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DreamIAS

INTERNATIONAL

BIDEN'S U-TURN ON SAUDI ARABIA

"We were going to, in fact, make them [Saudi Arabia] pay the price, and make them, in fact, the par*** that they are," Joe Biden said in November 2019 during a Presidential campaign event. "They have to be held accountable," he added. After assuming the Presidency in January 2021, Mr. Biden released a U.S. intelligence assessment that concluded that Mohammed bin Salman, the Crown Prince and de facto ruler of Saudi Arabia, ordered the killing of Jamal Khashoggi, the Saudi dissident and Washington Post columnist. Khashoggi was killed and dismembered in October 2018 inside the Kingdom's consulate in Istanbul. President Biden refused to talk directly to MBS, as Prince Mohammed is widely called. The administration also announced that it was ending America's support for Saudi Arabia's war on Yemen. Speculation was rife that the U.S.-Saudi strategic alliance that goes back to the 1945 meeting between President Franklin D. Roosevelt and Saudi King Abdul Aziz Ibn Saud was in peril.

Not really.

One and a half years later, President Biden travelled to Saudi Arabia to reset ties with the Kingdom. In Jeddah, the port city on the Red Sea coast, Mr. Biden fist-bumped MBS, and held talks with him and other senior officials of the Kingdom. A week before the meeting, State Secretary Antony Blinken had called Saudi Arabia a "critical partner" in dealing with extremism in West Asia and challenges posed by Iran. Clearly, the Biden administration's apparent efforts to punish and isolate MBS were over. What is behind this U-turn?

Abraham Accords

Three major geopolitical developments that were not in the White House's direct control seemed to have pushed Mr. Biden to adopt a more traditional approach towards America's allies in the region, even at the expense of contradicting the promises candidate Biden had made. First, the Abraham Accords — the set of agreements that saw Israel and four Arab countries (the UAE, Bahrain, Morocco and Sudan) normalise ties under the aegis of the Trump administration — brought in structural changes in the geopolitical alignment of West Asia.

Israel and Arab countries had backroom contacts for decades. But with the Abraham Accords, these two sides, the two pillars of America's West Asia policy, have taken formal steps to build a new political, economic and security partnership, seeking to counter Iran. The Biden administration, after the initial confusion on whether it should go back to the Obama-era realism or the Trump-model partnership with allies, appears to have concluded that it should take the latter path. So if the U.S. is seeking to further strengthen the growing Arab-Israel partnership, the logical next step is to get Saudi Arabia on board.

Iran factor

Second, reviving the Iran nuclear deal proved to be difficult. Barack Obama had taken a narrowly focused view of America's objectives in West Asia. He advocated a "Cold Peace" between Shia Iran and Sunni Arabs, overlooked Israel's protests and went ahead with the nuclear deal which cut off Iran's path towards bomb. But Mr. Trump, unanimously pulled the U.S. out of the nuclear deal and promoted stronger ties between Israel and Sunni Arabs.

Mr. Biden took a mixed approach of trying to revive the nuclear deal, while at the same time further strengthening the Israel-Arab partnership. But the Iran deal remained elusive.

During the Obama era, Iran had a moderate President who was ready to cut a deal. Now, all branches of the Iranian state are controlled by hardliners. Iran has also entered into a 25-year economic cooperation agreement with China, and it is soon expected to join the Shanghai Cooperation Organisation. Mr. Biden finds an emboldened Iran in talks, which refused to make any more concession than the 2015 deal sought for. On the other side, Iran wants the U.S. to remove the terrorist designation of the Islamic Revolutionary Guard Corps (IRGC), a Trump decision.

Mr. Biden, who is facing collective strong opposition from Israel and Sunni Arabs against making any more concession to Iran, refused to remove the terrorist tag, which brought the nuclear talks to a halt, for now. Faced with uncertainty on the Iran deal, the Biden administration seems to have decided to double down on the other aspect of its West Asia policy — strengthen the Israel-Sunni Arab bloc. For this, Saudi Arabia's support is essential. The U.S. has negotiated a deal between Saudi Arabia, Egypt and Israel that would see Egypt transferring the sovereignty of two Red Sea islands — Tiran and Sanafir — to Saudi Arabia.

Ukraine war

Third, the Ukraine war. Russia's February 24 invasion of Ukraine and the West's push to punish President Vladimir Putin for the aggression has disrupted the global energy markets, turning the cost of living crisis in western countries worse.

The U.S. has banned Russian oil. The EU is phasing out 90% of Russian oil imports and is planning to impose an insurance ban on tankers carrying Russian fuel. Crude prices in the international market are already hovering around $100 a barrel. Once the insurance ban kicks in, prices could jump further. It would make the inflation crisis in the West — in the U.S. it has hit a 41-year high at 9.1% — worse.

Mr. Biden, whose Democratic Party faces grim prospects in November midterm elections, wants Saudi Arabia to pump in more oil into the market to steady prices. Saudi Arabia is one of the few countries that have excess capacity to ramp up production. The others are Venezuela and Iran, both under American sanctions. So, to punish Russia, one of the largest oil and gas producers in the world, while keeping the impact of those measures on western economies at minimum, the U.S. needs Mohammed bin Salman's Saudi Arabia.

UNION OF THE SANCTIONED

It was hardly a surprise that Russian President Vladimir Putin chose Iran, another country at the receiving end of western sanctions, for his first visit outside the former Soviet sphere since Russia's February 24 invasion of Ukraine. Russia and Iran, brought together by their opposition toward the West, already have a strategic partnership in place and have worked together in places such as Syria. But despite this cooperation, tensions have also existed where Russia has remained the big brother. But the war and the subsequent western sanctions on Russia have added a new dimension to the partnership. Hours before Mr. Putin landed in Tehran, the countries signed a $40 billion energy memorandum of understanding where Russia's Gazprom would work with the National Iranian Oil Company in developing energy fields and building LNG projects and pipelines. Last week, the U.S. had claimed that Russia was also seeking armed drones from Iran to deploy in

Ukraine. So, Russia, battered by sanctions and rattled by the slow progress of its war, is seeking to build a coalition of the sanctioned by deepening an economic, defence and strategic partnership with Iran. And in Tehran, Mr. Putin has found a receptive audience.

In Tehran, Mr. Putin also met Turkish President Recep Tayyip Erdoğan to discuss the Syrian civil war and a United Nations proposal to allow grain exports from Ukrainian ports via the Black Sea. The trilateral summit, at a time when the West seeks to isolate and punish Mr. Putin, shows the complex geopolitical moves at play in West Asia. Turkey, a NATO member, has condemned the Russian war and supplied Ukraine with drones, but refused to join the western sanctions against Moscow. Turkey and Russia, which back rival factions in Syria's civil war but have entered into an entente, need each other to protect their interests in Syria. Iran, whose bet on the 2015 nuclear deal backfired after the U.S. unilaterally pulled itself out of the agreement in 2018, has been keen on building stronger strategic and economic ties with China and Russia. As the nuclear talks resumed by the Biden administration have reached an impasse, Iran's Ayatollahs would naturally prefer a stronger partnership with Russia. This explains the complex trilateral dynamics of the Tehran summit. The visit has also highlighted the importance of West Asia in the time of great power rivalries. Mr. Putin's visit came just days after U.S. President Joe Biden wrapped up his Saudi-Israel tour. Mr. Biden warned America's traditional allies against Russia, China and Iran gaining greater influence in the region. And days later, the Russian leader was in the Iranian capital. While Mr. Biden seeks to build a united front of American allies in West Asia against Iran and Russia, Mr. Putin is betting on Iran to expand the Russian influence in the region in these difficult times.

THE SHANGHAI COOPERATION ORGANISATION AND ITS STATURE IN THE MODERN WORLD

The story so far: Iran and Belarus could soon become the newest members of the China and Russia-backed Shanghai Cooperation Organisation (SCO). "In the Samarkand summit [in September], we expect the leadership to adopt a document on the obligations Iran must fulfil to gain membership. The legal procedures of Belarus's accession are about to start. We need to build consensus on the acceptance of Belarus," Chinese diplomat and incumbent Secretary-General of SCO, Zhang Ming, stated last week. According to him, the suggested expansion would exhibit the collective's rising international influence and its principles being widely accepted.

What is the SCO?

Founded in June 2001, it was built on the 'Shanghai Five', the grouping which consisted of Russia, China, Kazakhstan, Kyrgyzstan and Tajikistan. They came together in the post-Soviet era in 1996, in order to work on regional security, reduction of border troops and terrorism. They endowed particular focus on 'conflict resolution', given its early success between China and Russia, and then within the Central Asian Republics.

Some of their prominent outcomes in this arena entail an 'Agreement on Confidence-Building in the Military Field Along the Border Areas' (in 1996) between China, Russia, Kazakhstan, Kyrgyzstan and Tajikistan, which led to an agreement on the mutual reduction of military forces on their common borders in 1997. It would also pitch in to help the Central Asian countries resolve some of their boundary disputes.

In 2001, the 'Shanghai Five' inducted Uzbekistan into its fold and named it the SCO, outlining its principles in a charter that promoted what was called the "Shanghai spirit" of cooperation. The

charter, adopted in St. Petersburg in 2002, enlists its main goals as strengthening mutual trust and neighbourliness among the member states; promoting their effective cooperation in politics, trade, economy, research and technology, and culture. Its focus areas include education, energy, transport, tourism and environmental protection.

It also calls for joint efforts to maintain and ensure peace, security and stability in the region; and the establishment of a democratic, fair and rational new international political and economic order. The precise assertion, combined with some of the member states' profiles, of building a "new international political and economic order" has often led to it being placed as a counter to treaties and groupings of the West, particularly North Atlantic Treaty Organisation (NATO).

The grouping comprises eight member states — India, Kazakhstan, China, Kyrgyzstan, Pakistan, Russia, Tajikistan and Uzbekistan. The SCO also has four observer states — Afghanistan, Iran, Belarus and Mongolia — of which Iran and Belarus are now moving towards full membership.

How is this relevant to India?

India acquired the observer status in the grouping in 2005 and was admitted as a full member in 2017. Through the years, the SCO hosts have encouraged members to use the platform to discuss differences with other members on the sidelines. It was on such an occasion that Prime Minister Narendra Modi held a bilateral meeting with former Pakistani Prime Minister Nawaz Sharif in 2015 in Ufa, and Foreign Minister S. Jaishankar negotiated a five-point agreement with his Chinese counterpart Wang Yi on the sidelines of the Moscow conference in 2020.

India is also a part of the 'Quadrilateral' grouping with the U.S., Japan and Australia. Its association with the grouping of a rather different nature is part of its foreign policy that emphasises on principles of "strategic autonomy and multi-alignment".

What is the organisational structure?

The SCO secretariat has two permanent bodies — the SCO Secretariat based in Beijing and the Executive Committee of the Regional Anti-Terrorist Structure (RATS) based in Tashkent. Other than this, the grouping consists of the Heads of State Council (HSC), the Heads of Government Council (HGC) and the Foreign Ministers Council.

The HSC is the supreme decision-making body of the organisation. It meets annually to adopt decisions and guidelines on all important matters relevant to the organisation. The HGC (mainly including Prime Ministers) also meets annually to zero in on the organisation's priority areas and multilateral cooperation strategy. It also endeavours to resolve present economic and cooperation issues alongside approving the organisation's annual budget. The Foreign Ministers Council considers issues pertaining to the day-to-day activities of the organisation, charting HSC meetings and consultations on international problems within the organisation and if required, makes statements on behalf of the SCO.

Is it about countering the West?

The Council on Foreign Relations (CFR) noted in 2015 that decades of rapid economic growth had propelled China onto the world's stage, whereas Russia found itself beset with economic turmoil following the Crimean annexation in 2014 and ejection from the G8 grouping.

Most recently, Russia's action in Ukraine caused it to be subjected to sanctions on multiple fronts by the West. China, in what could be referred to as 'distance diplomacy', had held that security of

one country should not be at the expense of another country — blaming the West (specifically referring to NATO) for the entire episode. Thus, the organisation spearheaded by both Russia and China does not find its supporters in the West. Moreover, on the proposed induction of Iran, journalist and commentator Nazila Fathi, writing for the Middle East Institute, stated in September 2021 that the country might not see much short-term benefit, however, it would signal closer ties with both China and Russia.

The Iranian leadership has often stressed that the country must "look to the East". This is essential not only to resist its economic isolation (by addressing the banking and trade problems on account of U.S. sanctions) from the West, but also find strategic allies that would help it to reach a new agreement on the nuclear program. In other words, using its ties with China and Russia as a leverage against the West. Additionally, it would help it strengthen its involvement in Asia.

The same premise applies for Belarus, which lent its support to Russia for its actions in Ukraine. An association with the SCO bodes well for its diplomacy and regional stature.

CHILE MARKS A NOTCH IN GLOBAL CONSTITUTIONALISM

In 2019, a wave of protests engulfed the country of Chile. These protests were triggered by familiar themes: social inequality, the cost of living, and probity in governance. But at the heart of the protests was also the fact that Chile's Constitution was no longer fit for purpose. Drafted in 1980, under the military regime of General Augusto Pinochet, the Chilean Constitution embodied what is popularly known as Chicago School economics: market deregulation was not just a policy choice, but encoded into the Constitution, with one of its most notorious elements being the privatisation of water as a constitutional imperative. Over the years, this led to Chile becoming one of the most unequal countries in the world.

It is inclusive

Consequently, one of the demands of the Chilean protesters was to replace Pinochet's Constitution with a democratic Constitution, written by the People of Chile, for themselves. The Chilean government eventually conceded to this demand. This led to the formation of a directly-elected Constituent Assembly, which was strikingly representative: 51% of the Constituent Assembly members were women, and there were 17 reserved seats for indigenous peoples. Constituent Assembly members also included people from across the socio-economic and geographical spectrum of Chile, sexual minorities too.

Unsurprisingly, this intensely representative and participatory process has led to the drafting of a Constitution that is both inclusive and visionary. The constitutional draft was finalised at the beginning of July, and will be put to a nationwide referendum on September 4. At the time of writing, there is intense campaigning across the country, both to approve and to reject the draft Constitution, with polls showing a close contest.

To understand the contribution of the Chilean people and the Chilean Constituent Assembly to the present global conversation around democracy, it is important to locate this draft Constitution within a longer history of constitutionalism. In the early to mid-20th century, constitutional drafting around the world often followed the United States model. It was believed that the purpose of a Constitution was to constrain state power. To this end, Constitutions set out enforceable bills of rights, and divided power between the three wings of State — the legislature, the executive, and the judiciary.

Other rights

In the latter half of the 20th century, it came to be understood that this vision of constitutionalism was necessary, but inadequate, to address the many problems faced by countries across the world. For one thing, Constitutions tended to ignore the "social question", and issues around equitable access to material resources. In response, starting in the 1980s, Constitutions began to include "socio-economic rights" — such as the rights to housing, to education, and to health, among others — within their bills of rights.

A particularly famous example of this is South Africa's post-apartheid Constitution of 1996. While recognising that it is not always possible for Constitutions to mandate how national resources will be allocated, socio-economic rights provisions have been useful in requiring governments to justify how resources are used, and to hold them to account where resource distribution was discriminatory, or insufficiently attentive to the needs of the most vulnerable.

Second, it was recognised that the complexities of governance require a set of institutions that are independent of the legislature and the executive, and can hold them to account. Some familiar examples include information commissions, human rights commissions, and electoral commissions. In constitutional parlance, these are sometimes referred to as "integrity institutions", as their task is to ensure integrity in the functioning of state agencies. For example, Chapter Fifteen of the 2010 Constitution of Kenya lists out 10 commissions, and guarantees their independence from the government.

Drawing upon wisdom

Third, it was recognised that mere periodic elections constitute only a thin and attenuated version of democracy. This is exacerbated by the fact that elections require money, and — often — the backing of established political parties. Thus, to have a rich and thriving democracy, there needs to be a deeper and more substantive involvement of the people, in between election cycles. This has come to be known as the requirement of "public participation". Once again, the 2010 Constitution of Kenya is instructive here: it mandates public participation in the process of law-making, and also envisions popular initiatives — alongside civic education and widespread consultation — as one way of bringing about constitutional change.

The Chilean draft Constitution draws upon this past wisdom, and decades of trial and error across the world, to craft a document that can serve as the framework for an enduring and egalitarian democracy. Some of the striking features of the draft Constitution, thus, are a catalogue of basic socio-economic rights (such as the right to education, workers' rights, gender identity rights, and the decommodification of water); the existence of autonomous institutions, independent of the government; and the guarantee of citizen initiatives — including Indigenous initiatives — for introducing or changing laws in Parliament. As experience has shown, these are all integral elements for sustaining a culture of constitutionalism.

THE PAKISTAN AND IMF TALKS: WHAT LIES AHEAD?

The story so far: On July 14, the staff-level talks between Pakistan and the International Monetary Fund (IMF) concluded for the seventh and eighth review under Extended Fund Facility (EFF). The talks were originally aimed at releasing a tranche of $900 million. The talks, which began on March 4, were expected to conclude by March 16; however, it took five months to reach the staff-level agreement. Finally, last week, the IMF team reached an understanding with Pakistan to release

$1.17 billion, subject to the board's approval. This brings the total disbursement under the current EFF to $4.2 billion so far, to support policy actions under FY 2023 budget, power sector reforms, and monetary policy to restrain inflation. The latest IMF press release maintains it would consider an extension of the current EFF to end June 2023 and augment the fund amount to $7 billion.

What was the Extended Fund Facility (EFF), and why did the talks take longer to conclude?

The 39-month EFF between the two was signed in July 2019 to provide funds amounting to Self-Drawing Rights (SDR) — $4,268 million. The EFF was signed by Pakistan to address the medium-term balance of payment problem, and work on structural impediments and increase per capita income.

The IMF placed demands including fiscal consolidation to reduce debt and build resilience, the market-determined exchange rate to restore competitiveness, eliminate 'quasi-fiscal' losses in the energy sector and strengthened institutions with transparency.

Pakistan's economic situation is dire. According to the Economic Survey of Pakistan 2022, the fiscal deficit in FY 22 was $18.6 billion, and the net public debt at $252 billion, which is 66.3% of the GDP. The power sector's circular debt is $14 billion.

According to the State Bank of Pakistan's latest report, the current account deficit has peaked to $48.3 billion. The budgeted expenditure outlay for FY 23 states that 41% ($19 billion) of total expenditure will be used in debt servicing.

What lies ahead for Pakistan and the IMF?

Despite the latest agreement, the road ahead for the IMF and Pakistan is not an easy one. Political calculations and the elections ahead will play a role in Pakistan's economic decision-making.

There is also a narrative that Pakistan has the fifth largest population with nuclear weapons that cannot be allowed to fail. A section within Pakistan also places the geo-strategic location of the country would provide an edge for cooperation, rather than coercion. Hence, this section believes, the IMF would continue to support.

Given the IMF's increased assertion, Pakistan's political calculations and the elections ahead, the relationship between the two is likely to remain complicated.

THIS WORD MEANS | ARAGALAYA: SINHALESE FOR 'STRUGGLE', NOW SYNONYMOUS WITH THE MOVEMENT THAT LED TO THE FALL OF THE GOVERNMENT IN SRI LANKA

It started with the farmers. They were the first to protest after an edict in April 2021 by Gotabaya Rajapaksa, then Sri Lanka's President, that they should switch over to organic farming. The sudden change came as the country's foreign exchange crisis had started to show, and by stopping the use of chemical fertilisers, Rajapaksa was trying to cut down on the import bill. Paddy farmers began to express their concerns as the yala season, the first in the cultivation calendar, came upon them in May. By the time of the second season or maha in September, farmers had begun coming out in the hinterland, trying to make their voice heard.

Aragalaya, the Sinhalese word for "struggle", is being used widely to describe the daily gathering of people at Colombo's Galle Face Green that began with the demand that Gotabaya resign as President and make way for a new dispensation, even "a new system". That gathering marked 100

days on July 17, after forcing Prime Minister Mahinda Rajapaksa to step down on May 9, and two months later, sending his brother Gotabaya fleeing.

But it had begun months before in the hinterland, forcing a government U-turn on the ban on chemical fertilisers, and permit the import of ammonia-based fertilisers. In its essential meaning, aragalaya also captures the struggle of individual Sri Lankans to find food, fuel and medicines on a daily basis, bringing them all together in a "janatha aragalaya" — a people's struggle. It has been mostly leaderless, though some individuals have spoken for the group on occasion. It also used social media to relay its messages.

A HINT OF STABILITY

As a leader who was the lone member of his party in Parliament, Ranil Wickremesinghe can only see his victory in Sri Lanka's presidential elections on Wednesday as a political windfall. However, the position comes with a crown of thorns. His first challenge will be to reach out to the people, including the protesters in Colombo demanding his resignation, which is something politicians usually do before they win an election, not after. Building credibility with them will require distancing himself from the very faction of the ruling SLPP backed by Mahinda Rajapaksa that won him the elections. If he fails to satisfy the "street", then general elections, which Sri Lanka can barely afford at this point, will be the only remaining course. Elections would only further delay the task of economic rebuilding, particularly the much-needed negotiations with the IMF for a bailout. In normal course, the six-time Prime Minister will be equal to the challenge. However, his performance over the past few months as PM has not seen him emerge with any big ideas to control the crisis. A combination of the fall in domestic production, tax revenues, remittances, and currency reserves signals that the road out of this economic trough will be arduous. In addition, President Wickremesinghe, and whoever fills his position as Prime Minister, will have to make many more unpopular decisions once the IMF negotiations are concluded, and the bailout stipulations and conditions spelt out.

New Delhi will also have to review its options, given the proximity, and as External Affairs Minister S. Jaishankar told an all-party meeting on Tuesday, the Government will naturally worry about the "spill over" from the Sri Lankan situation. The Modi government has adopted a three-pronged strategy — expressing sympathy with the people of Sri Lanka and their "quest for stability and economic recovery through democratic means"; extending "unprecedented" financial assistance, credit lines and essential food, fuel and medicines worth U.S.$3.8 billion since January 2022; and distancing itself from the Rajapaksas. The policy has reaped dividends in public goodwill in Sri Lanka for India, particularly in comparison to other partners such as China that have only provided humanitarian aid worth approximately $74 million, and not much else by way of credit lines and debt restructuring and deferrals of repayment this year. It is significant that India's first reaction to Mr. Wickremesinghe's election was understated, given the uncertainties still surrounding the government. However, if the new government is to have a chance at overcoming the odds, New Delhi's support, bilaterally and internationally, will be essential, and the Modi government must decide if continuing its policy of distance from the leadership will achieve its objectives with its close neighbour in the months ahead.

THE ICJ'S LATEST JUDGMENT IN THE CASE OF GENOCIDE AGAINST MYANMAR

Judges at the United Nations' highest court have dismissed preliminary objections by Myanmar to a case alleging the Southeast Asian nation is responsible for genocide against the Rohingya ethnic minority.

The decision on July 22 clears the way for the highly charged case, brought by Gambia, to go ahead at the International Court of Justice (ICJ), a process that will take years.

A small group of pro-Rohingya protesters gathered outside the court's headquarters, the Peace Palace, ahead of the decision with a banner reading: "Speed up delivering justice to Rohingya. The genocide survivors can't wait for generations." One protester stamped on a large photograph of Myanmar's military government leader, Senior Gen. Min Aung Hlaing.

Myanmar's military launched what it called a clearance campaign in Rakhine state in 2017 in the aftermath of an attack by a Rohingya insurgent group. More than 700,000 Rohingya fled into neighbouring Bangladesh and Myanmar security forces have been accused of mass rapes, killings and torching thousands of Rohingya homes.

