



CURRENT AFFAIRS FOR UPSC

6th to 12th November



INTERNATIONAL

RUSSIA'S WITHDRAWAL FROM KHERSON

The story so far:

Ukraine's defence and intelligence unit has reported on the withdrawal of Russian troops from Kherson but predicts it to be a delusion for a retreat. U.S. President Joe Biden and the EU leaders have termed the withdrawal as a "difficult position" for Russian President Vladimir Putin and condemned the brutality of deporting Ukrainians.

Where is Kherson and why is it important?

Geographically, Kherson is a strategic location for Russia and Ukraine. Situated in the northwest of the Dnipro River, the province shares borders with Donetsk, Crimea and the Black Sea.

With Moscow capturing Crimea in 2014, the occupation of Kherson in March 2022 has benefited Russia in transferring its military from Crimea to counter Ukraine. It provides access to Odesa and Black Sea ports in the west and serves as the main route to secure southern Ukraine.

For Ukraine, regaining Kherson is significant to protect its population in Kalanchak and Chaplynka districts and also to recapture Crimea. Kherson is also an important region for its agricultural produce, with irrigation channels.

How did Kherson come under Russia's control?

In early March 2022, Kherson was captured by Russia through intense fighting. The battle of Kherson proved to be the starting point to capturing and occupying the southern part of Ukraine while the battles for Kharkiv and Kyiv in the north progressed. Russia's hold over Kherson since March 2022 enabled Moscow to capture the key port cities — Mariupol in the Sea Azov, and Odesa, thus expanding control. Kherson's irrigation canals were used as defence positions, creating a strong line preventing Ukraine's counter-attacks. Russia also had positioned its soldiers in Kherson and stockpiled the ammunition.

Why has Moscow announced its withdrawal from Kherson?

There are three reasons behind the move. First is the mobilisation failure. When Russia was advancing rapidly in capturing the southern and northern cities of Ukraine, its military personnel and weapon systems started to run thin.

Russia then pursued a partial mobilisation as the next strategy to circumvent its on-ground limitations. The failure of new recruits added an additional challenge to Russia to keep its hold against the Ukraine counter-offensive in Kherson.

Secondly, the inability of Russia to govern Kherson. Despite imposing martial law, Russia could not effectively rule Kherson; the three-level security in the occupied areas could not enforce Russia's control on the ground.

Third, Ukraine's expanding counter-offensive. Until August, Ukraine was supplied only with short-range and low-grade weapons by the West. Later, Ukrainian soldiers received military training; as Moscow continued its onslaught, the West upgraded its support with medium to high-range weapons systems such as the Howitzers, HIMARS, air defence systems, battle tanks and drone



technologies. It came from the U.S., the U.K. and Germany, whereas Russia's procurement was slow and limited to Shahed drones.

This helped Ukraine recapture Russian-occupied areas including Izyum, northeast, southeast of Kharkiv, Izyum-Slovyansk, Kupiansk in Eastern Ukraine, and northwest Kherson in the south. On the other hand, Russia has been facing challenges in augmenting its military hardware on the battleground.

Is the withdrawal final, or a tactical move by Russia?

Russia's new mobilisation has failed to stop the advancing of Ukraine forces. The challenges to remobilise its defence systems and the shortage of weapons must have played a role in Russia's withdrawal.

With Ukraine strengthening its military capacity through support from the West, upgrading from land-based to air-based to heavy battle tanks, Russia is facing a challenge to hold its occupied territories in Ukraine.

However, this is not the first time Moscow is making a withdrawal, after an initial onslaught. The attack on Ukraine's capital Kyiv was an initial strategy of Russia. Later, Moscow shifted its strategy from capturing Kyiv to concentrating on eastern Ukraine. Similarly, Russia also withdrew from its strategy to capture Kharkiv. Controlling Donetsk and Luhansk have become a significant objective. Withdrawal from Kherson exposes a serious gap in Russia's strategy to hold southern Ukraine. However, it also underlines its strategy — to withdraw under serious attack or resistance by the Ukrainian forces — as it happened in Kyiv and Kharkiv.

Will Ukraine get emboldened and expand its attack into the Donbas and Luhansk regions? Will Russia withdraw, as it did in Kherson? These are two big questions for Kyiv and Moscow, and their larger political objectives on how far they would go with the war.

