes of 7,491 patients from 224 intensive care units in the United Kingdom. Their DNA was compared with 48,400 other people who had not suffered from COVID-19, and that of a further 1,630 people who had experienced mild symptoms. Determining the whole genome sequence for all participants in the study allowed the team to create a precise map and identify genetic variation linked to severity of COVID-19.

What are the key findings?

The team found key differences in 16 genes in ICU patients compared to the DNA of the other groups. It also confirmed the involvement of seven other genetic variations already associated with severe COVID-19 discovered in earlier studies by the same team. The 16 new genetic variants included some that had a role in blood clotting, immune response and the intensity of inflammation. A single gene variant, the team found, disrupted a key messenger molecule in immune system signalling — called interferon alpha-10 — that increased a patient’s risk of severe disease. There were variations in genes that control the levels of a central component of blood clotting — known as Factor 8 — that were linked with critical illness in COVID-19. This highlights the gene’s key role in the immune system and suggests that treating patients with interferon, which are proteins released by immune cells to defend against viruses, may help manage disease in the early stages.

How useful are these findings?



The overarching aim of genome association studies is to not only correlate genes but also design treatments. For instance, the knowledge that interferons play a role in mediating a severe infection is already being used in drug therapies in the management of severe COVID. A study called the COVIFERON trial tested three kinds of interferon on the management of severe COVID but found no significant benefit in alleviating disease. Genomics studies reveal an association with certain conditions but don't necessarily explain how the genes direct the chain of chemical reactions that bring about an adverse outcome. But the knowledge of the gene helps to design targeted drugs. New technologies, such as CRISPR, allow genes to be tweaked or silenced and therefore this approach could be used to make new medicines. The GenOMICC study isn't the only one of its kind. Several consortia globally are working on identifying genes that may explain different disease outcomes.

CHILDREN MORE UNLIKELY TO PRODUCE ANTIBODIES

A small study involving 108 participants — 57 children and 51 adults — found that compared with adults, a higher proportion of children did not produce antibodies in response to SARS-CoV-2 infection (seroconversion). All the 108 participants were either asymptomatic or had only mild symptoms. The lack of antibodies in children becomes particularly stark as both adults and children had comparable viral load.

Producing antibodies

The study was carried out between May 10 and October 28, 2020 at the Royal Children's Hospital, Melbourne, Australia. The study looked at the ability of adults and children to produce antibodies when infected with the Wuhan strain of the virus. Whether children would exhibit the same characteristics in the case of the Delta and Omicron variants, where people tend to have far higher viral loads, is not known.

The study recruited children and adults infected with SARS-CoV-2 and their household members, and samples were collected from the throat and nose to detect the virus; blood samples were collected to measure humoral responses.

The results were published in the journal JAMA Network Open.

Lower Ct values

Using three serological assays, the team of researchers led by Paul V. Licciardi from the Royal Children's Hospital found that only 20 of 54 children produced antibodies on being infected, compared with 32 of 42 adults. This was despite the viral load being comparable. The mean cycle threshold (Ct) value for adults was 24.1 while it was 28.5 in the case of children. The smaller the Ct value, the higher is the viral load. However, the researchers say that when the Ct value was less than 26, both adults — 10 of 11 (90.9%) — and children — 12 of 15 (80%) developed antibodies.

"The findings of this cohort study suggest that among patients with mild COVID-19, children may be less likely to have seroconversion than adults despite similar viral loads. This finding has implications for future protection after SARS-CoV-2 infection in children and for interpretation of serosurveys that involve children," they write.

Stronger, faster response



One reason why 34 children did not develop antibodies despite being infected could be because children have been found to mount a “stronger and faster response” to infection than adults. That would mean that children are able to clear the virus so quickly that the immune system is not triggered to produce antibodies against the virus. So in the absence of antibodies, it is not clear if these children would be protected against reinfection.

The authors found that a higher proportion of adults who did not develop antibodies were asymptomatic — four of 10 (40%). In contrast, adults who had symptoms had greater possibility of developing antibodies. In the case of children, a higher proportion of children who had antibodies did not have any symptoms on infection compared with children who did not develop antibodies. “This outcome suggests that the host humoral response to SARS-CoV-2 infection in children is different in adults despite similar viral loads and exposure to circulating virus variants,” they write.

One reason why children are able to clear the virus without even producing antibodies may be because unlike adults, children have a more robust innate and/or mucosal immune response to the virus. The faster clearance of the virus by children could be again because children have a robust innate immune response than adults. But the authors were not able to confirm these statements in the study.

Case of adults

It was previously shown that adults who did not have antibodies were 80% more susceptible to getting reinfected compared with adults who developed antibodies. Even when adults developed antibodies, the risk of reinfection was higher when the level of antibodies was low. But even when antibody levels were low, adults who were reinfected had lower viral load than adults who did not have antibodies and got reinfected.

“Therefore, a lack of seroconversion [lack of antibodies] may result in a higher susceptibility to reinfection. This hypothesis may have important implications on the transmission of SARS-CoV-2 in the community and the public health response,” they write.

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