The case by Gambia

Amid international outrage at the treatment of the Rohingya, Gambia filed the case with the world court in November 2019, alleging that Myanmar is breaching the genocide convention. The nation argued that both Gambia and Myanmar are parties to the convention and that all signatories have a duty to ensure it is enforced.

The Gambia, a predominantly Muslim country, is backed by the 57-member Organisation for Islamic Cooperation (OIC). Gambia's Attorney General and Justice Minister Dawda Jallow insisted in February that the case should go ahead and that it was brought by his country, not the OIC. "We are no one's proxy," Jallow told the court.

In 2019, lawyers representing Gambia at the ICJ outlined their allegations of genocide by showing judges maps, satellite images and graphic photos of the military campaign. That led the court to order Myanmar to do all it can to prevent genocide against the Rohingya. The interim ruling was intended to protect the minority while the case is decided in The Hague, a process likely to take years

How did Myanmar respond

Lawyers representing Myanmar argued in February that the case should be tossed out because the world court only hears cases between states and the Rohingya complaint was brought by Gambia on behalf of the Organization of Islamic Cooperation. International support for Gambia's case. They also claimed that Gambia could not bring the case to court as it was not directly linked to the events in Myanmar and that a legal dispute did not exist between the two countries before the case was filed.

The Netherlands and Canada are backing Gambia, saying in 2020 that the country "took a laudable step towards ending impunity for those committing atrocities in Myanmar and upholding this pledge. Canada and the Netherlands consider it our obligation to support these efforts which are of concern to all of humanity."

In March, US Secretary of State Antony Blinken said that the violent repression of the Rohingya population in Myanmar amounts to genocide.

What next?

The ICJ's ruling sets the stage for court hearings, airing evidence of atrocities against the Rohingya that human rights groups and a UN probe say amount to breaches of the 1948 Genocide Convention.

The International Court of Justice rules on disputes between states. It is not linked to the International Criminal Court, also based in The Hague, which holds individuals accountable for atrocities. Prosecutors at the ICC are investigating crimes committed against the Rohingya who were forced to flee to Bangladesh.

The ruling of the ICJ is binding on Myanmar, and cannot be appealed. However, no means are available to the court to enforce it. Cases at the ICJ often drag on for years on end, and no quick closure can be reasonably expected. Also, as commentators quoted by international media reports have argued, the legal bar for handing out a conviction for genocide is very high.

So far, only three cases of genocide worldwide have been recognised since World War II: Cambodia (the late 1970s), Rwanda (1994), and Srebrenica, Bosnia (1995).

The ICJ case was complicated by last year's military coup in Myanmar. The decision to allow the Southeast Asian nation's military-installed government to represent the country at the February hearings drew sharp criticism. A shadow administration known as the National Unity Government made up of representatives including elected lawmakers who were prevented from taking their seats by the 2021 military coup had argued that it should be representing Myanmar in court.

NATION

OVER 3.9 LAKH INDIANS GAVE UP CITIZENSHIP IN PAST 3 YRS TO SETTLE ABROAD: GOVT DATA

More than 3.9 lakh Indians have renounced their citizenship in the past three years, the government told the Parliament on Tuesday, with America emerging as the top choice among 103 countries where the emigrants settled.

More than 1.63 lakh Indians relinquished their citizenship in 2021 alone, according to the date tabled by the Union Ministry of Home Affairs. Of them, more than 78,000 took US citizenship, it added.

While 1.44 lakh Indians gave up their citizenship in 2019, the data showed, the numbers fell in 2020 to 85,256 in 2020, before rising again last year.

Responding to a question by BSP MP Hazi Fazlur Rehman, Union MoS for Home Nityanand Rai told the Parliament that according to the Ministry of External Affairs the Indian citizens renounced their "for reasons personal to them".

According to the data, apart from choosing countries such as Singapore (7,046) and Sweden (3,754), many have also renounced their citizenship for Bahrain (170), Angola (2), Iran (21), and Iraq (1) — one person took the citizenship of Burkina Faso in 2021. More than 1,400 persons took Chinese citizenship, the data showed, while 48 persons renounced their citizenship for Pakistan's.

SC STAYS ORDERS AGAINST KARNATAKA ACB

The Supreme Court on Monday stayed orders passed by Karnataka High Court judge Justice H.P. Sandesh against the State Anti-Corruption Bureau (ACB) and its chief, Additional Director General of Police (ADGP) Seemant Kumar Singh, unconnected to a bail plea he was hearing in a corruption case.

The directions in question had ranged from seeking reports on prosecution/closure of cases probed by the ACB since 2016 and summoning confidential service records of the ADGP.

"We stay proceedings like asking for service report, B summary report, observations on the ACB, etc. Prima facie, the observations made were unconnected to the bail petition. The observations were not made within the ambit of bail proceedings. The conduct of the ACB officer is unconnected to the bail petition. We direct the High Court to decide the bail petition," a Bench led by Chief Justice of India N.V. Ramana ordered.

The Bench said the observations made by the High Court judge was "irrelevant" to the bail plea. The Bench also issued notice in a plea by ACB and Mr. Singh to expunge remarks made by Justice Sandesh against them.

Justice Sandesh had formerly called the ACB a "collection centre" and Mr. Singh a "tainted officer". The court however did not accede to a request to shift the case to another Bench. "Sorry, we have to balance... We cannot be seen to be favoring one side," the court said.

On July 11, Justice Sandesh had revealed in an order that he was threatened with transfer for his adverse remarks against the State ACB and its top officer.

He had proceeded to give a blow by blow account of how he was subjected to a veiled threat of transfer, that too through a sitting judge of the High Court, unless he laid off the ACB and its top officer. Justice Sandesh said the incident had happened during the farewell dinner for a retiring Chief Justice of the High Court.

SC CLEARS 27% OBC QUOTA FOR MAHARASHTRA LOCAL BODY POLLS

The Supreme Court on Wednesday allowed 27% reservation for Other Backward Classes (OBCs) in all the upcoming local body elections in Maharashtra.

A Bench headed by Justice A.M. Khanwilkar accepted the 781-page report of the commission led by former Chief Secretary Jayant Banthia and allowed reservation for OBC in the nagar panchayat, nagar parishad and Brihanmumbai Municipal Corporation elections.

Senior advocate Shekhar Naphade appearing for the government told The Hindu, "The commission was appointed in March this year where it conducted a door-to-door survey and found that some areas have less OBC population while some have more. But the triple test laid down by the Constitutional Bench of the SC has been strictly adhered to". The court while accepting the commission's report said reservation should be applied to all forthcoming elections.

In 1992, in one of its landmark judgments — Indra Sawhney vs Union of India — the SC had ruled that the 50% ceiling must not be breached for reservation in any State. In 2010, SC had laid down the 'triple test' — forming of an independent commission, collecting empirical data, and ensuring that the number of quota seats don't cross 50%.

On December 6, 2021, SC had stayed local body polls for OBC seats in Maharashtra. This was done as the Maha Vikas Aghadi (MVA) government was found in breach of the 50% ceiling rule.

WELCOME RELIEF

There is a sense of relief among everyone who values personal liberty and free speech, following the grant of interim bail to Mohammed Zubair, co-founder of fact-checking website Alt News. Given that multiple cases were registered for the same alleged offence, most of them based on tweets, personal liberty and freedom of expression were both under threat. In the face of an assertive executive in times of majoritarian nationalism, it has become normal for magistrates to comply with any demand for the police to remand those brought before them to custody and to deny them bail regardless of the merit or lack of it in those cases. In the case of Mr. Zubair, it was quite palpable that he was being hounded by the police acting on complaints manifestly motivated by communal considerations. Apart from the first FIR in Delhi based on a 2018 tweet referencing a scene in a film from the early 1980s, he has been accused of receiving foreign donations without a licence to do so. Further, some obviously trivial and absurd cases of insulting religious feelings based on innocuous tweets have made it quite clear that the investigation is not so much about what he said as about how he could be harassed and hounded to the point of making him leave his vocation of fact-checking and silence his voice. Everyone must, therefore, welcome the judicial pushback from the Supreme Court in seeing through the game plan behind the registration of multiple FIRs at the instance of votaries of Hindutva.

The Bench did not proceed to quash the various cases against Mr. Zubair, but it has ordered the clubbing of all cases and transferring the investigation to the Delhi Police. As a consequence, the Special Investigation Team formed by the Uttar Pradesh Police to initiate a wide-ranging probe

against him has been ordered to be disbanded. The virtues of the order are not limited to the grant of relief. In the process, the Bench has recognised that some FIRs are similar in content and that there is an effort to subject him to "endless rounds of proceedings before diverse courts". It has also declined to bar him from tweeting further, noting that no one's voice could be stifled like that when anything said in the public domain was open to scrutiny for possible transgressions of the law. This is a blow for free speech at a time when some courts impose gag orders as part of the conditions for grant of bail. That it needed the country's highest court to grant such relief is a sad commentary on the state of affairs in the country. The overall atmosphere is so vitiated by state-backed majoritarianism that the Supreme Court has become the only forum for protecting personal liberty, while the lower judicial echelons do not seem to be up to the task.

BAIL LAW REFORM

The story so far: On July 11, the Supreme Court urged the Centre to bring a new law to simplify and streamline the process of bail, referring to the Bail Act of the U.K. A Bench of Justices S.K. Kaul and M.M. Sundresh said there is a "pressing need" to reform bail laws considering the "abysmally low" conviction rate. Stating that such detentions reflect a colonial mindset and create the impression of a "police state", the apex court issued directions to courts and investigation agencies to prevent "unnecessary" arrests.

What did the court observe?

The Supreme Court judgment issued clarifications to a 2021 ruling on the guidelines for considering bail for offences under the Criminal Procedure Code (CrPC), 1973. The Court observed that arrest is a "draconian" measure that should be used "sparingly". It held that bail continues to be the rule and jail an exception, the touchstone of Article 21, and highlighted the presumption of innocence until proven guilty. It said unwarranted arrests are carried out in violation of Section 41 (empowers police to arrest without a warrant) and Section 41A (deals with the procedure for appearance before police) of the CrPC.

What is the present law?

Bail is governed by provisions in the CrPC. Offences are categorised as bailable and non-bailable. Under Section 436, bail is a right in bailable offences and the police or court is bound to release the accused following the furnishing of a bail bond, with or without surety. For a non-bailable offence, an accused cannot claim bail as a right. The discretion lies with the courts. Section 437 sets out the circumstances in which courts can grant bail for non-bailable offences. Provision mandates the court to consider granting bail to an accused below 16 years, someone who is sick, or is a woman.

What is the U.K. law on bail?

In the United Kingdom, the Bail Act of 1976 governs the procedure for granting or denying bail. It recognises a "general right" to bail and aims to reduce the number of inmates to prevent clogging of jails. It says an accused should be granted bail unless there is a justified reason to refuse it. Bail can be rejected if the court finds substantial grounds for believing that the defendant will fail to surrender, commit an offence, or interfere with witnesses if released on bail. The court has to give reasons in case it withholds or alters bail conditions.

NO INNER-PARTY DEMOCRACY

The ousting of Boris Johnson as leader of the British Conservative Party is the latest in a series of coups periodically mounted by the party's MPs to get rid of a leader who has become an electoral or political liability. The template is well known by now: it begins with loud grumbles from backbench MPs, moves on to a swell of Cabinet resignations by ministers with an eye on the leadership, and finally culminates in serving and hitherto loyal Cabinet members politely telling the Prime Minister that the time has come to fall on one's sword. The entire process has been more or less accurately summarised by a former Conservative leader, William Hague, who described his party as an "absolute monarchy tempered by regicide". In the less felicitous words of Mr. Johnson himself, "When the herd moves, it moves."

Stumbling blocks

What is instructive about this whole process, however, is how much power ordinary MPs have over the Prime Minister. A Prime Minister has to be able to maintain the confidence of his own backbenchers at all times or risk political oblivion. It does not matter that he may have led his party to a historic mandate, as Mr. Johnson did, reminding us in his resignation speech that he delivered the largest majority for the party since 1987. If there is a sense that the leader is no longer acceptable to the country, then a well-oiled machine springs into action to protect the party's electoral gains by providing fresh leadership.

Contrast this, however, with India, where the Prime Minister exercises absolute authority over party MPs, whose ability to even diverge slightly from the official government line on routine policy matters is almost non-existent. The Prime Minister's power is strengthened by India's unique anti-defection set-up, where recalcitrant MPs who do not manage to carry two-thirds of their colleagues with them (an astronomical number in real terms at the national level) can always be disqualified. In effect, MPs do not enjoy any autonomy at all to question and challenge their party leadership. This reduces them to cheerleaders and mouthpieces for whoever happens to lead their party at that time. Neither is it anyone's case that Prime Ministers or Chief Ministers at the State level are chosen by legislators — the choice is invariably made by a party high command, and then submitted to MPs/MLAs to be rubber stamped.

Our Westminster system allows voters to be heard once every five years. The underlying assumption is that, in the interim, their voice is articulated through their representatives. It is time for India to seriously consider empowering its elected representatives, to ensure accountability for party leadership. MPs in the U.K. are able to act boldly because they do not owe their nomination to the party leader, but are selected by the local constituency party. In India, however, it is the party leadership that decides candidates, with an informal consultation with the local party. Neither do MPs in the U.K. stand a risk of disqualification if they speak out against the leader, a threat perpetuated in India through the anti-defection law. These factors are the biggest stumbling blocks towards ensuring inner-party democracy in India.

The need for an exception

How then do we go about changing this? A workable model can be borrowed from the U.K. where individual Conservative MPs write to the 1922 Committee (which comprises backbench MPs, and looks out for their interests) expressing that they have "no confidence" in their leader. If a numerical or percentage threshold (15% of the party's MPs in the U.K.) is breached, an automatic leadership vote is triggered, with the party leader forced to seek a fresh mandate from the

parliamentary party. Of course, the only way such a model would work is if an exception is made to the anti-defection law, which is at present wholly without nuance and susceptible to gross misuse by party leaders hoping to cling on to power.

This is, of course, at best an interim arrangement. In the long run, the Westminster model dictates that control over candidates must shift from central party leaders to local party members. But until that happens, the marginal gains from such an arrangement would go a long way towards empowering both MPs and their constituents.

DIN IN RS OVER PRIVATE MEMBER'S BILL

Opposition members protested against the introduction of a private member's Bill on the repeal of The Places of Worship (Special Provisions) Act, 1991, in the Rajya Sabha on Friday. The Bill moved by BJP member Harnath Singh Yadav could not be introduced as the member was absent.

The 1991 legislation was enacted to freeze the status of all places of worship in the country as on August 15, 1947, but an exception was made to keep the Babri Masjid-Ramjanmabhoomi dispute out of its ambit.

Its relevance was brought to the fore recently in the Gyanvapi mosque litigation. As soon as the Bill was mentioned, there was protest from the Opposition members.

"This Bill should not be admitted, it will be a contradiction as the matter is sub-judice in Supreme Court," Pramod Tiwari, Congress member, said. Deputy Chairman Harivansh Narayan Singh said the member had no right to speak on the Bill as it had not been introduced in the House.

Another Bill – the Uniform Civil Code (UCC) in India Bill — submitted by BJP member Kirodi Lal Meena for the constitution of the National Inspection and Investigation Committee for preparation of the UCC and its implementation throughout India was mentioned by Deputy Chairman Harivansh but it was also not submitted as the member was not present in the House.

CPI member P. Sandosh Kumar moved The National Commission for the Welfare of Home-based Workers Bill, 2022.

The Bill said that although home-based workers belong to the most vulnerable category of workers, there are no official policies, programmes and schemes that protect their rights and welfare. "The term home-based worker is not legally recognised. Hence, they remain as an exploited and invisible class of workers living under the mercy of global brands for whom they do the hard work. It is critical for the government to recognise and identify the problems of these large majority of workers and safeguard their legitimate rights and welfare through legislative and administrative actions," the Bill said.

Right to Health Bill

The Upper House discussed the Right to Health Bill, 2021 moved by Manoj Kumar Jha of the Rashtriya Janata Dal in one of the previous sessions.

The Bill aims to provide for health as a fundamental right to all citizens and to ensure equitable access and maintenance of a standard of physical and mental health. Mr. Jha said medical poverty was increasing in the country which showed the failure to provide affordable and accessible health facilities to the common man.

Rajani Patil of the Congress drew the attention of the House to the poor conditions of government hospitals and said a few days ago she was left unattended for four hours at the emergency wing of Ram Manohar Lohia Hospital in Delhi. "I suffered from food poisoning but when I reached there I saw multiple patients on one bed. There was no space, it was crowded, the doctors were on a tea break," Ms. Patil recalled.

Amar Patnaik of the Biju Janata Dal (BJD) said that out-of-pocket expenditure on health was a matter of concern. K. Keshava Rao of the Telangana Rashtra Samithi (TRS) said health and education were the prime concern of the people of the country. He urged the government to give more focus to these issues. Participating in the discussion, John Brittas of the CPI(M) demanded more allocation for the health sector.

THE JUDGMENT ON THE BURKAPAL MAOIST ATTACK

The story so far: A National Investigating Agency (NIA) court in Dantewada on July 15 acquitted 121 tribals, including a woman, who were arrested in connection with a suspected 2017 Maoist attack that claimed the lives of 25 security personnel in Chattisgarh's Sukma district. Barring a few, all the arrested had spent over five years in jail by the time the acquittal order came. At least 108 have been released following the court order, while the others remain jailed as they are accused in other cases. One of them died during the trial last year. Most of the acquitted tribals are from the interior villages of Sukma and Bijapur and are aged between 20 to 60.

What led to the arrest?

On April 24, 2017, a combined patrolling party — comprising 72 jawans from the Central Reserve Police Force (CRPF)'s 74th battalion and district police — were guarding a road cum bridge construction in Sukma's Burkapal when they were ambushed by a large group of 200-250 alleged Maoists. The attackers fired and hurled explosives at the jawans following which 25 of the security personnel were killed and seven others injured. This was the second deadliest Naxalite attack in terms of casualties. Some of the Maoists were also killed in the crossfire when the security forces retaliated.

What was the alleged role of the arrested tribals?

The investigators alleged that the arrested villagers were members of the banned CPI (Maoist) Party. According to the Union Home Ministry, CPI (Maoist) came into existence in 2004, following a merger between the People's War Group (PWG), and the Maoist Communist Centre of India (MCCI). The prosecution also submitted that they had been in possession of weapons. In short, it was alleged that the arrested tribals had planned the conspiracy of the attack and had taken part in it armed with sophisticated firearms and improvised explosive devices and grenades. Apart from killing the security personnel, the attackers had also allegedly indulged in dacoity by taking away arms, ammunition and other equipment from the security personnel during the attack.

All 121 accused were charged with Sections 147 (rioting), 148 (rioting, armed with deadly weapon), 302 (murder), 149 (unlawful assembly), 307 (attempt to murder) 396 (dacoity), 397 (robbery, armed with deadly weapon) and 120 (B) (criminal conspiracy) of the Indian Penal Code, 1860. They were also charged with provisions of the Chhattisgarh Special Public Security Act (CSPSA), 2005 and Unlawful Activities (Prevention) Act (UAPA), 1967, that prohibit taking membership of an unlawful organisation (CPI(Maoist) in the given case) and indulging in any

unlawful activity for it. Apart from this, provisions of the Arms Act, 1959, and Explosives Act, 1908 were also slapped.

How were charges brought against the accused?

The prosecution relied on the 'testimonies' of the witnesses, including that of the accused. It also relied on purported seizures from the arrested men and recoveries from the spot of the crime. These included empty bullet shells, grenade shells, detonators, bows, arrows and clothes the Chhattisgarh Police claimed the alleged attackers were wearing when they ambushed the police party. Twenty-six prosecution witnesses were also examined.

Represented by nearly half a dozen lawyers, the defence denied all the charges and said that all the proceedings by the prosecution/police had been done "sitting in the police station" where the case had been registered.

What does the judgment say?

The order issued by Special Judge (NIA Act/Scheduled Crimes registered in Sukma and Bijapur in Dantewada) Deepak Kumar Deshlahre says that the statement of the investigating officer has not been supported by police witnesses and independent witnesses of the prosecution. Seizure of deadly weapons and firearms has not been proved to be made from the accused. It adds that 22 (of the 25) prosecution witnesses were neither aware of the incident nor did they know the accused. Even after those witnesses were declared hostile by the prosecution and subjected to direct questions, no fact about the incident had emerged while they were being examined. Thus the prosecution has not been able to prove its case beyond doubt.

How has the case played out?

The sheer number of accused in this case garnered media attention. Otherwise, in most cases registered under the stringent CSPSA or UAPA, it's almost impossible to get bail, says lawyer and activist Bela Bhatia, who represented a set of the accused in this case. It took four years for the prosecution to bring the case to trial. Further, the accused were lodged in the Jagdalpur Jail and family members, with little resources, did not have the means to travel from their poorly connected villages to Jagdalpur, or even their district headquarters. Accessing legal help is a challenge in these parts due to a lack of awareness and even communication facilities. The NIA court was also decentralised in this period and the proceedings were moved from Jagdalpur to Dantewada in the last one year, which made it even more difficult to produce them in court.

What next?

The acquitted now have the option of approaching a higher court to claim damages but if activists are to be believed there has hardly been any instance of a successful petition. Additionally, the legal hassles involved may dissuade them. The prosecution could challenge said acquittal in a higher court.

THE 1989 RUBAIYA SAYEED ABDUCTION CASE AND JAILED JKLF CHIEF YASIN MALIK'S ROLE

Rubaiya Sayeed, the daughter of former Jammu and Kashmir Chief Minister Mufti Mohammad Sayeed, Friday identified Yasin Malik, the jailed Jammu and Kashmir Liberation Front (JKLF) chief, and three others as her abductors in a 1989 kidnapping case. This was Rubaiya's first appearance

before a Special TADA court that had summoned her as a prosecution witness to record her statement.

Malik is currently undergoing a life sentence at Delhi's Tihar jail after being convicted in a terror funding case in May.

The abduction

On December 8, 1989, Rubaiya was abducted from a mini-bus in Srinagar, when she was returning home from the Lal Ded Memorial Hospital where she was a medical intern.

Just six days before the incident, her father, Mufti Mohammad Sayeed, had been sworn-in as the Union Home Minister in the V P Singh government.

The bus, in which Rubaiya was travelling, was intercepted by four armed men, a few hundred meters from Mufti's residence at Nowgam on the outskirts of Srinagar city.

She was shifted to a car and whisked away to an undisclosed location. Hours later, the JKLF – then headed by Ishfaq Majeed Wani – claimed responsibility for the abduction in a call to a local newspaper.

Rubaiya, then 23, had been abducted by the militants to seek the release of five JKLF militants from the prison — Abdul Hameed Sheikh (Wani's deputy), Ghulam Nabi Bhat (brother of JKLF founder Maqbool Bhat), Noor Mohammad Kalwal, Mohammad Altaf and Javed Ahmad Zargar.

Talks for release

In the wake of the abduction, then J&K CM Farooq Abdullah rushed back after cutting short his London visit. Meantime, senior official from the Centre, including the then IB chief, were sent to Srinagar to start negotiations with the JKLF through a local journalist.

Five days after the abduction, on December 13, 1989, two Union ministers in the Janata Dal government — Inder Kumar Gujral and Arif Mohammad Khan – were alo sent to the Valley.

Finally, a deal was struck and five JKLF militants were freed. A few hours later, Rubaiya too was released after spending five days in captivity.

The political tussle

Reports at that time attributed the delay in Rubaiya's release to Farooq Abdullah's reluctance to release the jailed militants. A decade later, Abdullah confirmed that he was against the swap, adding that the Centre had even threatened to sack him.