THE BLACK SEA GRAIN INITIATIVE

The story so far:

In a move that allayed concerns about yet another disruption to global food supply chains, Russia last week re-joined the Black Sea Grain deal. The reversal came a day after Russian President Vladimir Putin stated that Moscow would suspend, but not end, its involvement in the deal. It added that the mediation of the United Nations and Turkey had secured the continued cooperation.

What is the Black Sea Grain Initiative?

The Black Sea Grain deal endeavours to tackle escalating food prices emanating from supply chain disruptions because of Russia's actions in the world's 'breadbasket'. The deal, brokered by the UN and Turkey, was signed in Istanbul on July 22 this year. Initially stipulated for a period of 120 days, with an option to extend or terminate after November, the deal was to provide for a safe maritime humanitarian corridor for Ukrainian exports (particularly for food grains) from three of its key ports, namely, Chornomorsk, Odesa and Yuzhny/Pivdennyi. The central idea was to calm markets by ensuring an adequate supply of grains, thereby limiting food price inflation.

Ukraine is among the largest exporters of wheat, maize, rapeseed, sunflower seeds and sunflower oil, globally. Its access to the deep-sea ports in the Black Sea enables it to directly approach Russia



and Europe along with grain importers from West Asia and North Africa. Russia's actions in the East European country had disturbed this route which earlier used to ship 75% of its agricultural exports — precisely what the initiative sought to address.

Why is it important?

As per the UN Office for Coordination of Humanitarian Affairs, approximately 10.1 million tonnes of grains have been shipped since the initiative commenced. The UN Food and Agricultural Organisation's (FAO) Food Price Index, which assesses the monthly change in international prices of a basket of food commodities, fell for the sixth consecutive month in a row during the September assessment period. It was earlier inferred that the supply situation in markets was seen to be easing, with potential for further price drops. People hoarding the grain in the hope of selling it for a sizeable profit owing to the supply crunch were obligated to sell. The initiative has also been credited for having made a "huge difference" to the global cost of living crisis.

About 44% of the shipments, which include corn, wheat, rapeseed, and sunflower oil among others, reached high-income countries (including Spain, Netherlands and Italy among others), 28% reached low and lower-middle-income countries (Egypt, Iran, Sudan and Kenya among others) and 27% reached upper-middle income countries (China and Bulgaria among others).

As pointed out by several observers, notwithstanding its reach, the initiative alone cannot address global hunger; it can only avert the chances of the global food crisis spiralling further, especially when the region is yet to scale prior year levels.

What would have happened if the deal was suspended?

In a nutshell, the deal's suspension was expected to re-introduce the price pressures on foodgrains, especially that of wheat, with inventories being at historical lows. It could have particularly impacted countries in West Asia and Africa such as Egypt, Turkey, Lebanon, Sudan and Yemen which have benefitted from the resumption and are particularly dependent on Russian and Ukrainian exports.

Joseph Glauber and David Laborde, senior Fellows at the International Food Policy and Research Institute (IFPRI), had observed, "Not only are those countries more dependent on Ukraine as a supplier of wheat and other grains, they tend to buy more during the winter to supplement their own harvests, which are largely consumed by the end of the year." Thus, according to them, the suspension could have spurred food insecurity as well as potentially exacerbated political tensions.

As for domestic challenges, the researchers observe that storage facilities in Ukraine are already at capacity even as farmers turn to harvest the crops planted in spring. This, combined with restricted export opportunities, would have implied lower prices for farmers even as shortfalls spur prices globally.

WILL U.S. MID-TERM ELECTIONS BE A GAME CHANGER?

The story so far:

The United States' mid-term elections which are scheduled for November 8, could potentially reshape the landscape of national politics in the country, especially if they result in control of the House of Representatives shifting from Democrat to Republican.



Will elections be held for both the House of Representatives and Senate?

The election will see each of the 435 seats in the House of Representatives and 35 — slightly more than one-third — of the 100 seats in the Senate come up for grabs. A range of local elections will be on the cards too, including 39 state, gubernatorial and similar contests.

A key factor to keep in mind while analysing the results — expected within a day of the vote — is that a major redistricting exercise was conducted in the aftermath of the 2020 census, that resulted in the boundaries of voting districts being redrawn by state authorities, notwithstanding gerrymandering allegations that came up, in certain cases, implying a deliberate attempt to dilute majorities in certain districts that do not favour the party in power.

What is the backdrop to the elections?