"A senior minister in V P Singh Cabinet specially flew to Srinagar with the threat. I didn't deter from my stand and refused to release any militant…Mufti Sayeed, however, ensured that the militants were released which hastened my resignation from the office of Chief Minister," Abdullah said on February 14, 2000.

Thirty-seven days after Rubaiya's release, Abdullah resigned as CM soon after Jagmohan was appointed as J&K Governor. Abdullah saw Mufti's hand in the new appointment to the Governor's office.

The aftermath

The release of five JKLF men from jail was seen as a watershed moment in Kashmir's militancy.

The massive victory procession in old Srinagar city to celebrate the release of JKLF militants was for the first time local people were seen expressing support for militancy.

The abduction and its successful outcome for militants triggered a series of kidnappings.

Those abducted in the aftermath included the Vice Chancellor of Kashmir University Professor Mashir-ul-Haq, his personal secretary Abdul Gani and General Manager of Hindustan Machine Tools (HMT) H L Khera. However, all three were killed by their abductors as the government turned down their demands for release of militants. Indian Oil Executive Director K Doraiswamy was also among those abducted, but was set free after nearly two months in a swap involving nine militants.

The present case

A case regarding Rubaiya Sayeed's abduction was first registered at Srinagar's Sadar Police station on December 8, 1989 under Section 364 of the Ranbir Penal Code (RPC), Section 3 of TADA and Section 3/25 of the Arms Act. The CBI took over the investigation in the early 1990s.

In January last year, the court had framed charges against 10, including Malik, in the abduction case.

Besides the four — Malik, Zaman Mir, Mehraj-ud-Din Sheikh and Manzoor Ahmed Sofi — identified by Rubaiya on Friday, the others are: Ali Mohammad Mir, Iqbal Ahmad Gandroo, Javed Ahmad Mir alias Nalka, Mohammad Rafiq Pahloo alias Nana Ji alias Saleem, Wajahat Bashir and Showkat Ahmad Bakshi.

WHY IS KERALA PROTESTING SUPREME COURT'S ESZ NOTIFICATION

The story so far: On July 7, the Kerala State Assembly unanimously passed a resolution urging the Central government to exclude the State's human habitations, farmlands and public institutions from the purview of the Ecologically Sensitive Zones (ESZ), recently notified by the Supreme Court, to be set-up around all protected forests in the country. The Assembly also called upon the Centre to notify the zones by considering the State government's proposals that marked the ESZ as zero around 10 protected areas of the State, urging the union government to enact laws for the purpose.

Why is the ESZ notification controversial in Kerala?

The June 3 directive by a three-judge Supreme Court Bench consisting of Justices L. Nageswara Rao, B. R. Gavai and Anirudha Bose to have a mandatory ecologically sensitive zones of minimum one kilometre measured from the demarcated boundary of every protected forest, including the national parks and wildlife sanctuaries, has stirred the hornet's nest in Kerala where any regulatory mechanism on land and land use patterns would have political ramifications.

The Union Ministry of Environment, Forest and Climate Change had notified the draft ecologically sensitive zones of 20 of the 23 protected areas in the State, while issuing the final notification of the Mathikettan Shola National Park way back in December 2020.

However, the draft notification of the Periyar National Park, also called as Periyar Tiger Reserve, is yet to be published though the State government had submitted the proposal earlier.

The State is yet to submit the draft ESZ of Karimpuzha Wildlife Sanctuary, the newest one in Kerala, located in Malappuram district.

What worries the State is the possible impact of the apex court's order on its unique landscape. Nearly 30% of Kerala is forested land and the Western Ghats occupies 48% of the State.

Moreover, there is a network of lakes, canals, wetlands and the 590-kilometre-long coastline, which are all governed by a series of environmental conservation and protection legislations, leaving little space for its 3.5 crore population to occupy.

With an average population density of 900 persons per square kilometre, much higher than the national average, the demographic pressure on the available land is unusually high in the State, as noted by the State Assembly's resolution.

The State Government apprehends that the Supreme Court's notification may worsen the ground situation as it would adversely impact the interests of the State besides upsetting the lives of millions living near the protected areas.

How did the State's earlier efforts to draft ESZ notifications go?

Earlier, while preparing the draft ESZ notifications for its protected areas including the Malabar, Idukki, Aralam, Kottiyoor, Shendurney and Wayanad wildlife sanctuaries, the State Government had taken care to exclude the areas with high population density, government and quasi-government institutions, and public institutions from the ambit of the notification.

The marking of the ESZ for the protected areas that shared the forest boundary with the neighbouring States was a peaceful affair as there were no human habitations in between.

However, the apex court's recent order has changed the picture and forced the State government to re-look the ESZs of at least 10 protected areas which were earlier marked as zero.

What has been the reaction to the directive?

The apex court order comes a decade after the Western Ghats Ecology Expert Panel (WGEEP) report, aka Gadgil report, that had radically influenced the socio-political, economic and ecological narratives in the State. Though not to the level of the high-pitched public unrest and protests that the State witnessed during the days preceding the WGEEP report, the ESZ notification too has triggered state-wide protests. As it occurred during the post WGEEP days, a section of the Church has openly come out against the notification.

The Church groups have also demanded the recalling of the apex court order.

The Kerala Catholic Bishops' Council, a powerful body catering to the special needs of the apostolate in the State, termed the apex court verdict as unfortunate as it feared that the order will upset the lives of thousands of settler farmers and people living on the forest fringes. The forum apprehended that the order will effectively turn four lakh acres around the 23 wildlife sanctuaries in the State into buffer zones, thus affecting around 1.5 lakh families.

Since June 3, both the ruling Left Front and the Opposition have observed hartals in the hilly districts of the State, protesting the Supreme Court directive.

What's next for Kerala?

Kerala is pinning its hope on the Centre's stand that it was willing to discuss its concerns with the State government. The State government has also decided to explore the option of approaching the Central Empowered Committee, as directed by the Supreme Court in its order, to convince the forum of the need to maintain zero ecologically sensitive zone in the areas of human habitation.

It may also approach the apex court seeking exemption from the one kilometre ecologically sensitive zone regime and to limit it to zero wherever required.

EIA RULES AMENDED: PROJECTS NEAR LOC, THOSE OF STRATEGIC VALUE WON'T NEED GREEN NOD

The Ministry of Environment, Forests and Climate Change has notified amendment to the Environment Impact Assessment (EIA) Rules, exempting highway projects of strategic and defence importance, which are 100 km from the Line of Control, among other locations, from an environmental clearance before construction.

The EIA is a process of evaluating the likely environmental impacts of a proposed project or development. This assessment also takes into account human health and socioeconomic impact on the community living in the proposed project area.

All-clear for controversial project

The exemption to be accorded to highways of strategic importance does away with the need for green clearance for construction of the controversial Char Dham project, which includes widening of 899 km roads in ecologically sensitive areas of Uttarakhand to improve connectivity to Kedarnath, Badrinath, Yamunotri, and Gangotri shrines. The case is presently being heard in Supreme Court, which has set up a high-powered committee to look into the matter.

In its latest amendment to the Rules, published on July 14, the ministry has made several exemptions to gaining this environmental clearance.

Thermal power plants up to 15 MW based on biomass or non-hazardous municipal solid waste using auxiliary fuel such as coal, lignite or petroleum products up to 15 per cent have also been exempted — as long as the fuel mix is eco-friendly, according to the notification. "In order to encourage such activities, the Central Government deems it necessary to increase the threshold capacity for such Thermal Power Plants for which Environmental Clearance shall not be required," it stated.

Taking into account issues of livelihood security of fishermen involved at fish handling ports and harbours, and the less pollution potential of these ports and harbours compared to others, increasing the threshold of ports which exclusively deals in fish handling, and caters to small fishermen, will be exempted from environmental clearance, the ministry stated.

Toll plazas that need more width for installation of toll collection booths to cater to a large number of vehicles, and expansion activities in existing airports related to terminal building expansion without increase in the airport's existing area, rather than expansion of runways, etc., are two other projects exempted.

For projects of strategic importance, the ministry's notification says, "Highway projects related to defence and strategic importance in border States are sensitive in nature and in many cases need to be executed on priority keeping in view strategic, defence and security considerations. In this

regard, the Central Government deems it necessary to exempt such projects from the requirement of Environmental Clearance in border areas, subject to specified Standard Operating Procedure along with standard environmental safeguards for such projects for self-compliance by the agency executing such projects.

MADAM PRESIDENT

The election of Droupadi Murmu as India's 15th President is rich in symbolism. In the 75th year of the country's Independence, Ms. Murmu becomes the second woman to occupy the Rashtrapati Bhavan, and the first member of a tribal community to do so. Her membership of the Santhal tribe is in focus. She has risen through the ranks in the Bharatiya Janata Party (BJP), and has shown a mind of her own during her stint as Governor of Jharkhand. Her election to the highest office of the country comes 101 years after two tribespeople were elected to legislative bodies in colonial India. Founding figures of the Republic were acutely cognisant of the disadvantageous position of the tribespeople and made special provisions such as the Fifth and Sixth Schedules of the Constitution. Jaipal Singh Munda, sportsman and tribal leader, was a prominent member of the Constituent Assembly who forcefully articulated the fears and hopes of tribespeople. In 2000, two States, Jharkhand and Chhattisgarh, were formed to give more focused attention to the concentrated tribal population in these regions. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, was passed in 2006. Ms. Murmu's election is a milestone in the journey of tribal empowerment, though she is by no means limited to her identity. It is a moment of pride for India.

For the BJP and Prime Minister Narendra Modi, this is a moment of political triumph over the Opposition. Paving the way for a tribal woman to succeed a Dalit in the highest office, Mr. Modi has shown yet again his capacity to constantly script invigorating politics by gauging the political aspirations of marginalised communities and enlisting them for Hindutva politics. Ms. Murmu's elevation has elated tribespeople across the country, and this could convert into significant electoral gains for the BJP in the coming days. Her candidacy split the Opposition, as many members of the Shiv Sena and JMM supported her. Tribespeople have high expectations from Ms. Murmu's rise to the top, but that could be realised only if the Modi government backs up its symbolism with substance. This is the right moment to pay attention to the concerns that many tribal activists have been raising — of a systematic erosion of protections accorded to tribals, harassment and suppression by the police, and a general intolerance of the state towards tribal autonomy. Ms. Murmu personally may have limited leeway in championing any political cause, but she has certainly become an inspiration for all disadvantaged sections of society — women, tribals and the poor in general. To make her election more meaningful, state policy too must bend towards justice and fairness to all. Ms. Murmu's election should not be used as a convenient excuse for inaction on countering the wider disempowerment of tribes people.

HOW THE VICE PRESIDENT OF INDIA IS ELECTED, WHAT THE CONSTITUTION SAYS ABOUT THE POST

The opposition on Sunday (July 17) named former Governor and former union minister Margaret Alva as its candidate for Vice President. The ruling NDA has announced West Bengal Governor Jagdeep Dhankhar will be its candidate for the post.

The election is scheduled for August 6 — even though it is likely to be only symbolic, given the NDA's clear majority in Parliament. Dhankhar is expected to succeed Vice President M Venkaiah Naidu whose term of office comes to an end on August 10.

Office of the Vice President

Article 63 of the Constitution states that "there shall be a Vice-President of India". Under Article 64, the Vice-President "shall be ex officio Chairman of the Council of the States" (Rajya Sabha).

Article 65 says that "in the event of the occurrence of any vacancy in the office of the President by reason of his death, resignation or removal, or otherwise, the Vice-President shall act as President until the date on which a new President...enters upon his office".

The Vice-President shall also discharge the functions of the President when the latter is unable to do so "owing to absence, illness or any other cause".

During this period, the Vice-President shall "have all the powers and immunities of the President and be entitled to... (the) emoluments, allowances and privileges" that are due to the President. The office of the Vice-President of India is the second-highest constitutional office after that of the President, and ranks second in the order of precedence.

Election of the Vice-President

Article 66 lays down the process of the election of the Vice-President.

It says the Vice-President "shall be elected by the members of an electoral college consisting of the members of both Houses of Parliament in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot".

For the 16th Vice-Presidential Election, 2022, the Electoral College consists of 233 elected members of Rajya Sabha, 12 nominated members of Rajya Sabha, and 543 elected members of Lok Sabha, adding up to 788 members. In the system of proportional representation by means of the single transferable vote, the elector has to mark preferences against the names of the candidates.

"Preference can be marked in the international form of Indian numerals, in Roman form, or in the form in any recognised Indian languages... The elector can mark as many preferences as the number of candidates. While the marking of the first preference is compulsory for the ballot paper to be valid, other preferences are optional," the Election Commission of India said in a release issued on June 29.

Under the Constitution, the Vice-President "shall not be a member of either House of Parliament or of a House of the Legislature of any State". If a member of any of these Houses is elected to the post, "he shall be deemed to have vacated his seat in that House on the date on which he enters upon his office as Vice-President".

Eligibility and term of office

Article 66(3) says "No person shall be eligible for election as Vice-President unless he — (a) is a citizen of India; (b) has completed the age of thirty-five years; and (c) is qualified for election as a member of the Council of States".

Under Article 66(4), "A person shall not be eligible for election as Vice-President if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments."

Article 67 lays down that the "Vice-President shall hold office for a term of five years from the date on which he enters upon his office". However, the Vice-President "shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office".

The Vice-President may leave office before the end of his term by resigning to the President, or he "may be removed...by a resolution of the Council of States passed by a majority of all the then members of the Council and agreed to by the House of the People".

What if the election is disputed?

Article 71 of the Constitution deals with "Matters relating to, or connected with, the election of a President or Vice-President". It says that "all doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by the Supreme Court whose decision shall be final".

Should the Supreme Court declare the election of the President or Vice-President void however, "acts done by him in the exercise and performance of the powers and duties of the office of President or Vice-President,...on or before the date of the decision of the Supreme Court shall not be invalidated by reason of that declaration".

Also, "Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President".

THE OUTRAGE OVER THE NEW 'NATIONAL EMBLEM'

The story so far: Prime Minister Narendra Modi recently gave the nation a first glimpse of the national emblem atop the new Parliament House coming up as part of the Central Vista Project. The first look at the new 6.5 metre bronze emblem designed by Sunil Deore and Romiel Moses disappointed many with its alleged inaccuracies in depiction. The Opposition, cutting across party ranks, found the lions on the new 9,500 kg emblem 'angry', with their fangs visible, as opposed to the grace and glory of the original. Others found them a distortion of the actual emblem. The Congress Party has called it a "deviation" from the original. The new emblem is placed at the top of the Central Foyer of the new Parliament building which the government estimates will be ready in time for the winter session this year.

What is the history behind the national emblem?

Four Asiatic lions are part of the national emblem with three lions being visible to the naked eye and the fourth one always hidden from general view. They are taken from the Sarnath Lion Capital of the Mauryan emperor Asoka. The seven feet tall sculpture made of polished sandstone represented courage, power and pride. Built in 250 BC to commemorate the first sermon of Gautama Buddha, where he is said to have shared the Four Noble Truths of life, it was mounted on a base of a frieze of smaller sculptures, including a horse (under fire in the new replica for its tail supposedly resembling that of a dog), a lion, a bull and an elephant moving in a clockwise direction. The four animals are said to be guardians of the four directions — north, south, east and west. They are separated by a wheel, representing the Dharmachakra of Buddhism, on all four sides. Each chakra or wheel has 24 spokes. The chakra was later adopted as part of the national

flag. This abacus was mounted on an inverted lotus which is a symbol of Buddhism. Chinese traveller Hiuen Tsang has left a detailed account of Asoka's lion pillar in his writings.

The pillar was part of Asoka's plan to spread Buddha's teachings. After the large-scale massacre in the Battle of Kalinga, Asoka was shaken and embraced Buddhism with its emphasis on ahimsa. He decided to propagate his principles throughout his empire through the Major and Minor Edicts.

Why did the Constituent Assembly embrace the Sarnath pillar as the national emblem?

As India won independence, the Constituent Assembly decided on the Sarnath pillar as the national emblem. It was felt that the pillar epitomised the power, courage and confidence of the free nation. The emblem depicts a two-dimensional sculpture with the words Satyameva Jayate (truth alone triumphs) written below it, taken from the Mundaka Upanishad, written in Devanagari script.

On January 26, 1950, the Lion Capital of Asoka at Sarnath officially became the national emblem of India. The emblem represents the seal of the Republic of India. Five students of renowned artist Nandalal Bose created the emblem. Among them were Jagdish Mittal, Kripal Singh Shekhawat, Gauri Bhanja and Dinanath Bhargava who was a young man in his 20s then. He was advised by Bose to visit the Kolkata zoo to observe the lions closely so as to get the exact expression of the majestic animal. He is said to have travelled 200 kilometres to observe the lions from close quarters. Incidentally, Bhargava has also designed the first 30 pages of the Constitution.

What is the controversy behind the latest replica?

The latest replica by Deore and Moses has a steel pillar support of 6,500 kgs. The lions, many alleged, looked "too aggressive", which amounted to tampering with the original in a hurry to meet the deadline of the Central Vista Project. "The concept sketch and process of casting the national emblem on the roof of the new Parliament building have gone through eight stages of preparation, from clay modelling and computer graphics to bronze casting and polishing," the PMO responded in a statement to emphasise the thoroughness of the process.

However, it failed to douse criticism. The All India Congress Committee General Secretary Jairam Ramesh said, "To completely change the character and nature of the lions on Ashoka's pillar at Sarnath is nothing but a brazen insult to national symbol". The Rashtriya Janata Dal tweeted from the official party handle that, "The original emblem has a mild expression, but those built during Amrit Kaal show a man-eater's tendency to consume everything in the country." Jawhar Sircar, Trinamool Congress MP, questioned the entire process, asking, "We seek to know the details of the process of selecting the artist, the brief given and the cost of the work. Has this contributed in raising the original estimated cost of ₹975 crore to the currently estimated cost of ₹1,200 crore? Did the proposal to install this sculpture receive sanction from the Delhi Urban Art Commission, and the Heritage Conservation Committee, mandated by the Supreme Court order of Jan 6, 2021 regarding the New Parliament Building?"

The designers countered the criticism about the lions looking aggressive by insisting that it was a matter of perspective, and claimed that the new emblem is a huge structure meant to be appreciated from a distance. The original structure was 1.6 metre tall whereas the new depiction is 6.5 metre high. Also, the original Lion Capital was at the ground level while the latest depiction is at a height of 33 metre from the ground.

The BJP rubbished the allegations as a "conspiracy" targeting Mr. Modi. Despite widespread criticism and objections, the new emblem is set to be a permanent part of the New Parliament House later this year.

POLITICS OVER RITUALS

What would have passed off as a non-event has become a talking point in Tamil Nadu politics because of the objection raised by Dharmapuri MP S. Senthilkumar, representing the ruling DMK. Mr. Senthilkumar, who was invited for the bhoomi pooja (ground-breaking ceremony) conducted before the launch of renovation work of a lake in his district, questioned officials of the Water Resources Department (WRD) for inviting only a Hindu priest for performing rituals. His war of words with the officials was recorded and the video tweeted by Mr. Senthilkumar himself. The MP was lauded by Dravidian ideologues, but he received brickbats from the BJP and its affiliated outfits, which saw it as an "anti-Hindu" act.

Mr. Senthilkumar was right in questioning the presence of a Hindu priest at a state function. He was also right in making it clear that a Dravidian government cannot afford to have such rituals. However, he was wrong in asking an official why no Christian priest and Muslim clergy were invited, because government rules do not allow rituals of any religion at government functions. In 1968, during the DMK regime under C.N. Annadurai, Chief Secretary C.A. Ramakrishnan had issued an order directing department heads to remove portraits of gods of all religions from government offices in a phased manner. In 2010, a Bench of the Madras High Court had asked the State government to take all steps to ensure that no religious functions are conducted or religious structures built within the precincts of government offices as stipulated in a Government Order issued by the Personnel and Administrative Reforms Department on December 13, 1993, during the AIADMK regime. The State government, subsequently, issued an order directing officials to follow the 1993 order.

But in reality, neither Ramakrishnan's order nor the High Court order has been followed. On the contrary, portraits of more deities adorn the walls of government offices, police stations, and buses operated by public transport corporations. Nearly all ground-breaking ceremonies for construction of new government buildings follow Hindu rituals. Even after the DMK came to power, some Ministers and the Chief Minister's son, Udhayanidhi Stalin, a legislator, have participated in ceremonies conducted by Hindu priests at government functions.

The rituals followed during Ayudha Pooja are an example of the violation of these orders. In the 1980s, transport corporations celebrated Ayudha Pooja as if it were a public festival. The best music troupes were invited to perform on the night of Ayudha Pooja and the depots of the transport corporations were opened to the public to enjoy the music. Even now, all transport corporation buses carry streaks of sandal paste and vermilion, and the pooja is performed by the crew members.

Ramakrishnan's order also talks of removing portraits and statues of gods in government offices. In India, the problem is that many deities and temples were located in these places even before the government decided to construct a building or an office.

Mr. Senthilkumar wanted to be secular, but it is a tricky task for him and other politicians in the current political context where the DMK is taking pains to counter the BJP's narrative that it is an "anti-Hindu" party. The truth is that the DMK is not a fully atheist party; a lot of senior leaders

happily participate in such ceremonies. The AIADMK, when in power, had never missed these ceremonies. The orders and court directions therefore remain on paper.

A section of DMK leaders feel Mr. Senthilkumar could have politely asked officials to avoid such rituals in his constituency because what happens in other constituencies is not in his hands.

DSP CRUSHED TO DEATH AT 'MINING' SITE IN HARYANA

A Deputy Superintendent of Police was allegedly run over by a dumper truck carrying stones at an illegal mining site in Haryana's Nuh on Tuesday. The deceased has been identified as Surender Singh Bishnoi, the DSP of Tauru.

The accused truck driver, Ikkar, was later arrested after a brief encounter in which he suffered injuries in his right leg.

The incident happened around noon when Singh, along with his staff, mounted a raid at the mining site. They were chasing the dumper truck carrying stones on a hillock in Panchgaon. Both vehicles soon pulled over with boulders blocking the road ahead.

"At this point, Singh got down from the police vehicle and walked up to the dumper truck. The truck driver reversed the vehicle and ran him over. He died on the spot and the accused driver sped away," said Krishan Kumar, Nuh Police spokesperson.

Singh, a resident of Hisar, had joined Haryana Police as an ASI in 1994 and was slated to retire in October this year. He is survived by his wife, a son and daughter.

Haryana Chief Minister Manohar Lal said directions were given for the strictest possible action in the case. He announced ex gratia of ₹1 crore to the family of the deceased and a government job to the next of kin. The Chief Minister said police posts and barricades would be set up near mining sites to prevent illegal mining.

Aravalli Bachao Citizens Movement, a citizen group, had filed a petition before the National Green Tribunal in May this year alleging illegal mining at 16 locations in the Aravalis, including Nuh.

The NGT, in its May 23 order, had constituted a joint committee of representatives of Ministry of Environment, Forest and Climate Change, Central Pollution Control Board and Director General of Police among others and directed them to meet in four weeks and undertake site visits for factual verification.

A majority of trucks involved in illegal mining in the area ply on the Gurugram-Alwar Highway without registration number plates or paint the plates black to avoid identification in case of any traffic violation or accidents.