The mid-term elections pose high stakes for Democrats who have so far enjoyed overwhelming control of Congress and the White House — projections suggest there is a risk that they might lose their majority in the House. A relevant fact in this context is that the House flipped to the party not controlling the White House after the mid-term elections under each of the three past Presidents — Donald Trump, Barack Obama, and George W. Bush. Most pollsters concur that mid-term elections generally serve as a referendum on a sitting President. However, the edge that the Republican Party held in numerous races has been somewhat blunted by the Supreme Court ruling against the constitutional right to abortion as enshrined in Roe vs Wade with the expectation that the ruling could mobilise Democratic voters across U.S. states, leading to much higher turnouts on Election Day. It is unclear which way the Senate, whose partisan balance is poised on a razor's edge — 50 seats held by each of the two major parties and their allies — will lean after the election. Besides redistricting, a second important factor with a likely impact on the election result, is how voters will view the Congressional inquiry into the January 6 riots and assault on the Capitol buildings by alleged supporters of Mr. Trump, and the seizure of classified documents from his mansion in Mar-a-Lago, Florida. Whichever side of the fence they stand on, voters' opinions on these developments will also signal the extent to which the phenomenon of "Trumpism" still evokes support amongst Americans.

What will the economic policy outlook be after the mid-terms?

Regardless of which party makes electoral gains on November 8, it will not change the fact that along with the rest of the world the U.S. is facing a difficult time economically, with the lingering after-effects of the COVID-19 pandemic still dampening business activity, and global supply chain disruptions caused by Russia's invasion of Ukraine roiling the prospects of U.S. industry and igniting inflationary trends in the economy.

In fact, polls suggest that economic anxieties faced by the ordinary American far outstrip traditional concerns regarding crime, immigration, climate change, and even reproductive rights. This is partly reflected in the fact that although unemployment has dropped sharply in recent months, the economy is besieged by spiking inflation that has pushed up the cost of household staples such as food and energy dramatically.

Mr. Biden has for the most part polled poorly across the nation for his performance in office in recent months. Now, he will not only have to battle these complex policy challenges on the front foot, but it is likely that the mid-term election results may exacerbate gridlock in Washington if the House goes to the Republican Party. In this scenario the White House might be compelled to



compromise further on its agenda and cut deals with the opposition that could dilute its original policy vision for the economy.

Which other policy issues will turn on the mid-term result?

Among the other key issues that will impact voter choices and could, subsequently, be manifested in policy changes, are the U.S.'s policy stance towards Ukraine, the criminal justice system, the quality of U.S. democracy and continuing partisan conflict.

On Ukraine, while the U.S. under Mr. Biden has stood resolutely with allies in Europe and elsewhere to help Kyiv push back against Russian territorial aggression, there are some Republicans, such as Kevin McCarthy, who are against the U.S. Congress writing “a blank check to Ukraine”.

Regarding judicial appointments, Mr. Biden has already succeeded in nominating at least 75 judges, far more than Mr. Trump or Mr. Obama had by this stage in their presidential terms — but this progress for Democrats may grind to a halt if the House goes to the Republicans, who could then block all White House nominations until “moderate” candidates are proposed.

Finally, if Republicans seize the House, it might not only bring to the fore numerous Trump-endorsed candidates who deny the validity of the 2020 presidential election result but it would also open the floodgates to an incessant barrage of investigations into the conduct of the Biden White House by the lower chamber.

This could well result in a heightened sense of acrimony in Congress, fuelling the malaise of policy logjams.

CHANCELLOR OLAF SCHOLZ'S DAY-LONG VISIT TO CHINA SIGNALS ATTEMPT TO TRANSCEND BLOCS CREATED POST UKRAINE CRISIS

Chancellor Olaf Scholz's day-long visit to Beijing last week — the first by a German leader since the pandemic and significantly, after the Russia-Ukraine conflict — can be read in one of two ways. First, in the hardening of the world into blocs, Berlin has broken ranks with the US, UK and the rest of Europe by reaching out to China, which is tacitly supporting Russia. The second perspective is more nuanced and salient. Berlin seems to be signalling that, rather than treating the current moment in international relations as a new Cold War, it is willing to find spaces for engagement, enhance its strategic autonomy as well as factor in the needs of the German economy and people in its diplomacy. This does not, however, mean support for the excesses and policies of the Xi Jinping regime.

In the wake of Russia's aggression against Ukraine, Berlin is likely aware of the need for diversification in its economic supply chains. Its dependence on China — bilateral trade and imports have only grown since the pandemic — may in fact require a “decoupling” of the two economies. At the same time, diversification and decoupling cannot mean the immediate isolation of China for practical reasons. Or overlooking the human rights abuses of Uyghurs and Beijing's designs on Taiwan. Yet, the years of globalisation have created intricate and deep inter-dependencies between large economies that cannot be overturned overnight. It is also noteworthy that the Scholz-Xi Jinping statement “jointly oppose(d) the use or threat of nuclear weapons” in Ukraine at a time when Moscow's rhetoric in this regard has reached a new high.



Scholz's visit has been criticised in Europe and the West. But the fact remains that both for its economy and as it transitions away from fossil fuels to meet its climate change targets, Berlin will need to have at least some degree of cooperation with China. In the wake of the US-China trade war and the conflict in Ukraine, the global order seems to have moved backwards on multipolarity. If Germany moves out of the US-UK shadow — while honouring core liberal and democratic principles — a return to the Cold War can be avoided. Going forward, it will be intriguing to see to what extent Berlin acts on its own and how much its priorities shape Brussels' outward orientation. Economically and politically, Germany is arguably the greatest powerhouse in the European Union. New Delhi, which has walked a fine line diplomatically during the Ukraine crisis, has a stake in promoting a more multipolar world.

TALIBAN OFFICIAL: WOMEN BANNED FROM AFGHANISTAN'S GYMS

The Taliban is banning women from using gyms in Afghanistan, an official said on Thursday, the religious group's latest edict cracking down on women's rights and freedoms since they took power more than a year ago.

The Taliban overran the country last year, seizing power in August 2021. They have banned girls from middle school and high school, despite initial promises to the country, restricted women from most fields of employment, and ordered them to wear head-to-toe clothing in public.

A spokesman from the Ministry of Virtue and Vice said the ban was being introduced because people were ignoring gender segregation orders and that women were not wearing the required hijab, or head covering.

Women are also banned from parks. The ban on women using gyms and parks came into force this week.

Mohammed Akef Mohajer, a Taliban-appointed spokesman for the Ministry of Vice and Virtue, said the group had "tried its best" over the past 15 months to avoid closing parks and gyms for women, ordering separate days of the week for male and female access or imposing gender segregation.

"But, unfortunately, the orders were not obeyed and the rules were violated, and we had to close parks and gyms for women," said Mahjer.

"In most cases, we have seen both men and women together in parks and, unfortunately, the hijab was not observed. So we had to come up with another decision and for now we ordered all parks and gyms to be closed for women." Taliban teams will begin monitoring establishments to check if women are still using them, he said.

Hard-liners appear to hold sway in the Taliban-led administration, which struggles to govern and remains internationally isolated.

An economic downturn has driven millions more Afghans into poverty and hunger as the flow of foreign aid has slowed to a trickle.

DEMOCRATIC DEFICIT

The habitual turbulence of Pakistani politics took a decidedly dangerous turn last week, with an assassination attempt on its former Prime Minister Imran Khan, who was ousted seven months



ago. Mr. Khan escaped with leg injuries after a gunman opened fire. In a press conference a day later, Mr. Khan blamed the government and the military for plotting to kill him. Mr. Khan, who had earlier invoked comparisons between himself and former PM Zulfikar Ali Bhutto, hanged in 1979 — of a popular leader whose mandate is being thwarted by the establishment — even brought in the example of Sheikh Mujibur Rahman, the founder of Bangladesh. Both PM Sharif and the Army have denied Mr. Khan's allegations but it is harder to deny the growing problem that he now poses. Since April, when he was forced to step down following a confidence vote in parliament, and losing all court appeals, he has taken to the streets, demanding a general election immediately. He has grown vocal about the political role of the military, accusing "Dirty Harrys" of imprisoning and torturing his supporters in the Pakistan Tehreek e Insaf (PTI) Party, and mocking Army Chief General Bajwa, whose tenure ends this month, for suggesting that the military would maintain a "neutral" role. There have been repercussions. In September, he was indicted in a contempt of court case for impugning the High Court judiciary, and although terror charges were dropped against him, he faces criminal charges for threatening to sue government officials. In October, the Election Commission held him guilty in a case involving undeclared official gifts and disqualified him from holding public office; he could face a legal challenge to his seat in Parliament for defaming the judiciary and armed forces.