MSP AND GOVT PANEL'S TASK

Earlier this week, the government notified a committee to "promote zero budget based farming", to "change" crop pattern keeping in mind the changing needs of the country, and to make MSP (minimum support price) more "effective and transparent". The government has named 26 members including the chairman of the committee, and kept three places for representatives of the Samyukta Kisan Morcha (SKM), which had led a sustained farmers' agitation against three

agriculture laws, now repealed. The SKM has, however, rejected the committee and announced that it will not nominate any representatives.

Why has the committee been set up?

It has been constituted by the Ministry of Agriculture and Farmers' Welfare, as a follow-up to an announcement by Prime Minister Narendra Modi on November 19, 2021 when he had declared the government's intention to withdraw the three farm laws.

The protesting farm unions led by the SKM had demanded a legal guarantee on MSP, based on Swaminathan Commission's 'C2+50% formula' (C2 is a type of cost incurred by farmers;). This was in addition to their demand for repeal of the three farm laws — Farmers Produce Trade and Commerce (Promotion and Facilitation) Act, 2020; Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020; and the Essential Commodities (Amendment) Act, 2020.

So, will the committee deliberate on the legal guarantee of MSP?

Its terms and references do not mention legal guarantee of MSP. What they do mention is making MSP "more effective and transparent". "As per announcement of Hon'ble Prime Minister that 'A committee will be constituted to promote Zero budget based farming, to change crop pattern keeping in mind the changing needs of the country, and to make MSP more effective and transparent…'," it says.

The matter of a legal guarantee came up in Lok Sabha on Tuesday, when a question was put to the Agriculture Ministry: "Whether the Government had assured the Samyukta Kisan Morcha (SKM) for the constitution of a committee to provide legal guarantee of Minimum Support Price (MSP) to farmers during December, 2021 and if so, the details thereof".

The Ministry replied, "No, Sir… The Government had assured the formation of a Committee to make MSP more effective and transparent, to promote natural farming and to change crop pattern keeping in mind the changing needs of the country. Accordingly, a Committee has been constituted consisting of representatives of farmers, Central Government, State Governments, Agricultural economists & Scientists, etc."

What is the committee tasked with, then?

Under the heading 'Subject matter of constitution of the Committee', the committee is to look at MSP, natural farming, and crop diversification. For MSP, its agenda is:

* Suggestions to make available MSP to farmers of the country by making the system more effective and transparent

* Suggestions on practicality to give more autonomy to Commission for Agricultural Costs and Prices (CACP) and measures to make it more scientific

* To strengthen the Agricultural Marketing System as per the changing requirements… to ensure higher value to the farmers through remunerative prices… by taking advantage of the domestic and export opportunities.

On natural farming, the committee has been asked to give "suggestions for programmes and schemes for value chain development, protocol validation & research for future needs and support

for area expansion under the Indian Natural Farming System by publicity and through involvement and contribution of farmer organizations". It has also been tasked with suggesting strategies for research and development institutions being made knowledge centres, and introducing a natural farming system curriculum in educational institutions; suggesting a farmer-friendly alternative certification system and marketing system for natural farming processes and products; deliberating on issues related to chain of laboratories for organic certification of natural farming products, and other aspects.

For crop diversification, the committee will deliberate on, among various aspects, mapping of cropping patterns of agro-ecological zones; strategy for a diversification policy to change the cropping pattern according to changing needs; arrangement for agricultural diversification and a system to ensure remunerative prices for the sale of new crops.

What will be the tenure of the committee, and how will it function?

The five-page notification does not specify the tenure of the committee. No deadline has been given for submitting its suggestions.

The notification does not mention anything about the procedures and functioning of the committee either. It does not specify, for instance, how decisions will be taken, how many members will be required to hold a meeting, when it should hold its first meeting, and how many times in a year it should meet.

What is its composition?

It will be headed by former Agriculture Secretary Sanjay Agrawal, and has Ramesh Chand of NITI Aayog as member. Apart from the three positions kept aside for representatives of the SKM, which has announced it will not nominate members, the committee's other members include two agricultural economists, an award-winning farmer, five representatives of farmer organisations other than the SKM, two representatives of farmers' cooperatives/groups, one member of the Commission for Agricultural Costs and Prices, three persons from agricultural universities and institutions, five Secretaries of the Government of India, four officers from four states, and one joint secretary from the Agriculture Ministry.

How is MSP fixed?

The Centre announces the MSP (which is not legally guaranteed) for 22 mandated crops (and Fair & Remunerative Price, or FRP, for sugarcane) on the basis of the recommendations of the CACP. These include 14 kharif crops (paddy, jowar, bajra, maize, ragi, tur/arhar, moong, urad, groundnut, soyabean, sunflower, sesamum, nigerseed, cotton), six are rabi crops (wheat, barley, gram, masur/lentil, rapeseed and mustard, and safflower) and two are commercial crops (jute and copra).

The CACP takes into account various factors including demand and supply; cost of production; market trends; a minimum 50% margin over cost of production; and likely implications of MSP on consumers.

The CACP calculates three types of costs — A2, A2+FL and C2 — for each mandated crop for different states. The lowest of these costs is A2, which is the actual paid-out cost incurred by a farmer. Next is A2+FL, the actual paid-out cost plus imputed value of family labour. The highest of the three costs is C2, defined as 'Comprehensive Cost including Rental Value of Own Land (net of land revenue and interest on value of own fixed capital assets (excluding land))'.

Although all three costs are calculated, the CACP eventually recommends — and the government announces — MSP on the basis of A2+FL. Protesting farmers have been demanding MSP based on C2, besides a legal guarantee.

KARNATAKA'S PSI RECRUITMENT SCAM AND THE ROT AT THE TOP

The story so far: The Karnataka State Police issued a gazette notification early last year to fill 545 Police sub-inspector (PSI) vacancies. Following physical tests, over 54,000 candidates appeared for the written exam across 92 centres in the State in January, 2022. However, in March, irregularities first came to light when a social media post revealed that Veeresh Chandrashekhar, a candidate from Kalaburagi who had ranked 7th, had been awarded 121 out of 150 marks even though he had attempted only 21 questions as per the carbon copy of his OMR sheet. The Crime Investigation Department (CID) probe that followed unveiled one of the biggest recruitment scams in the State, which saw lakhs given in bribe and the arrests of over 60 candidates, local politicians and top police officials in the Karnataka Police recruitment cell, including its then chief Additional Director General of Police (ADGP) Amrit Paul.

How did the malpractice take place?

The format of the PSI exam includes two papers. A comprehension paper for 50 marks and an MCQ paper for 150 marks (100 questions for 1.5 marks each) to be filled on an OMR sheet. It is in the second paper that the CID officials uncovered two methods of cheating employed to score high marks.

First, the candidates took help from the invigilators. They left most questions unanswered on OMR sheets, attempting only what they knew while invigilators later filled the rest with correct answers.

Second, the candidates used Bluetooth devices. The question paper was leaked from examination centres to touts who had a panel of experts relay the answers to the candidates via Bluetooth devices. While metal detectors had been deployed at the centres, the ones used in the PSI recruitment exams were very small, skin-coloured and undetectable.

Who were involved?

Lasting over four months, the investigation uncovered the systematic way in which the entire recruitment process was rigged, tracing the rot all the way to the top of the chain. Those arrested include the candidates, the kingpin and his associates, the touts and middlemen, the invigilators, police personnel and officers at recruitment cell. The scam was found to have been masterminded at the local level in Kalaburagi by Congress politicians Rudragowda Patil and his brother Mahantesh Patil.

The other prime accused was Divya Hagaragi, former president of the women's wing in Bharatiya Janata Party's Kalaburagi unit.

What was the role of the recruitment cell?

Probe revealed that ADGP Amrit Paul — who was heading the recruitment division when the scam broke out — had given the keys of the strongroom, where the OMR sheets were kept under tight security, to Deputy Superintendent of Police Shantha Kumar.

Mr. Kumar then allegedly roped in first division assistant Harsha and Reserve Sub-Inspectors (RSIs) Sridhar and Srinivas to help him switch off the CCTV and fill up the blank OMR sheets.

The CID arrested Mr. Kumar and four junior officers.. ADGP Amrit Paul was initially transferred to the Internal Security Division before being arrested in July 2022.

What led to the malpractice?

Being a police sub-inspector is a coveted government post that comes with the promise of job security and promotions. This year though, about 1.29 lakh aspirants had applied for a mere 545 vacancies.

According to sources, 30 aspirants had paid between ₹30 lakh to ₹1 crore to help tamper the OMR sheets and get into the toppers' list. Some of them had sold their land while others pledged their valuables to pay bribes.

The expansive nature of the scam, yet again, brought to the fore the corruption at the higher levels of the police force.

How did the State government react?

On April 30, 2022, the State Government annulled the recruitment process, cancelled the provisional list of the 545 PSIs announced and decided to conduct a fresh examination. This led to a furore among selected candidates, who launched a protest demanding that only those who had indulged in the malpractice must be punished. Their contention was that, with the cut-off for PSI exam set at 30 years of age, many of them would have crossed that limit, making them ineligible to take the re-examination.

How has the scam affected recruitment?

The 90,000-plus strong Karnataka State Police, which had been suffering with over 30% vacancies, had taken up an aggressive recruitment drive since 2016, with an aim to have no vacancies by 2023-24. However, the scam has shaken the police department and government alike, while the cancellation of the selection list has dealt a major blow to the recruitment drive, officials believe.

NDA GOVT'S PLAN TO PRODUCE MORE WEAPONS AT HOME NEEDS URGENT AND PURPOSEFUL POLICY ACTION

Last week the House of Representatives, the lower House of the US Congress, passed an amendment with a significant majority that called for an India-specific waiver from sanctions for the purchase of advanced Russian weapons. This sets the stage for Delhi and Washington to find a way around the problem of India's continuing dependence on Russian weapons. It is an issue that has acquired greater salience since the Russian invasion of Ukraine. The Countering America's Adversaries Through Sanctions Act in 2017 demanded sanctions on states that buy Russian weapons. The US imposed these sanctions in 2020 on Turkey, a NATO ally, for purchasing the S-400 missile system from Russia. With India, too, committed to the purchase of the S-400 from Moscow, it seemed inevitable that Washington would impose sanctions on Delhi and undermine a budding strategic partnership. US and India have been steadily building up the bilateral defence and security cooperation, are partners in the Indo-Pacific and members of the Quad along with Australia and Japan.

To be sure, the CAATSA authorised the US President to waive the sanctions provided there was an overriding national security interest. Both the Trump and Biden administrations had avoided imposing the sanctions but were hesitant to offer a waiver. Both were worried about the overwhelming anti-Russian sentiment in the US Congress. The House amendment now offers solid political support for the waiver. This, of course, is only the first step that needs to be matched by the US Senate and jointly approved by the two Houses at a later sitting. But the House amendment acknowledges the danger to the US interests from a mechanical application of CAATSA sanctions on India. It notes the special military challenges that India confronts from an assertive China in the Himalayas. While calling for a waiver, the House amendment calls for a deeper defence collaboration with India, and stronger high technology cooperation, and active encouragement to reduce Delhi's current dependence on Russian military supplies.

Although a rapid diversification away from Russian supplies can't be done overnight, it is a good moment for the Indian security establishment to review the changing context of Delhi's defence ties to Moscow. Indo-Russian defence ties emerged at a moment when Moscow was fighting Beijing in the 1960s. Russia and China are now close partners, while Beijing remains the main source of Delhi's security problems. Russia and China are also aligned against the West, which has become a major partner for India. After invading Ukraine, Russia is locked in a deep confrontation with the US and Europe. Although India can work on the margins to reduce the impact of Western sanctions on Russia, dealing with Moscow will only become trickier for Delhi in the days ahead. If and when the Ukraine war ends, Russia's focus will be on rearming itself rather than exports to other countries. Delhi, however, has no reason to jump from dependence on Russia to total reliance on the West. The NDA government has emphasised the importance of producing more weapons at home. It also wants domestic and foreign private capital to invest in India's arms production. Translating that laudable goal into reality demands more urgent and purposeful policy action in Delhi than we have seen so far.

NAVY DECOMMISSIONS SINDHUDHVAJ

The Navy's Kilo class submarine INS Sindhudhvaj was decommissioned from service on Saturday at Visakhapatnam after 35 years in service. With this, the Navy now has 15 conventional submarines in service.

"The traditional ceremony was conducted at sunset, with an overcast sky adding to the solemnity of the occasion when the Decommissioning Pennant was lowered and the submarine was paid off after a glorious patrol of 35 years," the Navy said in a statement on Sunday. The event was attended by 15 of the former Commanding Officers, including Commander S.P. Singh (Retd.), the Commissioning CO, and 26 Commissioning crew veterans.

The decommissioning of the submarine had been delayed by about a year.

Many firsts

"She had many a firsts to her credit, including operationalisation of the indigenised sonar USHUS, indigenised satellite communication system Rukmani and MSS, inertial navigation system and indigenised torpedo fire control system," the Navy said. She also successfully undertook mating and personnel transfer with Deep Submergence Rescue Vessel and was the only submarine to be awarded Chief of Naval Staff (CNS) rolling trophy for Innovation by Prime Minister Narendra Modi, it stated.

Commissioned into the Navy in June 1987, Sindhudhvaj, was one of the 10 Kilo class submarines India acquired from Russia between 1986 and 2000. Of these, Sindhurakshak was lost in an accident in Mumbai harbour in August 2013, while Sindhuvir was transferred to Myanmar in 2020, making it the Southeast Asian nation's first underwater platform.

The Navy's sub-surface fleet now includes seven Russian Kilo class submarines, four German HDW submarines, four French Scorpene submarines and the indigenous nuclear ballistic missile submarine Arihant. The last two of the Scorpene class submarines are in various stages of trials and outfitting.

THE NEET CONUNDRUM AND TAMIL NADU'S STEADFAST OPPOSITION

The story so far: The mandatory National Eligibility cum Entrance Test (NEET) for admission to undergraduate and postgraduate medical degree courses was introduced across the country based on a Supreme Court ruling in 2016. The Tamil Nadu government vociferously opposed the entrance test from the beginning and initially got exemption from NEET-based admissions. However, in August 2017, the Supreme Court refused to grant further exemption to the State. The legal fight against NEET continues to this day.

Why and how was NEET introduced?

The Medical Council of India (MCI) (since replaced by the National Medical Commission) had mooted the NEET in 2009 with a stated objective of ensuring inter-se merit in medical admissions and to avoid multiple entrance tests conducted by different agencies, governments and deemed universities. The following year the MCI had issued a notification to regulate MBBS and BDS admissions in the country through a common entrance test. However, in 2013, by the majority of a 2:1 verdict the Supreme Court had struck down the NEET as unconstitutional and ruled that the MCI had no powers to issue notifications to regulate admissions in medical/dental colleges.

Three years later in April 2016, a five judge bench headed by Justice Anil. R. Dave (who delivered the dissenting verdict in 2013), in a rare order recalled its 2013 judgment and eventually mandated the conduct of NEET. Following requests from certain stakeholders, the Union Government promulgated an ordinance in May 2016 exempting State-run medical colleges from the ambit of the Supreme Court mandate for a year. After which in 2017, the Supreme Court refused to grant exemption from NEET to Tamil Nadu.

Was Tamil Nadu the only State to oppose NEET?

No. Other states including Gujarat had also opposed the NEET in the initial years for varying reasons. As reported in The Hindu on May 4, 2016, the Gujarat government had submitted in the Supreme Court that it was "torture" to impose NEET on students who had already mentally prepared for the State entrance exams. Tamil Nadu reiterated its argument that the State does not have a legacy of entrance exams since 2007. States like Jammu and Kashmir [now Union Territory of J&K and Ladakh], Andhra Pradesh and Telangana invoked special provisions in the Constitution to contend that only the State and not the Centre had the legislative competence to conduct examinations for MBBS and BDS courses.

Is the opposition to NEET merely political?

Beyond issues such as the NEET threatening state autonomy, questions have been raised on the pragmatism of the common entrance test score being the sole determinant of merit from Kashmir

DreamIAS

to Kanniyakumari. The NEET overshadows students' efforts in their higher secondary education and has known to spawn multi-billion dollar coaching centres. As a result, the focus is more on cracking the 'be-all-end-all' examination instead of mastering the subjects at the higher secondary level. It also compromises the learning of non-core subjects. Besides, there have been discrepancies in the conduct of NEET with cases of impersonation being reported. Even in the NEET examination conducted last Sunday, the CBI unearthed an impersonation racket and arrested eight persons. Such racketeering challenges the very concept of merit. Also, while it has ensured merit-based admissions in state-run institutions where the fees is affordable; in deemed universities and private colleges even now students with poor NEET scores, who have the wherewithal to pay hefty sums as fees, continue to edge out meritorious aspirants belonging to poor, lower and middle class families.

What were the AK Rajan committee findings?

After coming to power last year, the Dravida Munnetra Kazhagam government, constituted a committee headed by retired High Court judge Justice A. K. Rajan to study the effects of the NEET-based admission process. The committee was asked to find whether the entrance test had adversely affected students from the rural and urban poor, those who studied in government schools, those who studied in Tamil medium or any other section of students from Tamil Nadu. If so, the panel was mandated, to suggest the steps to be taken to remove the impediments and to protect the rights of the State, for advancing the principles of social justice and also to fulfil the mandate of the Constitution to provide equal and equitable "access to health" to all sections of the people of Tamil Nadu. Justice Rajan in his report recommended: "The State Government may undertake immediate steps to eliminate NEET from being used in admission to medical programmes at all levels by following the required legal and/or legislative procedures." He told The Hindu that data showed that 99% of students, who got admitted in medical colleges post-NEET, had gone for coaching. "Coaching focuses only on preparing students to answer questions asked in the particular exam as opposed to learning a subject," he said.

What is the current status?

While most States have adopted NEET, the Tamil Nadu government remains opposed to it with the backing of all major political parties, with the exception of the BJP and one or two fringe outfits. The President refused assent to two Bills adopted by the Tamil Nadu Legislative Assembly unanimously in 2017 seeking exemption from NEET-based admissions for undergraduate and posgraduate degree medical courses.

In 2021, a fresh Bill to admit students for MBBS/BDS courses only on the basis of their class XII board examination scores was adopted by the Legislative Assembly. In February this year, after the Bill was returned by the Governor, for the first time in the history of the state Legislative Assembly, the Bill was readopted by the House and sent back to the Governor. The Raj Bhavan has since forwarded the Bill to the Ministry of Home Affairs (MHA) for Presidential assent. On Tuesday, the Minister of State for Home Affairs Ajay Mishra informed the Lok Sabha that clarification has been sought from the Tamil Nadu Government on the Bill seeking to dispense with the NEET. The Ministry of Health and Family Welfare and the Ministry of AYUSH had furnished comments on the Bill which have been shared with the state government of Tamil Nadu for their comments and clarifications.

PYTHAGOREAN GEOMETRY IN VEDIC-ERA TEXTS, CENTURIES BEFORE PYTHAGORAS

A POSITION paper by the Karnataka government on the National Education Policy (NEP) 2020, uploaded recently, has revived discussion on something that has long been known to historians of mathematics — that what we call the Pythagoras theorem was already known to Indians from the Vedic times.

The position paper, part of Karnataka's submissions to the NCERT for a National Curriculum Framework, describes Pythagoras's theorem as "fake news" and the "so-called Pythagoras theorem".

"The Pythagoras theorem is disputed in many international forums. Not the content, but Pythagoras claiming it as his own… There are theories that say there was nobody called Pythagoras," Madan Gopal, a retired IAS officer who heads Karnataka's NEP task force, told The Indian Express. He referred to a text called the Baudhayana Sulbasutra, in which a specific shloka refers to the theorem.

Did Pythagoras exist, and what is the theorem named after him?

Mathematicians contacted by The Indian Express said the evidence suggests that the Greek philosopher (around 570–490 BC) did exist. However, there is an element of mystery around him, largely because of the secretive nature of the school/society he founded in Italy. Relatively little is known about his mathematical achievements, because there is nothing today of his own writings (History of Mathematics Archive, University of St Andrews, Scotland).

The Pythagoras theorem describes the relationship connecting the three sides of a right triangle (one in which one of the angles is 90°):

$a^2 + b^2 = c^2$

where a and b are the two perpendicular sides, and c is the length of the diagonal side.

If any two sides of a right triangle are known, the theorem allows you to calculate the third side. Extended to the sides of squares and rectangles and their diagonals, the equation is of immense importance in construction, navigation and astronomy.

How do we know that Indian mathematicians from the Vedic period knew this?

There are references in the sulbasutras, which are texts pertaining to fire rituals (yajanas) performed by Vedic Indians. The oldest of these is the Baudhayana Sulbasutra.

"The period of Baudhayana Sulbasutra is uncertain (as with other sulbasutras), there being no direct internal evidence useful in this respect. It is estimated based on linguistic and other secondary historical considerations and have varied substantially depending on the author. By and large, in recent literature, Baudhayana Sulbasutra is taken to be from around 800 BCE," said mathematics professor Shrikrishna G Dani, currently with University of Mumbai-Department of Atomic Energy Centre for Excellence in Basic Sciences.

"It has been known for quite long in academic circles that Baudhayana Sulbasutra contains a statement of what is called Pythagoras theorem (it was known rather as a geometric fact, and not as a 'theorem')," said Professor Dani, who wrote a paper describing geometry in the sulbasutras in 'Studies in History of Mathematics, Proceedings of Chennai Seminar' in 2008.

Associate Professor Kim Plofker of Union College, New York, who specialises in the history of Indian mathematics, cited two of the sutras in the first chapter in the Baudhayana Sulbasutra: "The areas [of the squares] produced separately by the length and the breadth of a rectangle together equal the area [of the square] produced by the diagonal. This is observed in rectangles having sides 3 and 4, 12 and 5, 15 and 8, 7 and 24, 12 and 35, 15 and 36."

In what context is this equation discussed in the sulbasutras?

The yajna rituals involved construction of altars (vedi) and fireplaces (agni) in a variety of shapes such as isosceles triangles, symmetric trapezia, and rectangles. The sulbasutras describe steps towards construction of these figures with prescribed sizes.

The Pythagorean equation comes into play in these procedures, which involve drawing perpendiculars. These perpendiculars, as detailed in Dani's paper, were based on triangles whose sides were in the ratio 3:4:5 or 5:12:13. These sides follow the Pythagorean relation, because $3^2 + 4^2 = 5^2$, and $5^2 + 12^2 = 13^2$. Such combinations are called Pythagorean triples.

Did Indian mathematicians prove the equation?

There is no evidence that the Indians had a proof, nor even that Pythagoras did, Dani said. "The idea of a mathematical proof based on an axiomatic structure is unique to the Greeks — thus in respect of the other cultures, 'proof' of a geometrical statement only meant some means of carrying conviction, which would have been there in various cultures (since it is indeed not a 'self-evident' statement)," Dani said.

And Plofker said, by email: "Given the evident familiarity of the sulba-practitioners with geometric constructions, I take it as a given that they knew and understood geometric rationales supporting those 'Pythagorean' sutras."

How did knowledge of the equation evolve?

The earliest evidence is from the Old Babylonian civilisation (1900-1600 BCE). "They were well aware of Pythagoras's theorem: but since that was more than a thousand years before Pythagoras, they did not call it that: they referred to it as the 'Diagonal rule'. There are probably at least half a dozen tablets that establish that they knew this rule," said Professor Norman Wildberger of the University of New South Wales, who has done extensive research on the clay tablet Plimpton 322.

The earliest evidence of a proof comes from a period after the sulbasutras. "The oldest surviving axiomatic proof of the theorem is in the Elements of Euclid from around 300 BCE. But again, it seems extremely likely that many more-or-less formal geometric rationales for the 'Pythagorean' relation were understood by many of its users long before Euclid recorded his rigorous-demonstration version," Plofker said.

How relevant is the discussion on whether the Indians or Pythagoras knew the equation first?

The Indian Express put this question to Prof Dani. "The current debate is obviously on account of the position paper in Karnataka, where they irresponsibly call Pythagoras theorem 'fake news'. There is an implicit claim of ownership, that is the thing that one needs to clarify," Dani said.

"... This kind of attitude that everything was there in India, generally referred to as 'Jagatguru syndrome' — that needs to be countered. Some things are partially true, along with that a whole lot of garbage goes into the sense of cultural superiority, which is actually very detrimental. As

long as we think that we are the masters, living in the past, the country is not going to make serious inroads into modern development," he said.

THE KALI BEIN AND ITS SIGNIFICANCE FOR SIKHS

Punjab Chief Minister Bhagwant Mann has been admitted to Delhi's Apollo Hospital, days after he had drunk a glass of water directly from the Kali Bein, a holy rivulet in Sultanpur Lodhi. Why did he do so, and what is the significance of the rivulet in the Sikh religion?

What is the Kali Bein?

The 165-km rivulet starts from Hoshiarpur, runs across four districts and meets the confluence of the rivers Beas and Sutlej in Kapurthala. Along its banks are around 80 villages and half a dozen small and big towns. Waste water from there as well as industrial waste used to flow into the rivulet via a drain, turning its waters black, hence the name Kali Bein (black rivulet). Dense grass and weeds grew on the water until a cleaning project started.

Why did Bhagwant Mann drink water from it?

The occasion was the 22nd anniversary of the cleaning project, which had started on July 16, 2000. The project has been slow for years after having made remarkable progress in the initial years. Nevertheless, when Mann drank water from it directly, it was a much cleaner Kali Bein than it was before 2000.

The Kali Bein is of great significance to Sikh religion and history, because the first Guru, Nanak Dev, is said to have got enlightenment here. When Guru Nanak Dev was staying at Sultanpur Lodhi with his sister Bebe Nanki, he would bathe in the Kali Bein. He is said to have disappeared into the waters one day, before emerging on the third day. The first thing he recited was the "Mool Mantra" of the Sikh religion.

ANTARCTIC BILL PASSED IN LS

The Lok Sabha on Friday passed the Indian Antarctic Bill, 2022 amid clamour from the Opposition to have more discussion.

There were no amendments to the text of the Bill that was passed after a voice vote. Earth Sciences Minister Jitendra Singh said that such a law was necessary under India's obligations as a signatory to the Antarctic Treaty of 1963.

The Antarctic Bill was introduced in the Lok Sabha in April this year and its overarching aim is to regulate visits and activities to Antarctica as well set ground rules for potential disputes that may arise among those present on the continent. The Bill also prescribes penal provisions for certain serious violations. Under its provisions, private tours and expeditions to Antarctica would be prohibited without a permit or the written authorisation by a member country. A member country is one of the 54 signatories of the Treaty. The Bill also lays out a structure for government officials to inspect a vessel, and to conduct checks of research facilities. It also directs creating a fund called the Antarctic fund that will be used for protecting the Antarctic environment. The Bill also extends the jurisdiction of Indian courts to Antarctica and lays out penal provision for crimes on the continent by Indian citizens, foreign citizens who are a part of Indian expeditions, or are in the precincts of Indian research stations.

A NEW LEGISLATION THAT MIRRORS THE OLD

The Union Health Ministry recently published a new draft Bill to replace the antiquated Drugs and Cosmetics Act, 1940. While we salute the Ministry for recognising the need for a new legislation, there is much to disagree with the new Bill. To begin with, although the Ministry has described it as being consistent with the government's move to review obsolete pre-Independence legislation, most of it is a copy of the old law. There is nothing new in this Bill regarding drug regulation. And the Bill does nothing to address burning issues thrown up over the last decade since the Ranbaxy scandal.

Regulatory theory

The original Act was enacted when the Indian pharmaceutical industry was in its infancy. At the time, the guiding theory of this law was based on testing manufactured drugs purchased by drug inspectors from the open market. If a drug failed quality testing, the manufacturer could be jailed. This was not the most efficient system of regulation because it depended entirely on luck or fate – only if a drug inspector picked a certain drug on a certain day and it failed testing would the manufacturer face legal action. Much of the world has shifted to a more rigorous system of regulation centered around the compliance of manufacturing units with good manufacturing practices (GMPs). In theory, a drug manufactured in compliance with GMPs is subject to so many checks that it is unlikely that it would fail quality tests once shipped to the market.

In 1988, India incorporated a system of GMPs via rules framed by the government rather than Parliament. But even then, the government did not make GMPs the centrepiece of its regulatory strategy. In the U.S., the regulator's focus is in ensuring that manufacturing units comply with GMPs. American law presumes that any drug that is manufactured in a facility that fails to comply with GMPs is 'adulterated'. Given this focus on GMP compliance, U.S. law mandates the publication of reports of inspections conducted by its drug inspectors. Indian law, on the other hand, contains no such criminal penalties for pharmaceutical companies failing to comply with GMPs. At the most, licences may be cancelled, but since inspection reports are never published, citizens have no idea if drug inspectors are conducting GMP compliance-related inspections. There is ample evidence to suggest that such inspections are not carried out. The Bill does nothing to change this system. In fact, it does not mention the phrase GMP even once.

The federalism question

The one issue that has come up in every review of the drug regulatory system since 1947 has been the uneven enforcement of the Drugs and Cosmetics Act across India. This is because, unlike the U.S. which has a single federal agency tasked with enforcing drug regulation across the country, India has 37 agencies for the same job: one in each State and Union Territory along with the Central Drugs Standard Control Organisation (CDSCO), which is under the control of the Union Health Ministry. State drug controllers are expected to license drug manufacturing and also conduct enforcement actions such as sampling, testing and prosecution for substandard drugs. The CDSCO's role is limited to regulating imports and to deciding whether new drugs have adequate clinical evidence before they can be sold. Over the years, even the CDSCO has started drawing samples for testing and prosecuting erring manufacturers. In addition, the Health Ministry is in charge of laying down rules and regulations and banning drugs which do not have supporting clinical evidence.

A problem with this setup is that States such as Himachal Pradesh, which account for a bulk of pharmaceutical manufacturing on account of a tax holiday, do a poor job in enforcing the Drugs and Cosmetics Act. This is not just because of poor state capacity; the fear of scaring away investments by the pharmaceutical industry likely plays a key role in the State's decision to not enforce the law. Since India is a single market, drugs manufactured in Himachal Pradesh are sold across the country and even States with relatively more competent drug regulators, such as Tamil Nadu, Karnataka and Gujarat, can do little to stop the flood of these substandard drugs. It is only the drug controller in Himachal Pradesh who can cancel manufacturing licences of facilities located in that State. This is the reason that the Mashelkar Committee in 2003 had recommended centralising drug licensing with the central regulator. The present Bill is silent on the issue. And since the Ministry never released a white paper explaining its position, we don't why this issue was never tackled.

Democratise regulation

Drug regulation by its very nature vests vast discretionary powers in unelected bureaucrats to take decisions such as approving a new drug or a new manufacturing facility, both of which can have huge implications for public health and profits of the pharmaceutical industry. These decisions are often based on scientific data, inspections, reports, etc. In such circumstances, the only safeguard to ensure bureaucratic accountability is transparency. As citizens, we should not be required to run after the regulator begging for information under the Right to Information Act, 2005. Rather, the law should be written in a way to guarantee proactive disclosure of all crucial documentation related to regulatory decisions. If a new drug is being approved, the regulator should be required to disclose all the data, including clinical trial data. Every time a drug is tested in a government laboratory, the test report should be published on a publicly accessible database. Each inspection for GMP compliance should conclude with an inspection report accessible to the general public. This is the only way to ensure accountability and build public confidence in the regulator. The new law is silent on this critical issue of transparency because it is structured largely on the basis of the original colonial-era legislation. The government must consider rewriting this law in a way that guarantees transparency by design.

Modern regulation delegates an incredible amount of power to unelected bureaucrats and technocrats. From a perspective of efficiency, such delegation is required, but from the perspective of accountability, it leads to a democratic deficit. This is why a modern regulatory system should be designed in a manner that guarantees citizens a right to participate in decision making. Making information available to citizens is only the first step in this process. The next step is to create legal pathways, such as public hearings or citizen's petitions which will enable citizens to participate in the regulatory process and register their objections. For example, every drug approval process should be accompanied by a public hearing to allow doctors and ordinary citizens to question regulators and explain their rationale for approving the new drug. The proposed legislation does not make accommodation for public participation.

Since the present reform process is still in the early days, nobody will fault the Health Minister for junking this draft Bill and appointing a new committee of external experts to draft a Bill reflecting the democratic character of an India celebrating its 75th year of independence.

WHY GOA HAS TIGHTENED THE LAW ON CHANGING ONE'S NAME OR SURNAME

Three years after the Goa Change of Name and Surname (Amendment) Bill, 2019, which provided for arrest if someone changed their name without following the laid-down procedures, the Goa

Assembly passed another amendment Bill on Wednesday, tightening the restrictions. To change one's name now, one will need to have their birth registered in Goa, and either a parent or a grandparent born in Goa.

This was one of three amendment Bills introduced by Law Minister Nilesh Cabral on Wednesday, all passed by the Assembly.

Goa: What is the new amendment to the Change of Name Act?

The Goa Change of Name and Surname (Amendment) Bill, 2022 amends Sections 2 and 3 of the Goa Change of Name and Surname Act, 1990. In Section 2, two clauses have been omitted, pertaining to the definitions of registrar and chief registrar. Under Section 3, the power to permit name changes, which were earlier vested in the registrar or the Chief Registrar of the state, have now been placed with "Civil Judge Junior Division" or a "District Judge" — in effect, with the judiciary rather than with the government.

What prompted the government to bring an amendment like this?

The Amendment Bill passed on Wednesday is the sequel to the 2019 amendment to the 1990 Act. While the original legislation had laid down the rules for carrying out changes in one's name and surname – through the registrar, with necessary documents as proof, after issuing advertisements in newspapers – the 2019 amendment made it a cognisible offence to carry out such changes in breach of the stipulated norms.

The latest amendment also stems from allegations made by several communities – including the numerically strong Bhandaris — and MLAs across party lines over changes in names and surnames advertised in newspapers by 'outsiders' who had adopted Goan names and surnames, allegedly in order to avail benefits under government schemes, or to buy or inherit land or even apply for Portuguese passports.

How widespread are such allegations?

Over the years, newspaper advertisements declaring name changes have often been a point of debate on social media in Goa, and the ingress of the 'outsiders' has dominated Goan politics with hardly a voice that differed.

Before the Assembly elections in February, Cabral, who was the Law Minister in the previous government too, had said that the state Cabinet had approved amendments to the Goa Change of Name and Surname Act, 1990, vesting the powers to permit names changes in the judiciary, and also inserting the conditions that a person desiring to changing her or his name would have to have their birth registered in Goa and either a parent or a grandparent born in Goa.

On Friday, Goa Chief Minister Pramod Sawant said in the Assembly, "No other government had even thought of this. Many Nairs had become Naik, but now only those whose parents or grandparents are born in Goa will be able to change their name."

The decision to amend the Act rested on the "fear" in the minds of indigenous Goan people that benefits and amenities available to them may be usurped by "persons from other states" by changing and adopting Goan names and surnames, both Hindu and Christian.

ASKING EXAM CANDIDATES TO REMOVE INNERWEAR TO CHECK CHEATING SHOWS ABYSMAL LEVEL OF TRUST IN THE YOUNG

There is no justification for the alleged actions of officials under the National Testing Agency (NTA) at an examination centre in Kollam, Kerala. On Thursday, according to an FIR filed by a parent, several young women were forced to remove their innerwear by officials as they sought to appear for the National Eligibility-cum-Entrance Test (NEET) for admissions to MBBS and BDS programmes. The current episode is not the first such instance: In 2017, "overzealous" teachers at a Kerala school were suspended for asking a girl to remove her innerwear before entering a NEET exam centre.

To humiliate students for an article of clothing — or, as the "rules" would have it, "any ornaments/ metallic items" — is unconscionable and symptomatic of a deep suspicion of aspirants on the part of the NTA. How can an earring, or a hook on an item of clothing lead to cheating? And exactly how many candidates smugged cheat sheets in these wires? Yet, the NTA's list of prohibited items — which includes shoes, jewellery and all metallic objects — only empowers the person on the ground to police the bodies of aspirants. Bureaucratic "rules" too must aspire to common sense. As a governance reform in the healthcare and education sector, the NEET has much to recommend it. Like the Joint Entrance Exam for engineering, the NEET has the potential to ensure uniformity in admission standards across states and objectivity and transparency in candidate selection. What is common here is an assumption of guilt — of "cheating" — and the impunity arising from the vaguely-worded rules used to humiliate students.

The local police has filed an FIR in the matter and the NTA has sent a team to Kerala to conduct its own investigation. The offending officials must be brought to book. But a wider conversation on reforming the guidelines and powers of the NTA is also needed. The guiding principle of such reform must place the dignity of students and aspirants front and centre; it must ease their burdens while ensuring that exams are conducted fairly. Mechanisms must be put in place to ensure that those conducting tests — whether NEET, JEE or any other such examination — are sensitised to their role as enablers for the youth, who are already under tremendous pressure. To strip-search a candidate to protect a test means there's something terribly wrong with the test — not the candidate.

WHAT IS INDIA'S LAW ON ABORTION, AND WHY HAS A PREGNANT UNMARRIED PETITIONER GONE TO SUPREME COURT IN APPEAL?

A 25-year-old pregnant woman moved the Supreme Court on Tuesday (July 19) seeking an abortion after the Delhi High Court declined her plea last week. The woman has also challenged Rule 3B of the Medical Termination of Pregnancy Rules, 2003, which allows only some categories of women to seek termination of pregnancy between 20 and 24 weeks.

The case has raised very important questions about the framework of reproductive rights, and recognising female autonomy and agency in India.

What is the case about?

Last week, a 25-year-old woman sought the Delhi High Court's permission for termination of a pregnancy of 23 weeks and 5 days.

The woman, a permanent resident of Manipur who currently resides in Delhi, told the court that the pregnancy was a result of a consensual relationship, and that she wanted to terminate the pregnancy because her partner had refused to marry her.

She also told the court that she feared stigmatisation as a single, unmarried woman.

What was the Delhi HC's decision?

A two-judge Bench of the Delhi High Court comprising Chief Justice Satish Chandra Sharma and Justice Subramonium Prasad refused to allow the termination of the pregnancy. In oral observations, the judges coaxed the woman to carry her pregnancy to term, and to give up the newborn for adoption — even offering to personally pay for the process.

"We will not permit you to kill the child; 23 weeks are over. The child will be in the womb for how many weeks for normal delivery? Hardly how many weeks are left? Give the child to somebody in adoption. Why are you killing the child?" the Bench said.

On the challenge made to the law, the HC issued notice to the central government.

What is India's law on abortion?

Section 312 of the Indian Penal Code, 1860, criminalises voluntarily "causing miscarriage" even when the miscarriage is with the pregnant woman's consent, except when the miscarriage is caused to save the woman's life. This means that the woman herself, or anyone else including a medical practitioner, could be prosecuted for an abortion.

In 1971, The Medical Termination of Pregnancy Act (MTP Act) was introduced to "liberalise" access to abortion since the restrictive criminal provision was leading to women using unsafe and dangerous methods for termination of pregnancy.

The MTP Act allowed termination of pregnancy by a medical practitioner in two stages.

For termination of pregnancy up to 12 weeks from conception, the opinion of one doctor was required.

For pregnancies between 12 and 20 weeks old, the opinion of two doctors was required — they would have to determine "if the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health" or there is a "substantial risk" that if the child were born, it would suffer from such physical or mental abnormalities as to be seriously "handicapped" before agreeing to terminate the woman's pregnancy.

In 2021, Parliament amended the law and allowed for a termination under the opinion of one doctor for pregnancies up to 20 weeks. For pregnancies between 20 and 24 weeks, the amended law requires the opinion of two doctors.

For the second category, the Rules specified seven categories of women who would be eligible for seeking termination. Section 3B of Rules prescribed under the MTP Act reads: "The following categories of women shall be considered eligible for termination of pregnancy under clause (b) of subsection (2) Section 3 of the Act, for a period of up to twenty-four weeks, namely:

a) survivors of sexual assault or rape or incest;

b) minors;

c) change of marital status during the ongoing pregnancy (widowhood and divorce);

d) women with physical disabilities [major disability as per criteria laid down under the Rights of Persons with Disabilities Act, 2016

e) mentally ill women including mental retardation;

f) the foetal malformation that has substantial risk of being incompatible with life or if the child is born it may suffer from such physical or mental abnormalities to be seriously handicapped; and

g) women with pregnancy in humanitarian settings or disaster or emergency situations as may be declared by the Government."

While the law recognises change in circumstances of the relationship status between a pregnant woman and her spouse — in the case of divorce and widowhood — it does not envisage the situation for unmarried women. This is the gap in the law that the petitioner before the Supreme Court falls in.

Why does the legislation have this gap?

In 1971, when The MTP Act was enacted, it was essentially framed with a moralistic lens that put married women in focus. The 2021 amendment has not changed that view.

A 2021 report, "Legal Barriers to Accessing Safe Abortion Services in India: A Fact Finding Study" by the Center for Reproductive Rights, National Law University, Delhi and National Law School of India University, Bangalore, highlights these concerns.

"Parliamentary debates on the MTP Act reveal that legislators were concerned that a "liberal" abortion law would promote sexual promiscuity amongst women. Addressing this concern, the government, through its ministers, assured Parliament that "by far the greatest number of women who seek abortion are married," the report said.

The Statement of Objects and Reasons appended to the MTP Act, 1971 also states that "most of these mothers (sic) are married women, and are under no particular necessity to conceal their pregnancy".

Another view is that, despite the focus on married women, the MTP is not a legislation focussed on women and their reproductive rights — rather, it is a law that draws red lines that medical practitioners cannot cross while performing abortions.

"The MTP Act is a provider protection law, that seeks to shield the RMP from criminal liability, and as such it does not centre the pregnant woman's needs, reproductive autonomy, and agency. Access to abortion is not at the will of the pregnant woman. It is a highly regulated procedure whereby the law transfers the decision-making power from the pregnant woman to the RMP and provides great discretion to the RMP to determine whether abortion should be provided or not," the 2021 report said.

Even so, India's legal framework on abortion is largely considered progressive, especially in comparison to many countries including the United States where abortion restrictions are severely restricted — both historically, and at present.

SAVING MOTHERS

Few things in science or social science are as incontestable as the importance of maternal health to human development. Maternal mortality indicates a woman's ability to access health care, contraceptive devices, nutrition, and, in a sense, is a mark of the efficiency of a health-care system in responding to demands made of it. A recent study published in the peer-reviewed journal, PLOS Global Public Health, casts a shadow over the progress of health care targeting women in the country, but also, questions the reliability of the country's own periodic estimates of maternal mortality ratio, or MMR (number of mothers who die from complications in pregnancy for every one lakh live births.) Researchers from the International Institute for Population Sciences triangulated data from routine records of maternal deaths under the Health Management Information System, with Census data and the Sample Registration System (SRS) to provide the MMR for all States and districts of India. The analysis suggests that 70% of districts (448 out of 640 districts) in India have reported MMR above 70 deaths — a target under the United Nations' Sustainable Development Goals (SDG). Many of the districts in southern India and Maharashtra have an MMR of less than 70. At the same time, the north-eastern and central regions have the least number of districts (12 and six districts, respectively) with an MMR less than 70. Significantly, it also demonstrates the presence of huge within-State inequalities, even among the better performers — Karnataka, Tamil Nadu, Kerala, Andhra Pradesh, and Telangana. Similar heterogeneity was observed in other States as well. According to the SRS (2016-18), only Assam (215) has an MMR of more than 200, while in this district-level assessment, the indications are that about 130 districts have reported above 200 MMR.

It is ironic that as the nation plans to celebrate the 75th anniversary of Independence grandly, so many districts still show a very high MMR, clearly indicative of the inadequacy of responsiveness of health systems. But that is not the only reason. There is adequate proof that improvements in access to contraceptives, antenatal care, post-delivery health care, body mass index, and the economic status, besides a concerted reduction of higher-order births, births in higher ages, will help reduce MMR. The message during this milestone anniversary year is two pronged: improve overall care for women, and keep real time track of such crucial health data. Immediate action is required to meet the SDG goal regarding MMR. Ultimately, it is more than about just the numbers. There are people — mothers and infants, entire families — behind these numbers who will benefit from such an urgent and intense action on reducing eminently preventable deaths.

OVER 3 TIMES MORE WOMEN IN PART-TIME JOBS THAN MEN: NATIONAL STATISTICAL OFFICE

The employment rate of females at all-India level for age groups 25-49 years living in a household with at least one child under 3 years of age is less than their employment rate in a household with no child under 3 years of age during 2017-18-2019-20. For males, however, presence of a child under age 3 years in the households does not seem to make any difference to their employment rate, as per the latest labour indicators released by National Statistical Office Tuesday.

Also, more females work part-time than males across all age groups in both rural and urban areas. The proportion of employed persons working part-time in the 46-59 years age group at all India level was more than 10 per cent between 2017-18 to 2019-20 while in the age group of above 60 years, the proportion of employed persons working part-time was more than 15 per cent, the NSO said in its Working Paper on Compilation of Labour Indicators of Minimum Set of Gender Indicators.

"There has been rapid growth in part-time work in the past few decades in developed economies. This trend is related to the increase in female labour force participation, but also results from policies attempting to raise labour market flexibility in reaction to changing work organisation within industries and to the growth of the services sector. Of concern to policymakers in the apparent move towards more flexible working arrangements is the risk that such working arrangements may be less economically secure and less stable than full-time employment," it said.

Rural females working part-time in the working age population (15+ years) at all India falls between 23-24 per cent as compared to 7-8 per cent for rural males during 2017-18 to 2019-20. For urban females working part-time in the same age group at all-India level, it falls between 15-16 per cent as compared to 3-4 per cent for urban male during the same period.

In both rural and urban areas, part timers as a proportion of total employed are more in the 60+ age-group among males and urban females, the report said.

It said that in developed countries, policymakers have promoted part-time work in an attempt to redistribute working time in countries of high unemployment, thus lowering politically sensitive unemployment rates without requiring an increase in the total number of hours worked.

The employment rate of workers living in a household with no child under age three years rose to 61.2 per cent in 2019-20 from 58.37 per cent in 2017-18 in the 26-49 years age group and 59.6 per cent in 2018-19.

The proportion of employed persons who are employers in the 15+ age group stood at 2.02 per cent in 2019-20, down from 2.17 per cent in 2018-19 but up from 1.91 per cent in 2017-18.

HOW ASIAN GAMES PAVED THE WAY FOR 'ANAYOOTTU' IN KERALA

Anayoottu, an annual ritual at the Sree Vadakkunnathan Temple, Thrissur, with more than 50 elephants fed special food from Sunday, is done to propitiate Lord Ganesha, who, according to Hindu belief, removes obstacles in one's life.

But there is a history behind this annual ritual at the temple, say temple sources.

According to them, Kerala's elephant pooram was selected, along with other cultural forms of the country, for display at the opening ceremony of the Asian Games held in Delhi in 1982. It was a herculean task to transport the elephants all the way to Delhi. K.C. Panicker, veterinary surgeon and elephant treatment specialist, took the responsibility with the support of devaswoms and elephant owners. A trial run of the train carrying the elephants was conducted from Thrissur to Ernakulam before the trip.