For the Sharif government that is already beleaguered by the devastating floods, a security crisis emanating from Afghanistan, the burgeoning economic crisis, and continued bad relations with India which has stopped much-needed trade revenues, Mr. Khan's challenge could not have come at a worse time. Mr. Sharif, who has been making many foreign visits, must focus on the domestic situation, and investigate the attack on Mr. Khan in a convincing way if he intends to shore up his credibility. Despite the many setbacks, Mr. Khan's popularity remains strong; he won six out of eight by-elections last month. In the aftermath of the assassination attempt, PTI protesters have held marches in Rawalpindi, Peshawar, Quetta, and Karachi. The biggest worry for the government is maintaining law and order if the impasse continues. In that case, elections at an early date may prove the only prudent way to move forward, in a country that has always suffered from a deficit in democracy.

DreamIAS



NATION

U.S., BELGIUM TO QUESTION INDIA ON CAA, MINORITY RIGHTS, HATE SPEECH AT HRC

Treatment of journalists and human rights defenders, the Citizenship Amendment Act (CAA), the Foreign Contribution Regulation Act (FCRA) and custodial torture are expected to dominate the Universal Periodic Review (UPR) of India at the Human Rights Council in Geneva that will take place on Thursday.

In “Advance Questions” submitted to the council, Belgium has called the CAA “anti-minority”, and asked India if the law would be repealed. Similar concerns have been raised by the United States, which has highlighted “hate speech”, “internet shut downs” and the issue of hijab in Karnataka.

“Will the government of India review and repeal anti-minority laws such as the CAA and anti-conversion laws which target religious minorities, and introduce measures and legislation to prevent and respond to communal and targeted religious violence?” Belgium asked.

The country further asked about the steps that the Government of India will take to ensure that “human rights defenders, journalists and civil society organisations can exercise their rights to freedom of expression and peaceful assembly, free from threats, harassment, intimidation and attacks”.

Till Tuesday, the U.S., the U.K., Belgium, Spain, Panama, Canada, Germany, Liechtenstein and Slovenia have submitted “Advance Questions” for the Indian-centric session on Thursday.

The U.S. has also asked the Government of India about how the Unlawful Activities Prevention Act (UAPA), the National Security Act, Public Safety Act and Sections 124A, 499, and 500 of the IPC comply with India’s international human rights obligations and commitments.

The UPR will be conducted on the basis of the national report provided by India, information provided by independent human rights experts and groups, and international human rights groups.

In the report submitted in August, India informed the Council that laws were consistently enforced to ensure protection of the minority communities.

The national position on the issue of human rights gives an indication of the line that India is expected to take during the upcoming deliberation which has drawn curiosity because of the negative observations that several human rights organisations have submitted to the world body.

CHIEFS OF INDIAN, FRENCH AIR FORCES JOIN ONGOING GARUDA-VII AIR EXERCISE

While Indian Air Force (IAF) chief Air Chief Marshal (ACM) V.R. Chaudhari flew a sortie on an IAF Rafale fighter, French Air and Space Force (FASF) Chief General Stéphane Mille flew on an IAF Su-30 MK-I fighter.

“Ex Garuda-VII is also the first occasion for the light combat aircraft (LCA) Tejas and the light combat helicopter (LCH) Prachand to participate in any international exercise,” it stated.



ACM Chaudhari said that the Air Exercise Garuda provided a unique opportunity for both Air Forces to learn and imbibe each other's best practices during operations while also highlighted the growing interoperability between the two Air Forces.

The exercise, which is due to culminate on November 12, includes four Rafale fighters and one A-330 multi-role tanker transport aircraft from the French side. Apart from the LCA and LCH, the IAF contingent consists of Su-30 MK-I, Rafale and Jaguar fighter aircraft, as well as Mi-17 helicopters.

NAVY CHIEFS OF QUAD IN JAPAN AHEAD OF MALABAR EXERCISE

The Navy chiefs of India, Australia, Japan and the U.S., which comprise the Quadrilateral (Quad) grouping, met in Japan on Saturday and exchanged views on "further enhancing interoperability" in future editions of the Malabar multilateral naval exercise. Meanwhile, a Chinese research vessel, Yuan Wang-6, has entered the Indian Ocean via the Sunda Strait.

The meeting in Tokyo comes ahead of a series of multilateral engagements in the next couple of weeks to be hosted by Japan. This year marks 30 years of the Malabar Exercise, which began as a bilateral exercise between India and the U.S. in 1992.

While the course of the Chinese vessel is not known, official sources said the Indian Navy is keeping a close tab on its movements. This comes just three months after a major diplomatic showdown between India and Sri Lanka over the docking of a similar vessel from China at the Hambantota Port in the island nation in August.