Thirty-four majestic elephants from across the State were selected and readied for the journey. Many of them belonged to the Guruvayur temple from Punnathur Kotta.

The elephants included Kuttinarayanan of Guruvayur Devaswom, later came to be known as Asiad Appu, the mascot of the Asian Games, three-year-old Pushpa, four-year-old Nisha, five-year-old Sunitha and seven-year-old Rashmi.

A 264-member team, including 112 mahouts, 80 helpers, six veterinary experts and 21 police personnel, accompanied the elephants to Delhi. On the train with 28 carriages, 13 were open ones for adult elephants and eight boxed ones for calves. Four elephants were tranquillised before being taken to the carriages. Water was taken on four carriages and palm leaves on three.

Total support

Despite protests from various quarters, the train carrying the elephants was flagged off by the then Chief Minister K. Karunakaran on Kerala Piravi Day on November 1, 1982. The Railways, which extended total support for the mission, provided help at various stations. Considering the safety of elephants, the average speed of the train was 18 kmph and a comparatively short route with less risk was chosen for the journey. Covering 3,011 km in around 165 hours, the train reached the Tuglakabad railway station in New Delhi on November 8.

After participating successfully in the parade at the opening ceremony of the Asian Games, the elephants returned. But the long journey made many of them sick and weak.

To help them regain health, Anayoottu was started at the Sree Vadakkunnathan Temple, where special nutritious food was fed to the pachyderms.

Later the ritual was conducted on the first day of every Karkkidakam of the Malayalam calendar. Later many other temples in the State replicated Anayoottu.

EVEN AS INDIA'S SPORTS FEDERATIONS ARE RUN ABYSMALLY, ATHLETES PERFORM WELL

The Commonwealth Games are round the corner but the country's sports administrators are busy fighting for survival. On Wednesday, the International Olympic Committee (IOC) threatened to suspend India after the country's Olympic Association failed to hold its elections, which were due seven months ago. Their warning comes at a time when other sports, including football and hockey, are staring at a similar fate. All these federations find themselves in the dock primarily because of poor governance, failure to adhere to laws and to hold timely elections.

While an IOC ban can be damaging — in terms of optics as well as the consequences for athletes — it won't have any immediate impact in terms of participation in the CWG, beginning July 28. India's 215-strong contingent is primed to win medals at the Birmingham Games. And therein lies an anomaly — even though the federations continue to be run abysmally, India's performance graph on the field has been steadily on the rise. Across sports, the country's athletes have consistently been challenging the best and finishing on the podium, which points to the infinite possibilities if only sports bodies performed their duties more sincerely.

The federations must set their house in order to remain relevant. The IOA, which was suspended a decade ago by the IOC for similar governance issues, has already been reduced to a post office, with its role largely confined to sending entries for major multi-disciplinary events. To ensure that they, too, don't meet a similar fate, it is important for the federations to act professionally and think creatively to identify talent, train players and become self-sustaining financially. Else, the never-ending power struggle could see them dwindle into oblivion, especially with the government, in many cases, already bypassing them.

BE ESPECIALLY CHARY OF GREEN PIT VIPERS

The green pit viper may not be more lethal than Russell's viper, the saw-scaled viper, the spectacled cobra or the common krait. But what it injects from its poison glands often renders the polyvalent antivenom derived from the venom of the other four ineffective.

The monocled cobra, the banded krait, the lesser black krait, the great black krait, the mountain pit viper and the redneck keelback are among 15 venomous snakes out of 64 recorded so far

across Northeast India. Most of the snakebite cases in the region involve different species of the green pit viper, making up the other venomous snakes.

Internal bleeding

The hemotoxic venom a green pit viper injects prevents the blood in the body of a bitten person from clotting, leading to internal bleeding. "Hardly any of the cases have been fatal. But we cannot draw an inference as very little data on such snakebites are available," the Guwahati-based herpetologist Jayaditya Purkayastha said.

According to Surajit Giri, one of the doctors dealing with snakebite cases in the northeast, the antivenom derived from the "Big Four" snakes are ineffective on the toxin injected by the green pit viper, or for that matter, most other venomous snakes found in the region.

Diverse venoms

The doctors referred to a 2019 study titled "Beyond the Big Four" to underline the reason. The study said venoms across these species and subspecies are extremely diverse, citing the example of the monocled cobra from West Bengal whose venom contained mostly neurotoxins while the same species from Arunachal Pradesh had cytotoxins in its venom.

Neurotoxin is a poison that acts on the nervous system. Cytotoxins kill the cells in a body.

"The antivenom we have in India is a case of one size fits all. Apart from depending on four species of snakes, experts have pointed out that about 80% of all polyvalent antivenom are derived from snakes caught in one district of Tamil Nadu," Mr. Purkayastha said.

There have been cases of doctors administering more than 50 vials of antivenom for each cobra or krait bite in northern India because of low efficacy of the standard antidote, putting patients at risk of developing adverse reactions.

Herpetologists and clinicians in the northeast have thus called for developing a range of antivenoms that can do what the four-snake concoction cannot. They chose World Snake Day — celebrated every July 16 to raise awareness about snakes and their importance in our ecosystem — to make the appeal.

Data deficient

The true global burden of snakebites is not known due to the lack of standardised reporting or under-reporting, but available data say there are more than 1.4 million cases resulting in 1,25,000 fatalities annually.

More than 46,000 people — the highest on earth — die and thrice the number are disabled due to snakebites every year with 77% of the victims dying outside healthcare facilities, indicating that people go for alternative treatment.

Most snakebite cases in India are reported between June and September and 58% of the victims are farmers and labourers.

About 1,800 vials of antivenom are sold from Guwahati to various parts of the northeast every year. This, experts said, is negligible in a region where snakebite is common and points to limited use of antivenom due to its ineffectiveness.

BEING SARNA: A FIGHT TO DEFINE TRIBAL IDENTITY

From the capital, Ranchi, to the highways branching out into the forested villages where most of Jharkhand's tribal population lives, flags asserting a religious identity can be found fluttering nearly everywhere. Along highways, wherever there is a red-and-white striped flag, the marker of the Sarna tribal religion, there is also a saffron one with Hindu gods planted next to it — each vying to establish its dominance over the other.

As the demand for a separate Sarna religious code in Census 2021 gathers steam in the State, there is tension in tribal-dominated villages. On the one hand, Hindu groups backed by the Rashtriya Swayamsevak Sangh (RSS) are leading efforts to "develop" tribal villages by making them aware of "their cultural and traditional roots". On the other, tribal activists led by outfits such as the Kendriya Sarna Samiti (KSS) are resisting these efforts saying the Hindu groups have taken a page out of the playbook of Christian missionaries to subsume their distinctive culture and identity under the umbrella of Hinduism by "brainwashing" the poorest tribal people.

"Christian missionaries first started converting poor tribal communities with the promise of an English education, jobs and hospitals. Now, Hindu groups are using the same methods to do something more malicious: changing the very nature of what tribal people believe Sarnaism to be and how it should be practised," said Handu Bhagat, a KSS activist in Gumla district, which has the highest proportion of the Scheduled Tribe (ST) population in the State.

He explained that groups like the Vanvasi Kalyan Kendra (VKK), which is backed by the RSS, start by visiting people in the remotest tribal villages every day and building connections with them. The "indoctrination" begins with the promise of elementary schools, pucca homes for villagers, and roads and electricity for the village, he said.

"The more time they spend with the villagers, the more they try to convince them that the basic principles of Sarnaism and Hinduism are the same even though our practices are distinctively different from any other religion," said Bandhan Tigga, who is known as a Sarna "Dharmguru" among the tribal people, at his ashram in Murma.

Tigga, who was among the pioneers of the movement for the Constitutional recognition of the Sarna religion in Jharkhand, explained that while Hindus worship different gods believing them to be a manifestation of nature, tribal people worship nature or what they call 'Maa Sarna'.

"We do not have any concept of idol worship; our practices follow natural laws and are not codified ones that you see in other religions. Most importantly, we have always resisted the onslaught of any other religion. So, how is it that someone can come and claim Sarnaism as a part of Hinduism," Tigga asked.

And once this "ideological encroachment" takes hold, he said, the physical encroachment begins, starting with establishing Hindu temples at Sarna places of worship and culminating in the erasure of traditional tribal rituals and practices.

CHEETAHS LIKELY TO ARRIVE IN KUNO BEFORE AUGUST 15

India came one step closer to bringing back the world's fastest animal to the country with an agreement signed in Delhi on Wednesday between the Union government and the visiting Namibian Deputy Prime Minister and Minister of International Relations, Netumbo Nandi Ndaitwah.

The cheetah was declared extinct in the country in 1952, and the agreement, which has been negotiated for some years, will prepare the ground for the relocation of the first batch from southern Africa to the Kuno National Park in Madhya Pradesh, with officials trying to complete the transfer before August 15.

According to officials, plans for the cheetah translocations to Kuno are in compliance with the IUCN's guidelines, with particular focus on the forest site quality, prey density and the current carrying capacity for a large mammal like the cheetah. "While the current carrying capacity for the Kuno National Park is a maximum of 21 cheetahs, once restored, the larger landscape can hold about 36 cheetahs," said a note issued by the government on Wednesday, adding that the carrying capacity could be further enhanced by expanding the area to other parts of the Kuno wildlife division. Kuno had earlier been identified for the translocation of Gujarat's Gir lions, but the State government has refused to allow them to be transferred out, despite a Supreme Court order rejecting its pleas.

One-year trial

The cheetahs will arrive in India for a one-year trial. The project for the cheetah — the only wild cat to go extinct in Independent India — was put back on track in 2020 when the Supreme Court lifted a stay on the original proposal to introduce African cheetahs from Namibia into the Indian habitat on an experimental basis. In May 2012, the court had stalled the plan to initiate the foreign cheetahs into the Kuno sanctuary in Madhya Pradesh fearing they would come into conflict with the plan for bringing lions into the same sanctuary. The court had also expressed concern about whether the African cheetahs would find a favourable climate in the sanctuary.

The government said special programmes were being conducted to educate local villagers in Kuno including outreaches to "sarpanches [village head men], local leaders, teachers, social workers, religious figures and NGOs", with a local mascot named "Chintu Cheetah" to sensitise populations to the importance of the project and guidelines for the cheetah-human interface.

DreamIAS

BUSINESS & ECONOMICS

CENTRE PARES WINDFALL TAX ON CRUDE, JUNKS PETROL EXPORT LEVY

With global oil prices easing, the Centre on Wednesday slashed the windfall tax levied on crude oil producers, reduced the export tax on Aviation Turbine Fuel (ATF) and diesel and scrapped the duty on petrol exports.

On July 1, the government had levied fresh taxes on the export of petrol, fuel and ATF as well as the domestic sale of crude oil in view of runaway global prices, with a plan for a fortnightly review.

In the first such review, the cess of ₹23,250 per tonne on crude has been lowered to ₹17,000 per tonne. This cess was aimed at reining in windfall profits for local oil producers who sell output at international parity prices even to domestic refineries.

Similarly, the levies on export of ATF and diesel were both cut by ₹2 per litre, to ₹4 per litre and ₹13 per litre, respectively, while the levy of ₹6 per litre on the export of petrol was rescinded.

Also, exports of these fuels from units located in SEZs have now been exempted from duties, undoing the July 1 decision.

Fiscal impact

The duty tweaks, including the 27% cut in cess on domestic crude, would lead to a reduction in the fiscal windfall from these taxes, from about 0.37% of GDP, to about 0.2% of GDP this year, Nomura economists Sonal Varma and Aurodeep Nandi wrote in a note, adding that fiscal risks remained elevated.

“At the margin, the reduction in export duties on fuel should be positive for export growth,” they wrote, adding that concerns about a widening of the current account deficit (CAD) persisted.

FOR URBAN COOPERATIVE BANKS , RBI CHALKS OUT 4-TIER REGULATORY FRAMEWORK

The Reserve Bank of India (RBI) has decided to adopt a simple four-tiered regulatory framework with differentiated regulatory prescriptions aimed at strengthening the financial soundness of the existing urban cooperative banks (UCBs).

The RBI has stipulated a minimum net worth of Rs 2 crore for Tier 1 UCBs operating in single district and Rs 5 crore for all other UCBs (of all tiers).

As per the data reported by UCBs as on March 31, 2021, most of the banks already comply with the requirement. The UCBs which do not meet the requirement, will be provided a glide path of five years with intermediate milestones to facilitate smooth transition to revised norms, the central bank said.

The RBI decision is based on the report submitted by NS Viswanathan Committee on UCBs.

The minimum CRAR requirement for Tier 1 banks is retained at the present prescription of 9% under current capital adequacy framework based on Basel-1 rules. For Tier 2, Tier 3 and Tier 4 UCBs, while retaining the current capital adequacy framework, it has been decided to revise the minimum CRAR to 12% so as to strengthen their capital structure, the RBI said.

Further, the banks that do not meet the revised CRAR will be provided with a glide path of three years for achieving the same in a phased manner. Accordingly, these banks will have to achieve a CRAR of 10% by the financial year ended March 31, 2024, 11% by March 31, 2025 and 12% by March 31, 2026.

In order to boost growth opportunities in the sector, the RBI has decided to introduce automatic route for branch expansion to UCBs which meet the revised Financially Sound and Well Managed (FSWM) criteria and permit them to open new branches up to 10% of the number of branches as at the end of the previous financial year. While the branch expansion proposals under the prior approval route will also continue to be examined as hitherto, the process will be simplified to reduce the time taken for granting approvals for opening new branches, the RBI said.

In respect of housing loans, it has decided to assign the risk weights on the basis of loan-to-value (LTV) ratio alone which would result in capital savings. This will be applicable to all Tiers of UCBs. Revaluation Reserves will be considered for inclusion in Tier-I capital subject to applicable discount on the lines of scheduled commercial banks.

In order to examine the issues concerning recommendation for capital augmentation under the provisions of Section 12 of the Banking Regulation Act, 1949 (as amended) — applicable to co-operative societies — a Working Group comprising the representatives from the RBI, SEBI and Ministry of Co-operation, Government of India has been constituted.

The committee has also made certain recommendations regarding Umbrella Organization for the UCB sector which will be examined once the entity is fully operational.

WILL RBI MOVE HELP GREATER TRADE IN RUPEE?

The story so far: The Reserve Bank of India (RBI) on Monday issued a circular that detailed 'additional arrangement' for invoicing, payment, and settlement of exports and imports in Indian rupees. Under this mechanism, Indian importers could make payment in rupees to the Special Vostro account of the correspondent bank of the partner country, against invoices for the supply of goods or services from the overseas seller. Indian exporters shall be paid proceeds in rupees from the balances in the designated vostro account of the correspondent bank of the partner country.

How does this change the status quo?

Vostro accounts have been around for a while. They were likely not widely used because exporters typically prefer settlements in a strong and stable currency.

Also, there are at least three new aspects to the newly-issued circular, as G. Padmanabhan, former executive director at the RBI, points out. First, the RBI has explicitly said that exchange of messages in a safe, secure and efficient way may be agreed upon mutually between the banks of partner countries. Mr. Padmanabhan says, "I don't think RBI has ever gone into the nuances of messaging standards in the past. The SWIFT system was seen as an acceptable standard for international transactions."

It may be recalled that soon after Russia invaded Ukraine, the Belgium-based SWIFT, or Society for Worldwide Interbank Financial Telecommunication, a system that allows instant messaging among banks, began excluding Russian banks from transacting through this channel. The aim was to make it difficult and tedious for Russian entities to transact with the rest of the world. The RBI's

circular could be taken to mean that partnering banks may use any messaging system they deem fit and not confine themselves to the SWIFT platform.

Two, Mr. Padmanabhan points out, "RBI has allowed for surplus to be invested". That is, the rupee surplus balance held in the vostro accounts may be used by the foreign entities for payments for projects and investments in India as also for investment in Indian government treasury bills and government securities.

Three, vostro accounts did not need permission earlier. Now the RBI has specified that banks acting as authorised dealers need to secure prior approval from the regulator to put in place this mechanism. This is likely because the RBI may seek to understand which countries are interested in this mechanism, and whether the accounts are being used for the purpose for which the RBI intended them to be.

Which countries may be interested in the facility?

The RBI's fresh directive seems intended to ease doing business with Russia. EEPC India Chairman Mahesh Desai says that ever since sanctions were imposed on Russia, sectoral trade has been virtually at a standstill with the country due to payment problems. With the new facility, "we see the payment issues with Russia easing," he says.

Former banker with Standard Chartered Bank and Associate Professor at SPJIMR Ananth Narayan says Russia may be the first country to show interest in using this facility. Russia enjoys a trade surplus with India and would be unlikely to prefer payments in currencies such as the dollar or the euro when it is facing sanctions from the West, he points out. "Opening a rupee account where Russia accumulates trade surpluses with India and using those to invest in Indian assets in India, may make sense to Russia. That country holds more than $600 billion in foreign currency and using $20-30 billion of that in rupee accounts may not be a challenge for them."

How does the new mechanism help India?

For India, doing business with Russia using rupees would mean there is no hard currency outflow in such transactions, points out Mr. Narayan. The impact on the rupee market is that foreign currency outflow would be lower by $3 billion every month. Technically, it would ease the downward pressure on the rupee, which has been sliding to record lows frequently in the recent past.

However, any easing of the downward pressure on the rupee would be seen only in the medium–to–long term because in the current scenario, payments to Russia have anyway not been going through and a credit system has helped continuity of trade.

If other countries too begin showing interest in using the facility, then a strengthening impact may be seen more quickly for the rupee. Barclays MD and Chief India Economist Rahul Bajoria says, "Amid ongoing rupee weakness, the Reserve Bank of India's steps appear to be aimed at reducing demand for foreign exchange... While incremental for now, we see these measures as useful long-term steps, which can enable greater use of the rupee in foreign trade."

Which banks could choose to opt in ?

Mr. Narayan says that larger banks may not immediately set up vostro accounts. If the sanctions on Russia widen, such banks would not want to be caught in an environment where other parts of their international business get impacted.

Smaller banks may be ideal for the purpose and could provide the service with a little bit of push by the Indian government, if need be.

CURRENCY CAUTION

The Indian rupee is experiencing its worst slump in four years. Since the start of 2022, the currency has depreciated by more than 7% against the U.S. dollar, weakening past a historic low of 80 to a dollar mark earlier this week. While the Indian currency is not alone in faring poorly against the greenback, with even the historically strong euro and the British pound taking a hammering and weakening by more than the rupee has, the fact that other currencies too have appreciably lost value against the dollar can only offer cold comfort to India's real economy. Domestic manufacturers and services providers are now having to cope with not just higher dollar prices for the raw materials, equipment or other supplies they may need to procure from overseas, in the wake of the supply disruptions caused by the pandemic and the war in Ukraine, but they also face mounting import bills — the slide means they have to fork out more rupees for the same dollar price from even just a few months ago. The Finance Minister and the RBI Governor have sought to explain the proximate causes for the pressure on the currency and allay apprehensions that the rupee may be in a 'free fall', a scenario that could ultimately prove rather damaging for macro-economic stability by spurring imported inflation at a time when both fiscal and monetary authorities are battling to tame runaway inflation.

While the Minister's statement in the Lok Sabha cited factors including the Russia-Ukraine conflict and soaring crude oil prices as major drivers of the rupee's depreciation, Governor Shaktikanta Das on Friday acknowledged concerns about the rupee and pointed to the fact that foreign portfolio investors were "selling off assets and fleeing to safe haven" in the wake of global monetary policy tightening. So far in 2022, FPIs have dumped $29.6 billion in Indian equity and debt after three straight years of net investments, with the prospect of more, sharp interest rate increases by the Federal Reserve to tame four-decade-high U.S. inflation likely to do little to staunch the outflows. The dollar index, a measure of the greenback's value against a basket of six major currencies, too offers little reassurance to the rupee. The index is just shy of a 20-year high hit last month indicating that investors are betting strongly on dollar-backed assets. The rupee's real effective exchange rate (REER), which provides a weighted average value in relation to a basket of currencies of its major trading partners, is also signalling that the Indian currency is still overvalued and has room to depreciate further. Notwithstanding Mr. Das's assertion that India's underlying fundamentals 'are strong and resilient' with foreign exchange reserves 'adequate', the RBI will need to judiciously utilise every dollar in its war chest to ensure that a likely slowdown in exports and sticky imports do not add more undue pressure on the rupee.

Effects of a weak rupee

The implications of a weak rupee on the economy are multi-fold. Among the benefits is the premise that the rupee's weakening should aid exporters in becoming more competitive. However, the concomitant depreciation of currencies of some of India's competitors such as South Korea, Malaysia and Bangladesh against the dollar, along with a high import intensity of some of its key export segments (petroleum, gems and jewellery and electronics), is likely to have blunted the ameliorative impact on India's exports. Slower global demand is expected to affect outbound shipments as well.

On the flip side, a weaker rupee is driving up prices of key import commodities such as coal, oil, edible oil, gold, thus impacting the imported component of inflation. The unhedged component of corporate debt denominated in dollars is also likely to bear the brunt of a weaker rupee.

Most importantly, a continuously sliding exchange rate discourages foreign investors from making fresh investments, which keep losing value in dollar terms. For this reason, it is ideal to provide confidence to investors by arresting a continuous slide in the exchange rate. Of course, any target should be avoided, as global forces remain fluid and market forces should be allowed to play.

The RBI's measures

Apart from intervening in the forex market to arrest the fall in the rupee's value, the RBI announced a slew of measures recently to liberalise foreign inflows into the country and make them more attractive.

Measures such as promoting trade settlements between India and other countries in rupee terms, offering higher interest rates on fresh Foreign Currency Non-Resident (Bank) and Non-Resident External deposits, a widening of investible universe of government and corporate debt, a relaxation of the interest rate and amount ceiling for External Commercial Borrowing loans, among others, have contributed to arresting the rupee's slide against the greenback.

Overall, even as the rupee is expected to remain under pressure in the near term because of global uncertainty, high commodity prices and rising U.S. interest rates, mitigating measures have to be taken to partly arrest the slide. The maintenance of the U.S.-India interest rate differential along with timely forex market interventions by the central bank to manage volatility will prove to be salutary in preserving the rupee value against the greenback.

YIELD INVERSION, SOFT-LANDING AND REVERSE CURRENCY WARS: A GLOSSARY FOR THE TROUBLED GLOBAL ECONOMY

Here's a quick summary of what's been happening in the global economy: Notwithstanding rapid increases in interest rates by the US central bank, the inflation rate for June came in at 9.1 per cent. This is the highest in 40 years in the US. Many observers have pointed to an inversion of the US yield curve to argue that the US central bank will not be able to achieve a soft-landing for the economy. And yet, the US dollar continues to gain against all other currencies. Now, in what is being seen as a reverse currency war, most central banks across the world are trying to raise their interest rates to counter the Fed's actions and ensure their respective currency claws back value against the dollar.

There are three key terms that one is likely to hear repeatedly in the coming days and weeks: Yield inversion, soft-landing and reverse currency war. Here's a quick look at what they mean and why they are significant at present.

Bond yield curve inversion

Bonds are essentially an instrument through which governments (and also corporations) raise money from people. Typically government bond yields are a good way to understand the risk-free interest rate in that economy.

The yield curve is the graphical representation of yields from bonds (with an equal credit rating) over different time horizons. In other words, if one was to take the US government bonds of different tenures and plot them according to the yields they provide, one would get the yield curve.

Under normal circumstances, any economy would have an upward sloping yield curve. That is to say, as one lends for a longer duration — or as one buys bonds of longer tenure — one gets higher yields. This makes sense. If one is parting with money for a longer duration, the return should be higher. Moreover, a longer tenure also implies that there is a greater risk of failure.

However, there are times when this bond yield curve becomes inverted. For instance, bonds with a tenure of 2 years end up paying out higher yields (returns/ interest rate) than bonds with a 10 year tenure. Such an inversion of the yield curve essentially suggests that investors expect future growth to be weak.

Here's how to make sense of this: When investors feel buoyant about the economy they pull the money out from long-term bonds and put it in short-term riskier assets such as stock markets. In the bond market, the prices of long-term bonds fall, and their yield (effective interest rate) rises. This happens because bond prices and bond yields are inversely related.

However, when investors suspect that the economy is heading for trouble, they pull out money from short-term risky assets (such as stock markets) and put them in long-term bonds. This causes the prices of the long-term bonds to rise and their yields to fall.

Over the years, inversion of the bond yield curve has become a strong predictor of recessions. Of course, for it to be taken seriously, such an inversion has to last for several months.

Over the past few weeks, such inversion is happening repeatedly in the US, suggesting to many that a recession is in the offing.

In the current instance, the US Fed (their central bank) has been raising short-term interest rates, which further bumps up the short-end of the yield curve while dampening economic activity.

Soft-landing

That brings us to soft-landing versus hard-landing. The process of monetary tightening that the US Fed is currently unveiling involves not just reducing the money supply but also increasing the cost of money (that is, the interest rate). The Fed is doing this to contain soaring inflation. Ideally, the Fed or any central bank doing this would like to bring about monetary tightening in such a manner that slows down the economy but doesn't lead to a recession. When a central bank is successful in slowing down the economy without bringing about a recession, it is called a soft-landing — that is, no one gets hurt. But when the actions of the central bank bring about a recession, it is called a hard-landing.

Given the massive gap between the current US inflation rate — over 9%— and the Fed's target inflation rate — 2% — most observers expect that the Fed would have to resort to such aggressive monetary tightening that the US economy will end up having a hard-landing.

Reverse Currency War

A flip side of the US Fed's action of aggressively raising interest rates is that more and more investors are rushing to invest money in the US. This, in turn, has made the dollar become stronger than all the other currencies. That's because the dollar is more in demand than yen, euro, yuan etc.

On the face of it, this should make all other countries happier because a relative weakness of their local currency against the dollar makes their exports more competitive. For instance, a Chinese or an Indian exporter gets a massive boost. In fact, in the past the US has often accused other countries of manipulating their currency (and keeping its weaker against the dollar) just to enjoy a trade surplus against the US. This used to be called the currency war.

However, today, every central bank is trying to figure out ways to counter the US Fed and raise interest rates themselves in order to ensure their currency doesn't lose too much value against the dollar.

What explains this reverse currency war unfolding at the moment? The important thing to understand is that a stronger dollar has had a key benefit — importing cheaper crude oil. A currency which is losing value to the dollar, on the other hand, finds that it is getting costlier to import crude oil and other commodities that are often traded in dollars.

But raising the interest rate is not without its own risks. Just like in the US, higher interest rates will decrease the chances of a soft-landing for any other economy.

CREDIT CARD ON UPI: NPCI IN TALKS WITH BANKS FOR PILOT

The National Payments Corporation of India (NPCI), the umbrella organisation for retail payments in the country, will commence a pilot project of enabling credit cards on unified payments interface (UPI) over the next two months. The entity is in discussions primarily with public sector card companies like SBI Card, PNB Cards and Union Bank to commence the test run, according to a source with knowledge of the matter.

Currently, UPI allows linking of bank accounts by mapping a bank account linked with a mobile numbers. This can be done through third-party apps like Google Pay, Amazon Pay, PhonePe, etc or the apps of banks like SBI, ICICI Bank, Axis Bank, HDFC Bank, etc. Last month, the Reserve Bank of India (RBI) allowed linking of credit cards with UPI, and said that to begin with Rupay credit cards will be linked with UPI in an effort "to provide additional convenience to users and enhance the scope of digital payments".

"NPCI is trying to make it live by end of August or September. It will start with a pilot, with a few banks who are ready to start this. There are some players like SBI Card, PNB Cards, Union Bank have shown interest, in addition to Axis Bank on the private side," an NPCI official said, adding that private banks have not been as forthcoming for the project as their public-sector counterparts.

As part of the pilot project, NPCI will integrate the UPI AutoPay feature with credit card transactions, with an aim to reduce the risk of defaults on credit card payments.

"Today, banks cannot issue a physical credit card to someone with a smaller credit limit because of the cost of issuance involved. That's why the digital approach is necessary. With the UPI AutoPay, it adds a lot of value. With this the distribution and collection costs come to near zero. Technically, banks can do step-up credit once they understand consumer behaviour, and expand their base," the official added. The UPI AutoPay allows users to make recurring payments on the UPI platform for smaller amounts.

The linking of credit cards with UPI will enable consumer to make small ticket sized payments on credit issued to them through bank issued credit cards. "Growth happens through credit and not

from your own money, that's what various economic models over the years have shown. This will enable that," a banking industry executive said.

However, industry experts at the time had pointed out that the adoption of credit cards through UPI will depend on MDR dynamics given that much of UPI's adoption at the bottom of the pyramid has been possible because these merchants have to pay zero merchant discount rate (MDR) — a fee payable by merchants to card issuers.

The executive added that NPCI will likely propose a model where a fee is levied on higher ticket size transactions, while waiving off the fee for small transactions to drive adoption with smaller merchants like roadside vendors, grocery store owners, etc.

UPI has become one of the most popular modes of payment in India with over 26 crore unique users and 5 crore merchants on the platform. In May 2022, around 594 crore transactions amounting to Rs 10.4 lakh crore were processed through UPI.

COURT RULING ON IBC CREATES UNCERTAINTY IN ADMISSION OF CASES. TIMELINES ENVISAGED IN CODE MUST BE ADHERED TO

The introduction of the Insolvency and Bankruptcy Code marked a fundamental change in the relationship between borrowers and lenders. With a creditor-in-control framework, the move to a time-bound resolution process shifted the balance of power away from the corporate borrower. The code was meant to discipline errant borrowers — who till then had been able to game the system — with the threat of losing control. However, delays in the resolution process beyond the timelines prescribed in the code, the large haircuts that creditors have taken, and the disproportionate share of cases that have ended in liquidation, have cast a shadow over the functioning of the code. A recent court judgment is only likely to further complicate matters.

Till now, in order to initiate proceedings under the IBC, financial creditors had to provide proof of the corporate debtor's default. Once the adjudicating authority, the National Company Law Tribunal, was convinced of the default, the application was admitted. This allowed for quick admission of cases. However, the judgment in Vidarbha Industries Power Ltd. v. Axis Bank appears to have created ambiguity in this process. As per the judgment, the NCLT "has to consider the grounds made out by the corporate debtor against admission, on its own merits." This creates space for applications by financial creditors to be rejected even if there is a default. If the NCLT is now required to delve into the financial position of the corporate debtor, to inquire if the default is due to cash flow distress and whether it can repay, then matters of commercial considerations, which are the domain of the committee of creditors, are now also being placed with the NCLT. Doing so may also lead to delays in the admission of cases beyond the timelines envisaged.

In large measure, the success of the IBC was in its attempt to transform the credit culture in the country. The threat of losing control over the firms was meant to ensure that borrowers honour their obligations. There are indications of this threat having become a credible deterrence. Till March 2022, 21,000 applications for the initiation of the resolution process were resolved before their admission. However, if the admission of cases itself becomes a matter of discretion, this will impinge on IBC being an effective deterrence for errant borrowers. Considering that delays in either admitting the case or the resolution process will only lead to further destruction of asset values, NCLTs must ensure that the timelines envisaged in the code are strictly adhered to.

FOR FUTURE DOLLAR EXPENSES, SHOULD YOU INVEST IN US MARKETS NOW?

As the rupee hit 80 against the US dollar this week, one of the big concerns among Indians who expect to spend in dollars in the future — on account of children's higher education, travel etc — is how they can hedge themselves against further depreciation of the currency, which would increase the rupee cost of these dollar-denominated expenditures. If that makes a case for taking exposure in US markets, there are various factors to consider here too — talks of recession, and the US capital market turning volatile amid high inflation and interest rate hikes. So, does it make sense to invest abroad now?

Why go for global diversification?

Over the last 11 months, the rupee has depreciated almost 10% against the dollar. What it means is that if an individual has to send $10,000 for his child's education fee in August 2022, he or she will end up paying Rs 8 lakh compared to Rs 7.2 lakh last year.

Hypothetically, if rupee were to depreciate 20% over the next 10 years, it would increase the rupee cost of education by 20%. However, if one were to invest in international fund of fund schemes investing in the US, offered by domestic mutual funds, or direct equities or even in US debt, investors can clearly hedge themselves against the impact of depreciation.

"We believe the US dollar will always be stronger than the Indian rupee as traditionally India is a current account deficit economy and the US is a current account surplus economy. Also, there is a huge interest rate arbitrage between US and India," said Nasser Salim, Managing Partner at Flexi Capital, a boutique investment services firm.

Experts expect the dollar to strengthen further against all other currencies, and say it is important for retail investors to protect themselves against future depreciation in the rupee – especially if they plan any other major expenditure in dollars.

Besides, geographical diversification, especially in the US, allows investors to take exposure in high-quality multinationals, from whose growth they will benefit. What are the overseas routes for Indian investors?

Three avenues are open.

DIRECT INVESTMENT: Under the LRS framework, the Reserve Bank of India (RBI) permits resident individuals to remit up to $2,50,000 per financial year for any permitted current or capital account transaction. Indians put $746.57 million in equity and debt in 2021-22 as against $471.80 million in 2020-21 by opening an overseas trading account with a broker.

IFSC PLATFORM: Indian investors are now allowed to trade in the stocks of 50 leading US companies through the NSE International Exchange, from March 3. Trading in US stocks will be facilitated through the NSE IFSC platform in GIFT City, Ahmedabad. This means domestic investors can purchase US stocks such as Amazon, Alphabet, Tesla, Meta Platforms, Microsoft, Netflix, Apple and Walmart. The NSE IFSC has announced the trading format of eight US stocks, and details about the remaining 42 will be announced later.

MUTUAL FUNDS: The most popular route is fund of funds (FoFs), considered safe by investors: An Indian asset management company (AMC) floats a fund in India with permission from the regulator SEBI, and mobilises money from local investors to invest in an international mutual fund. "This is less risky as the Indian AMC doesn't need to monitor the performance of its overseas

investment on a daily basis. Many Indian MFs have floated such FoFs for investing in overseas funds, which in turn invest in stocks listed on the New York exchange and Nasdaq," a fund manager said.

Foreign assets of mutual funds stood at Rs 20,865 crore ($2.9 billion) at the end of March 2021, a big increase from Rs 5,808 crore in March 2020, according to the RBI. While the latest data is not available, fund houses estimate that overseas investments would have crossed Rs 50,000 crore ($6.7 billion) as global markets had witnessed a bull run until December.

Overseas equity investments of MFs are largely concentrated in the US and Luxembourg.

What has changed for Indian investors?

Indians have started focusing on overseas investments over the last few years. Such investments, now almost touching $7 billion (Rs 56,000 crore), are mainly in stocks listed on the New York Stock Exchange and Nasdaq.

However, this has been mostly in equities rather than debt instruments in the US, as interest incomes are lower than in India. Indian bonds and other debt instruments offer at least 3-4 percentage points more returns in the domestic market.

With the US economy facing turbulence, stocks there were also under selling pressure. The Dow Jones Industrial Average has plummeted nearly 13% since January.

Should you invest abroad?

The volatile economic scenario has raised a lot of concerns among those contemplating investing in US equities or debt. Investments should be made with a view to protecting against dollar appreciation and benefiting from the growth of US entities.

The principle of 'buy when price falls' may work in the US market where share prices of many top firms have fallen 10-15%. There could be more pain for the US economy. "We now forecast a mild recession in the US economy this year and expect 4Q to 4Q real GDP in 2022 to decline 1.4%, followed by an increase of 1.0% in 2023," says a Bank of America (BofA) Research report.

With a sharper slowdown pencilled in and higher unemployment, the outlook is of inflation moderating somewhat faster than before. "We look for headline PCE inflation to move lower to 4.9% in 2022 and 2.5% in 2023. Our forecast puts inflation broadly in line with the Fed's 2% mandate by the end of 2024," BofA said. Anyone looking at US equities should invest with a long-term horizon. "While debt investments in the US may make sense at this time or after a few months when the yields hit a high, following expected rate hikes by the Fed, equity investment can be done in a staggered manner," Salim said.

What's the RBI rule?

Indian mutual funds registered with the SEBI are permitted to invest within an overall cap of $7 billion, the RBI says in its Master Circular issued on January 1, 2016. But with the MF industry close to breaching the limit, the SEBI had earlier this year asked MFs with overseas exposure to temporarily stop lumpsum purchases and switch in from other schemes with effect from February 2. While the RBI has not yet increased the $7 billion cap, MFs are permitted to make overseas investment up to the limit.

AIRLINES CAN'T DENY BOARDING OVER 'DISABILITY', NEED MEDICAL OPINION: DGCA

STATING THAT airlines cannot deny boarding to "any person on the basis of disability", the Directorate General of Civil Aviation (DGCA) has said that if an airline feels the passenger's health is likely to deteriorate during the flight, it must consult a doctor at the airport and then take an "appropriate decision".

In a statement on Friday, the DGCA said it has amended its regulations to improve accessibility of boarding and flying for the specially-abled. The move, which was originally proposed on June 3, comes in the backdrop of the incident at the Ranchi airport in May, when IndiGo did not allow a specially-abled child to board its Hyderabad-bound flight, citing potential threat to air safety.

In its new Civil Aviation Requirement (CAR), the DGCA has said that if an airline decides to deny boarding after getting medical opinion, it will have to immediately inform the passenger in writing and mention the reasons.

The clause added to the CAR on "carriage by air – persons with disability and/ or persons with reduced mobility" states: "Airline shall not refuse carriage of any person on the basis of disability. However, in case, an airline perceives that the health of such a passenger may deteriorate in-flight, the said passenger will have to be examined by a doctor, who shall categorically state the medical condition and whether the passenger is fit to fly or not. After obtaining the medical opinion, the airline shall take the appropriate call".

According to the earlier rules, airlines could deny boarding to any person on the basis of disability if it opined that "transportation of such persons would or might be inimical to the safety of flight". The airlines, however, were bound to specify in writing the basis of such refusal.

Following the IndiGo incident, the aviation safety regulator had conducted an investigation and imposed a fine of Rs 5 lakh on the airline. It had noted that the airline's ground staff could have avoided the situation with "more compassionate handling", but ended up "exacerbating" the situation.

While IndiGo stood by its ground staff's decision to deny boarding, saying it was done in the interest of flight safety, it later said that it planned to conduct an internal study on how to better serve passengers with disabilities, especially when they are feeling distressed.

RELIEF FOR RESTAURANTS AFTER DELHI HC STAYS GUIDELINES BARRING SERVICE CHARGE

THE DELHI High Court on Wednesday stayed the Central Consumer Protection Authority's guidelines barring hotels and restaurants from levying service charge "automatically or by default" in the bill.

"If you don't want to pay, don't enter that restaurant. It is ultimately a question of choice," said Justice Yashwant Varma, while hearing the petitions filed by the National Restaurant Association of India and Federation of Hotel and Restaurant Associations of India challenging the CCPA's guidelines.

However, the court specified that the service charge, and the obligation of the customer to pay it, must be "duly and prominently displayed on the menu or other places". It also recorded an undertaking that service charge will not be included in the bill for takeaway orders.

Seeking a reply from the Centre and CCPA to the petitions, the court said there would be "a serious doubt" on whether the issue of pricing and service charge falls within the ambit of Section 2(47) (unfair trade practice) of the Consumer Protection Act, 2019. "The matter requires consideration," it said, while listing the case for hearing on November 25.

While an order passed by a high court is operative only within its territorial jurisdiction, the Supreme Court has said in the past that a high court order on writ petitions challenging a central Act or rule will extend "across the whole country".

In its guidelines issued on July 4, the CCPA had said that "no hotel or restaurant shall force a consumer to pay service charge and shall clearly inform the consumer that service charge is voluntary, optional and at consumer's discretion." It had specified that service charge should not be charged from consumers by any other name.

The NRAI, in its petition, said that levying service charge has been a standing practice in the hospitality sector for over 80 years. "There is no law which disallows restaurants to charge service charges. There has neither been a new law nor an amendment in the existing laws which makes the charging of service charge illegal. In the absence of due authentication and promulgation of the guidelines, the contents thereof cannot be treated as an order of the government," it said.

Stating that the guidelines cannot be made binding, the NRAI said levying of service charge is a matter of contract and decision of the management. "The levying of service charge is displayed at various places in the restaurant. The same is also displayed on the menu cards of the restaurants. Once the customer places the order after being made aware of the terms and conditions, there comes into existence a binding contract," it said.

It said the system of levying service charge ensures "a systematic and logical distribution of service charge collection among all employees, and not just the employee serving the customer", arguing that other staff, including chefs and utility workers, would be deprived of the benefit otherwise.

PANAMA PAPERS: THE WHISTLEBLOWERS

On July 13, Mark MacGann, who worked with Uber as a senior lobbyist for years, was named in an interview with The Guardian as the person who had leaked the 1,24,000 documents that are now described as the Uber Files. MacGann was revealed to be the source of the data towards the end of the publication of the series of investigative reports that make up the Uber Files, a collaboration led by the International Consortium of Investigative Journalists (ICIJ), The Guardian, and 42 other media outlets, including The Indian Express.

And on July 22, the whistleblower of the Panama Papers gave his first-ever interview to Frederik Obermaier and Bastian Obermayer, who were earlier investigative reporters with the German daily newspaper Suddeutsche Zeitung, and who now collaborate with the German magazine Der Spiegel.

The Panama Papers, a sprawling and impactful offshore investigation by the ICIJ in which The Indian Express partnered, exposed how the rich and powerful parked and moved their money in and out of global tax havens. The investigation, which was published in April 2016, won the 2017 Pulitzer Prize for Explanatory Reporting. "I have thought about Mark Felt from time to time and the types of risks he faced. My risk profile looks a bit different from his. I may have to wait until I'm on my deathbed," the whistleblower of the Panama Papers has said.

What are the major takeaways from the interview given by John Doe?

The Panama Papers were a leak of 2.6 terabytes of secret data of the Panamanian law firm Mossack Fonseca, which had to eventually shut down due to the global media revelations of offshore holdings of heads of state, heads of government, criminals, and drug cartels. The man who blew the whistle on the law firm's entire clientele and network says compiling the data for the giant media leak "felt like looking down the barrel of a loaded gun".

Interestingly, John Doe has revealed that he had first offered the Panama Papers data dump to at least three premier publications, including Wikileaks, all of whom had seemed "uninterested" in the project. He eventually shared the dump with two reporters of Suddeutsche Zeitung, the same journalists to whom he has now given his first interview.

IS THERE A CRISIS IN RICE?

The southwest monsoon's revival this month has resulted in the total area sown under kharif crops not only recovering, but even surpassing last year's coverage for the same period from June to mid-July. However, paddy (rice) acreage, at 128.50 lakh hectares (lh) as of July 15, was 17.4% down from last year's 155.53 lh.

Should that be cause for worry?

On the face of it, not much, as government godowns had over 47.2 million tonnes (mt) of rice on July 1. These were nearly three-and-a-half times the minimum level of stocks, to meet both "operational" (public distribution system) and "strategic reserve" (exigency) requirements for the quarter. Rice stocks are still close to their peaks scaled last year.

That comfort doesn't extend, though, to wheat – where public stocks have plunged from all-time highs to 14-year lows within the space of a year. Inflation-haunted policymakers would dread the wheat story getting repeated in rice. In wheat, it was a single bad crop — the one singed by the March-April 2022 heat wave — that did all the damage and brought down stocks to just above the minimum buffer.

In rice, the stakes are higher: It is India's largest agricultural crop (accounting for over 40% of the total foodgrain output), with the country also being the world's biggest exporter (a record 21.21 mt valued at $9.66 billion got shipped out during the fiscal ended March 2022). Unlike with wheat, the options for import in rice — due to any production shortfall — are limited, when India's own share in the global trade of the cereal is more than 40%.

Why has acreage fallen?

Farmers first sow paddy seeds in nurseries, where they are raised into young plants. These seedlings are then uprooted and replanted 25-35 days later in the main field that is usually 10 times the size of the nursery seed bed. Nursery sowing generally happens before the monsoon rains. Farmers wait for their arrival to undertake transplantation, which requires the field to be "puddled" or tilled in standing water. For the first three weeks or so after transplanting, the water depth has to be maintained at 4-5 cm, in order to control weed growth in the early stage of the crop.

All this isn't possible without the monsoon, which has overall been good this time. The country has received 353.7 mm of rainfall during June 1 to July 17, 12.7% more than the "normal" historical average for this period.

Yet, a vast paddy-growing belt, from Uttar Pradesh to West Bengal, has had very little rains. Cumulative rainfall has been 55.5% below the long period average in West UP, and 70%, 45.8%, 48.9% and 45.1% respectively for East UP, Bihar, Jharkhand and Gangetic West Bengal.

Deficient rainfall has meant that farmers in UP had transplanted only 26.98 lh under paddy until July 15, as against 35.29 lh during the same time last season. Farmers in Bihar (from 8.77 lh to 6.06 lh), West Bengal (4.68 lh to 3.94 lh) and Jharkhand (2.93 lh to 1.02 lh) too have reported lower acreages. So have those in Odisha, Chhattisgarh and eastern Madhya Pradesh, although that gap should reduce with the monsoon turning the corner in these parts.

How serious is the situation?

In UP — where the western and eastern subdivisions have so far recorded a mere 90 mm and 79.6 mm of rainfall, respectively — it certainly seems so.

According to Dr A K Singh, director of the New Delhi-based Indian Agricultural Research Institute, farmers may well end up raising nurseries afresh. "But they will now have to plant shorter duration varieties of about 125 days (seed-to-grain maturity), instead of 155 days. That would translate into 1-2 tonnes less yield per hectare," he said.

Interestingly, in eastern UP, farmers with access to basic irrigation also practise the 'Sanda' double-transplanting method of paddy cultivation under conditions of delayed rainfall. In this case, the seedlings are uprooted after 25 days in the nursery and replanted in a puddled field that is only about twice the former's area. The plants after establishment begin tillering and are, thus, rejuvenated for the next 10-15 days. When the rains come, they are again uprooted and replanted in the main field 10 times the size of the original nursery.

Paddy yields from Sanda are said to be better than from the regular one-step transplanting. The reason for it is that the Sanda plants have already tillered and their establishment in the main field would be near 100% with little mortality. "Yields are 15-20% more, but that is offset by higher costs because of transplanting labour having to be paid twice. Sanda makes sense only in today's delayed monsoon situation," Lohia said.

So, is there a crisis ahead in rice?

Not for now. To start with, the India Meteorological Department has forecast that the current monsoon trough, which is active and south of its normal position, is "very likely to shift gradually northwards from tonight (Sunday)". That should, hopefully, provide much-needed relief to farmers in the Gangetic plains within the next few days.

Secondly, paddy cultivation takes place across a wider geography, unlike wheat that is grown only in a few states north of the Vindhyas. Also, rice is both a kharif (monsoon) and rabi (winter-spring) season crop. So, the losses in one area or season can potentially be recouped from the other. In wheat, everyone — from farmers and traders to policymakers — was caught off-guard by the sudden surge in temperatures after mid-March that cut grain yields by a fifth or more. Rice is less likely to throw up huge negative surprises. And with the present stocks, it should be manageable.

LIFE & SCIENCE

THE INTELLECTUAL TROIKA THAT HELPED UNDERSTAND HEREDITY

We are celebrating the 200th birth anniversary of Gregor Johann Mendel and Sir Francis Galton this year. Mendel was born on July 20, 1822; Galton on February 16. Both men sought to understand heredity, transmission of characteristics from parents to children. Galton was Charles Darwin's half-cousin; they shared a common grandparent, Erasmus Darwin.

Galton was a polymath; an explorer, a geographer, a meteorologist, a psychologist and a statistician. And so was Charles Darwin; a naturalist, a geologist, a tireless walker, a brave adventurer and the originator of the theory of evolution by natural selection. Darwin published The Origin of Species in 1859, which as Galton has said "gave me freedom of thought".

Influence of Darwin

In his book, Darwin had used fancy pigeons to illustrate how natural selection might work. This sparked Galton's interest in whether humans can be improved through selective breeding. Galton's bright mind reasoned that if the human stock were to be improved through selection, he would first have to show that desirable human characteristics were inherited. Galton set out to identify men of accomplishment and determine whether any of their male relatives were also similarly accomplished. He generated evidence in support and concluded that talent and character were probably inherited. He published his findings in 1865 in an article titled 'Hereditary Talent and Character' in Macmillan's Magazine, a popular Victorian periodical.

Galton then collected and analysed family-trees of well-known statesmen, judges, poets, painters, musicians, military commanders, etc. His basic tenet was that if talent and character were inherited, the closest male relatives of a distinguished man (say, a son or father) would be more likely to be talented than those farther removed (e.g., an uncle or a nephew). He generated affirmative evidence using mental and intellectual qualities as well as physical ones such as height and eye colour.

He published his findings in the book, Hereditary Genius in 1869. The word 'genius' was used to denote high level of talent or ability. Galton propounded the 'Law of Ancestral Heredity.' He suggested that hereditary qualities were embedded in the reproductive organs and the germ plasm, which were passed on from one generation to the next.

It is noteworthy that when Galton was actively working on inheritance of characters in humans, Mendel was also studying the same problem in gardens of St. Thomas Monastery in Brünn (now Brno) using pea plants. Mendel presented his results to the Society for the Study of the Natural Sciences in Brünn in the same year (1865) that Galton published his findings in Macmillan's Magazine. Mendel propounded that information on "traits" gets passed on from one generation to another as particulate 'elements' and traits in the present generation can be traced back to past generations.

Mendel died in 1884 and his laws lay buried until they were rediscovered in 1900. Galton and his supporters — notably Karl Pearson and W.F.R. Weldon — criticised Mendel because his 'laws' ignored ancestors; the genetic compositions of only the parents but not of other ancestors, matter in the determination of the characteristics of a person. Galtonian 'law' stated that other ancestors

also matter. Pearson claimed that observed correlations of characteristics between various types of relatives were higher than those expected under Mendel's laws.

Mendelian inheritance

Indeed, it is difficult to conceive that continuous characteristic such as height can be controlled by transmissible particulate elements. It was the genius of Ronald A. Fisher — the father of modern statistical science — that created a synthesis showing, in 1918, that inheritance of continuous variation can be explained by Mendelian particulate inheritance.

Fisher's role in resurrecting Mendelism is legendary. But Fisher also drew attention to some aspects of Mendel's data. In 1911, Fisher, in a talk in Cambridge, noted, "It is interesting that Mendel's original results all fall within the limits of probable error; if his experiments were repeated, the odds against getting such good results is about 16 to one."

Fisher later carried out more extensive statistical analysis of Mendel's published data and wrote in 1936 that "the data have evidently been sophisticated systematically".

My own belief is that Mendel was able to deduce his laws from data of an initial set of experiments. In the later experiments, such observations that were wide of the mark from expectations may have been discarded. The goodness-of-fit of observations to expectations is therefore exceptional. Fisher also said that "... after examining various possibilities, I have no doubt that Mendel was deceived by a gardening assistant, who knew too well what his principal expected from each trial made".

We will never know how the data may have been doctored ('sophisticated' in Fisher's terminology) because after Mendel's death, the boxes of data-notebooks and other apparently worthless papers were destroyed by his successor abbot.

ELON MUSK'S TWITTER DEAL GOES TO A DELAWARE COURT

Since April this year, among various prominent global events, Elon Musk's offer to buy Twitter for $44 billion kept taking centre stage intermittently. The cat and mouse game between the world's richest man and the micro-blogging site resembled a successful Netflix series.

It had a great plot and an all-star cast, a billionaire attempting a hostile takeover of one of the largest social media platforms to promote freedom of speech. In order to do the same, he uses the very micro-blogging site to criticise its management and the board.

In just over three months, Mr. Musk aggressively sought to buy Twitter. First, he became the platform's largest shareholder. Then, when the company offered him a board seat, he refused it one day before the appointment date. And later, he made his "final offer", which Twitter resisted. The billionaire prevailed. The final twist in this tale is that Mr. Musk decided to not buy the micro-blogging site. And that is how the series' season one finale culminates.

On July 8, Mr. Musk said he wanted out, accusing the company of withholding data from him and saying its statements on spam on the platform represent material misstatements to regulators. In the papers filed, he argued that Twitter was making important changes to the running of its business without his consent.

Don't say 'no'

The world's richest man's cold feet on the Twitter deal comes after a huge slide in the valuation of technology companies, including Tesla, the electric vehicle company he runs. Tesla is the main source of his wealth, and the erosion in its value could significantly reduce the amount of money he brings to the table.

Twitter is not taking no for an answer. The company has sued Mr. Musk, and asked a Delaware court to order the billionaire to complete the deal at the agreed $54.20 per share. The lawsuit sets in motion one of the biggest legal showdowns in the history of corporate America. If the current season played out on social media and board rooms, the next one will be at law firms and court rooms. Some experts point out that Twitter has a solid case against Mr. Musk.

In an interview with CNN, Professor Scott Galloway noted that the purchase agreement that Mr. Musk signed with Twitter is seller-friendly. His deduction was based on a legal analysis of nearly 1,200 recent purchase agreements. "This purchase agreement he [Mr. Musk] signed is more seller-friendly than 93% of purchase agreements, meaning this thing [deal] is hermetically sealed, it's so airtight," he said.

But the more important question for Twitter to ponder over is whether Mr. Musk would follow a court order and buy the company as no one can force another party to buy something that they don't want to.

A $44 billion test

According to a report by the Wall Street Journal, there have been a few cases of buyers being forced to follow through with purchase agreements under the "specific-performance" clause Mr. Musk agreed to. And most were small deals. The idea of a court ordering a person to complete a deal has not been tested at $44 billion scale.

So, if Mr. Musk chooses to walk away, at best, the court can ask him to pay a penalty for his takeover act. And this could give life to $1 billion break-up fee Mr. Musk agreed to pay Twitter if there is an outside reason for the deal to fall apart, such as regulatory intermediation or third-party financing problems.

THE SWELTERING HEAT WAVE ACROSS EUROPE

The story so far: Large swathes of Europe, the U.K. and the U.S. are sweltering under extreme heat wave conditions. Devastation due to extreme weather has been particularly acute in western Europe, which has been hit by raging wildfires, drought, and hundreds of heat-related deaths, ringing alarm bells about a looming climate emergency.

Why is the spike in summer temperatures a cause for worry?

While Europe has witnessed some hot summers in recent years, rarely have temperatures risen so high across so many regions at the same time. On July 19, the U.K. posted its highest temperature ever recorded — crossing 40°C, resulting in the government issuing its first ever red alert for extreme heat. Parts of France, Spain and Portugal recorded temperatures between 42 and 46 degrees. Dozens of towns and regions across Europe reeled under what has been described as a "heat apocalypse", which has caused widespread devastation this year. Wildfires caused by a combination of extreme heat and dry weather have destroyed 19,000 hectares of forest in southwestern France, and thousands of people had to be evacuated to temporary shelters. Portugal reported more than 250 blazes over a period of two days, and 650 deaths due to heat-

related illnesses in a span of one week. Neighbouring Spain lost 14,000 hectares of land to fires, with an estimated 360 deaths caused by extreme heat, mostly of elderly people.

Italy, on the other hand, has been reeling under a drought, with the Po river basin, one of Europe's 'food bowls', not having received rains in more than 200 days. Across the Atlantic, with temperatures touching 43°C in some regions, around 69 million Americans were reported to be at risk of exposure to dangerous levels of heat and heat-related illnesses.

What is behind the extreme heat waves?

Scientists are near-unanimous that the heat waves are a result of climate change caused by human activity. Global temperatures have already risen by more than 1°C , and studies in the U.K. had shown that a one degree rise in temperature raises the probability of the country witnessing 40°C by ten times. The rising global temperature, which this year led to deviations above the normal by as much as 15 degrees in Antarctica, and by more than 3 degrees in the north pole, have also induced changes in old wind patterns. These changes turned western Europe into what has been described as a "heat dome" — a low pressure area that began to attract hot air from northern Africa. In the case of the U.S., the record temperatures are being linked to changes in the jet stream — a narrow band of westerly air currents that circulate several kilometers above the earth's surface. While a conventionally strong jet stream would bring cooler air from the northern Atlantic, in recent years the jet stream has weakened and split into two, leading to intense and more frequent heat waves over parts of the American continent.

How will the extreme heat impact Europe and the U.S. over the long term?

In Europe, the heat wave has renewed calls for determined action on climate mitigation measures. But in the U.S., the political leadership, especially in Republican states — many of which, like Texas, also happen to be extreme weather 'hot spots' — are still reluctant to recognise climate change as the cause of the problem, with local politicians asking people to pray rather than acknowledge the role of a fossil-fuels in triggering extreme weather. In terms of adapting to the ongoing heat wave, the U.S. is marginally better placed, with a majority of the households fitted with air-conditioners. But only a tiny minority have ACs fitted in their homes in the U.K. and western Europe. With the frequency and duration of heat waves rising this summer, Europe's energy requirements have shot up at just the wrong time — in the midst of rising fuel costs caused by a ban on Russian gas that European politicians imposed in response to the Ukraine invasion. In Germany, despite widespread acknowledgement of the urgent need to curb carbon emissions, even Green Party politicians are speaking of replacing Russian gas with domestic coal.

The greater frequency, intensity and duration of the heat waves have also been linked to the growing incidence of drought in different parts of Europe. With the winters ending sooner, vegetation starts to grow sooner — before the snows of winter have replenished the water tables and the rivers. This has led to progressive depletion of water tables and increasingly drier soil and shallower rivers. While the reduction in soil moisture has made forest fires more probable, drying rivers — critical for both agriculture and hydro power — have affected harvests and energy security.

What next?

Europe is facing a torrid summer, with heat wave conditions expected to continue into August. While all the affected nations have issued heat alerts and health advisories to its citizens, who are not used to such temperatures, the economies of both Europe and the U.S. remain firmly bonded

to fossil-fuel consumption. While Europe has been more vocal about cutting down emissions and has sought to invest heavily in renewables, this shift has been disrupted by the Ukraine war and an impending energy crisis sparked by the self-imposed withdrawal from cheap Russian gas. The United Nations Secretary General Antonio Guterres issued a grim warning on July 18, pointing out that world leaders faced a clear choice — it is either "collective action or collective suicide".

WHERE IS POPULATION GROWTH TAKING PLACE?

The story so far: Coinciding with the World Population Day on July 11, the United Nations Department of Economic and Social Affairs, Population Division, released the World Population Prospects 2022, an estimate on likely trends in global population. The global population, which stood at almost 7.9 billion in 2021, is projected to reach 8 billion on November 15, 2022, the report underlines, with India expected to surpass China as the world's most populous country in 2023.

What are the highlights of the report?

The projections suggest that the world's population could grow to around 8.5 billion in 2030 and 9.7 billion in 2050, before reaching a peak of around 10.4 billion in 2100. The population is expected to remain at that level until 2100. Globally, life expectancy reached 72.8 years in 2019, an increase of almost 9 years since 1990. Further reductions in mortality are projected to result in an average longevity of around 77.2 years globally in 2050.

Life expectancy at birth for women exceeded that for men by 5.4 years globally, with female and male life expectancy standing at 73.8 and 68.4, respectively. In 2021, the average fertility—or the number of children born to a woman in her reproductive lifetime — of the world's population stood at 2.3 births per woman, having fallen from about five births per woman in 1950. Global fertility is projected to decline further to 2.1 births per woman by 2050. Countries of sub-Saharan Africa are expected to continue growing through 2100 and to contribute more than half of the global population increase anticipated through 2050.

More than half of the projected increase in global population up to 2050 will be concentrated in just eight countries: the Democratic Republic of the Congo, Egypt, Ethiopia, India, Nigeria, Pakistan, the Philippines and the United Republic of Tanzania.

The 46 least developed countries (LDCs) are among the world's fastest-growing and several are projected to double in population between 2022 and 2050, putting additional pressure on resources and posing challenges to the achievement of the UN-prescribed Sustainable Development Goals (SDGs).

Did COVID-19 impact population growth?

Though external shocks take time to reflect in demographic projections, the report is unequivocal that COVID-19 has had an impact. The global life expectancy fell to 71.0 years in 2021, down from 72.8 in 2019, "due mostly" to the pandemic, the report noted. However, it has impacted regions differently. In Central and South Asia, Latin America and the Caribbean, life expectancy at birth fell by almost three years between 2019 and 2021, on the other hand, the combined population of Australia and New Zealand gained 1.2 years due to lower mortality risks during the pandemic for some causes of death.

What are the implications for India?

In 2021, the fifth edition of India's National Family Health Survey reported that for the first time in the country's history, the Total Fertility Rate (TFR) had hit 2.0 or below the replacement rate of 2.1. India's population is predicted to grow from its current 1.4 billion people to 1.67 billion in 2050 before settling at around 1.5 billion in 2100, according to official projections. The population is expected to peak at 1.7 billion sometime in 2064, according to UN estimates.

That means, the decline in India's population is in line with what is being observed in developed countries and is expected to translate into improved living standards per capita and greater gender equity. Because this TFR had been achieved across most States — two major outliers being India's most populous states, Uttar Pradesh and Bihar — it shows that population decline can be achieved without coercive state policies.

The numbers also mean that India will continue to have a large population of working age people who will be expected to support a growing number of the aged. The pressure to provide quality jobs that are also expected to be climate friendly—or at the very least climate neutral –will only continue to increase. The labour force participation of women in India has shrunk and declining fertility means many more will demand better jobs in a transitioning economy.

What about gender equity?

The Population Foundation of India, an organisation that works on increasing awareness about contraception, pointed out that the NFHS revealed that "unmet need for family planning methods" was the highest among the lowest wealth quintile (11.4%) and lowest among the highest wealth quintile (8.6%) implying that the usage of modern contraceptives increased with income. So, 66.3% of women who are employed are more likely to use modern contraception compared with 53.4% of women who are not. "This data adds to the mountain of evidence that proves that development is the best contraceptive," Poonam Muttreja, Executive Director of the Population Foundation of India, said. "Our focus should now be to reach the unreached. We must do more for the marginalised sections who may be underprivileged on the basis of class, identity or geography."

THE FIVE-DAY WORK WEEK AMIGHT BE FADING AWAY

A three-day weekend is not beyond anyone's dream, and it may soon be a reality. The idea of a four-day week against the usual 40-hour, five-day work week has been mooted for decades. The call for fewer work hours itself is older than the Great Depression. After the reduction of working hours in the 1920s and 1930s led by Henry Ford, from more than 60 hours a week to the current 40, the notion of fewer working hours for the same productivity aided by higher technology grew prevalent. The noted English economist, John Maynard Keynes, predicted that his grandchildren would only work about 15 hours a week. Even though the prediction seems a little far-fetched right now, the direction of change seems about right as companies from all over the world toy around with the idea of fewer working hours.

Trial results show benefits

The most recent and widespread adoption of a four-day work week was a trial run by Microsoft in Japan in 2019. The trial was conducted with a typical eight-hour work day for four days and a three-day weekend but a five-day week pay cheque. Microsoft was happy with the result as it saw a 40% increase in worker productivity, presumably due to increased job satisfaction and lower burnouts. Microsoft Japan also reported that a shorter work week led to higher efficiency in the

form of lower office costs. It saw a massive 23% dip in electricity costs and a 60% fall in the number of pages printed in the office.

Perpetual Guardian, a New Zealand trust management company, also reported a 20% increase in worker productivity after a similar trial in 2018. Most trials of a four-day work week seem to increase or at least keep constant worker productivity. Gains in productivity also depend on the kind of work. The idea of increased productivity due to a fall in working hours has been carried along since Henry Ford. However, an increase in a worker's productivity in a manufacturing firm with a decrease in work hours would not mean a similar increase in productivity for an employee in the service sectors such as education or health.

In a larger view, fewer working days will lead to lower commuting and hence have a positive impact on the environment, including a fall in electricity consumption in offices. Lower work hours are also being seen as an important tool to revive employment rates after the novel coronavirus pandemic. The New Deal in the United States mandated overtime pay after 40 hours a week to increase employment after the Great Depression. A similar move is argued to be a viable option to reduce unemployment prevalent in the global economies after the pandemic.

Gains for women

A shorter work week is seen as a welcome step toward gender equality and women's career progression. A two-day weekend was often not enough for women, especially mothers with young children, as they would not have much time for themselves after all the care work. Women often opt for smaller shifts and shorter work days for lower pay after they become mothers. A four-day work week for everyone instead could ensure pay equality among genders. A three-day weekend may also push men to take up more unpaid domestic work, which would give women more leeway. With enough work-life balance in a four-day work week, women would be able to focus more on work, hence adding to their career prospects.

Not always a virtue

A four-day work week is not one that fits all. The service sector has challenges implementing a four-day work week, especially for small firms. For example, a hairdresser cannot cut more hair by reducing hours; so too a musician in the context of more concerts. This limited applicability is also relevant in schools and hospitals. The sales and marketing departments of firms may also face this issue as there would be less time to chase leads, build customer relations and solve issues. The Centre for Policy Studies, U.K., studied the possible cost of implementing a four-day work week for public sector employees in the United Kingdom. It would cost at least £17 billion, assuming stable productivity but an expanded workforce. Another major drawback is that employees in firms that would not decrease work hours in a four-day work week would have to work 10 hours on working days, which can lead to increased stress and decreased satisfaction. Implementation of a four-day work week can also affect employees' holiday entitlements.

The Indian scene

A study conducted between February 1 and March 7 across sectors in 2022 by Genius Consultants, in India, found that among 1,113 employers it surveyed, 60% preferred a four-day work week and believed that it would positively affect employee productivity and well-being. Recognising the growing trend, the Central government is set to roll out the new labour codes, which include rules for a flexible four-day work week. On the four-day work week, the new codes stipulate the requirement of a minimum of 48 hours per week; hence the employee will have to work for 12

hours on each working day. The new regulations on the flexible work week with 12 hours of daily work are not likely to increase productivity as the increased per day hours of work would work against employee motivation to increase output. It is well-known that productivity declines after a certain number of hours a day. The draft code should remember that only a reduction in the number of workdays, keeping the number of hours fixed, would contribute to improved labour productivity because better rested and more invigorated workers will be more productive. The extant code may not find many takers since it will find resistance from the workers and companies who very well know it might result in a decline in productivity — thus the total value of the output they produce.

The conventional negative relationship between work hours and productivity is being proven right again through numerous four-day work week trials all across the world. The shorter work week has numerous advantages for employees and employers and can be crucial in increasing productivity and employee well-being, higher employer efficiency, and also increasing employment in the economy. These advantages have led to large strides in this mode of work, such as in Iceland, where 86% of employees have the right to work on a four-day work week. The concern on the applicability of four-day work is real, but examples such as Iceland show that it runs well with a few exceptions. Implementing a four-day work week without a reduction in aggregate working hours such as in India is most likely to fail in yielding the desired advantages. The draft code should not forget the Parkinson's law that says work expands so as to fill the time available for its completion, and it should be a guiding principle in designing India's new labour codes.

HOW DOES ANEURYSM AFFECT THE BLOOD VESSELS?

Actor Emilia Clarke, who played the role Daenerys Targaryen in the series Game of Thrones, recently told BBC One in an interview that she had suffered two brain aneurysms while filming for the series, in 2011 and 2013. "I am in the really, really, really small minority of people that can survive that," she said.

The condition

Aneurysm is a swelling of the arteries and veins in any part of the body, and is caused by weakening of the walls. It occurs most commonly in the aorta, back of the knees, brain or intestines. If the aneurysm gets ruptured, it can even cause internal bleeding and stroke.

"Blood vessels of the brain and the heart are the most common locations to get seriously affected. The swelling can be of two types. Either the complete blood vessel is swollen or a specific side of the blood vessel can bulge out from the sides," said Dr Vipul Gupta, Director, Neurointervention, Agrim Institute for Neuro Sciences, Artemis Hospital.

Potential risk factors for aneurysm include smoking, age, high cholesterol, obesity, hypertension or tissue disorders. Pregnancy can also increase risk of aneurysm of the spleen.

Screening & diagnosis

Usually, an aneurysm remains undetected and screening may be required for patients needing monitoring or treatment. "Women being at lower risk of developing aneurysm, men must undergo ultrasound screening for sure around the age of 55 years and above. More so if they are regular smokers. MRI scans are useful for identifying aneurysms that do not rupture but the symptoms are prevalent. In case the aneurysm gets ruptured and leads to the risk of bleeding in the brain,

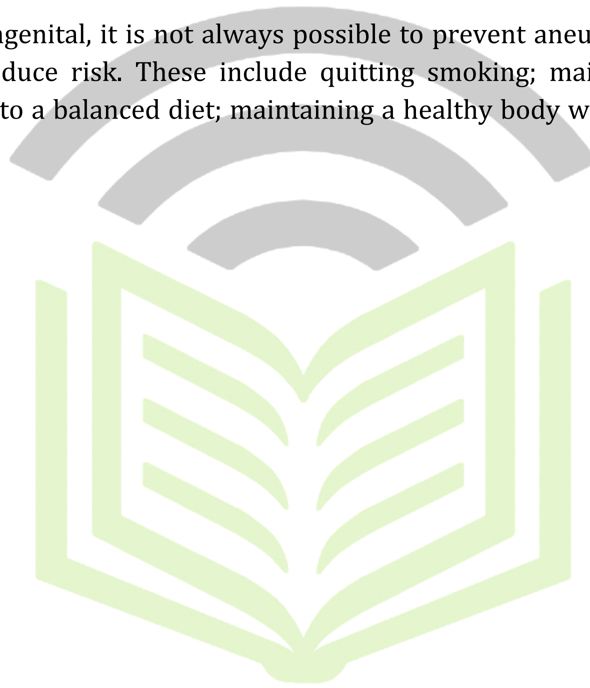
CT scans are preferred. An angiogram may be performed in extreme cases with severe rupture and bleeding in the brain to identify the exact area for treatment," Dr Gupta said.

Treatment innovation

A device called flow diversion stent is a new innovative intervention for treatment of aneurysm for the initial stages, when it has not ruptured. A cylindrical, metallic mesh stent is placed inside the sac of the parent blood vessel to divert the blood flow from the aneurysm. The diversion is aimed at preventing rupture. Flow diversion can be used to treat large or giant wide-necked brain aneurysms.

Risk reduction

Most cases being congenital, it is not always possible to prevent aneurysm, but certain lifestyle changes can help reduce risk. These include quitting smoking; maintaining a healthy blood pressure by sticking to a balanced diet; maintaining a healthy body weight; and avoiding a high cholesterol diet.



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