In the past, Chinese naval vessels had been observed in the vicinity while the Malabar Exercise was under way. As reported by The Hindu earlier, there has been a steady rise in the deployment of Chinese research vessels in the Indian Ocean Region (IOR), and the general area of deployment observed to be around the ninety-degree east ridge and southwest Indian ridge. Research or survey vessels have powerful equipment for snooping and gathering a range of data.

Chinese presence in the Indian Ocean began in 2008 under the garb of anti-piracy operations in the Gulf of Aden.

WHAT MEA JAISHANKAR'S MOSCOW VISIT MEANS FOR INDIA-RUSSIA RELATIONS

The much watched visit by External Affairs Minister S Jaishankar to Moscow has signalled that despite Delhi's disagreement with Russia's war in Ukraine, the long standing friendship between the two sides remains in good health. The visit has reiterated for India, Russia is an important bilateral partner. Delhi also believes Russia has a crucial role to play in global security and stability. It will participate in the "Moscow format" dialogue on Afghanistan next week. India is clear it will not link its relationship with Moscow to the "no-limits" Russia-China partnership.

The two sides demonstrated a certain comfort level in their frank exchanges about the war, with Jaishankar repeating Prime Minister Narendra Modi's words to Russian President Vladimir Putin at Samarkand — "This era is not one of war" and his counterpart Sergei Lavrov briefing him on the "special military operation" in Ukraine. The External Affairs Minister's remarks that the war is causing "pain" in the "Global South", and that both Ukraine and Russia must find an end to this war through dialogue and diplomacy will find resonance across the world. Countries big and small are suffering from the energy shock that the war has delivered, neutralising their plans for economic recovery after a crippling pandemic. Delhi's forceful message that it speaks not just for



itself is timely. Next month, India will assume the presidency of the G20 for the coming year, and dealing with the economic impact of the war is likely to form a significant part of the grouping's agenda. Jaishankar's other message that India will support any initiative to "de-risk" the global economy and restore stability may have been less than the peacemaking purpose that was being attributed to the visit in some sections. But he was perhaps being realistic about the limits of what Delhi can do, and also seemed to be placing the onus for ending the war on the two parties, and Europe and the US.

Bilateral issues were a major part of the visit. As Lavrov noted, Russia-India trade has jumped 170 per cent over the previous year to \$17 billion. Most of this comprises oil imports by India. Aside from the trade imbalance that this has created, Delhi has not yet been able to convince Moscow to accept rupee payments. Lavrov's remarks that both sides had detailed discussions about military and technical co-operation including joint production of weaponry belie assessments that India is planning to wean off from its dependence on Russian military hardware. All this may not be what India's western partners, including the US, want to hear. But as the External Affairs Minister put it, if it is a partnership that works to India's advantage, it is in India's interest to keep it going.

CENTRE'S SILENCE ON JUDICIAL POSTINGS CONDEMNABLE: SC

The Supreme Court on Friday lambasted the Centre for withholding names recommended or reiterated by the collegium for judicial appointments, even saying that the government is using silence and inaction as "some sort of a device" to force worthy candidates and prominent lawyers to withdraw their consent.

"The government neither appoints the persons nor communicates its reservation, if any, on the names... Keeping the names pending is something not acceptable," a Bench led by Justice Sanjay Kishan Kaul observed.

The court issued notice to the Justice Secretary and Additional Secretary (Administration and Appointment) and listed the case for November 28.

The scathing five-page order comes even as the past few days have seen Law Minister Kiren Rijiju launch a relentless attack on the collegium system for lack of transparency.

But, in its order, the Bench said there were enough "checks and balances" in the current collegium system of judicial appointments.

"In the elaborate procedure from taking inputs from the government post recommendation from the collegium of the High Court, the Supreme Court collegium bestowing consideration on the names, there are enough checks and balances," the order said.

But the government's tendency to inexplicably withhold names for months on end, without even an explanation, would see rule of law and justice suffer.

'A challenge'

"It is as it is a challenge to persuade persons of eminence to be invited to the Bench. On top of that if the process takes ages, there is a further discouragement to them to accept the invitation and this is undoubtedly weighing with the members of the Bar in accepting the invitation to adorn the Bench," the court pointed out candidly.



The Bench said it had last year framed a broad timeline by which judicial appointments could start six months prior to vacancies.

However, hardly anything has changed on the ground. The court said 11 names for judicial appointments cleared by the Supreme Court collegium were still pending with the government.

The order recorded that it has already been five weeks since the collegium had recommended the name of Bombay High Court Chief Justice Dipankar Datta for elevation to the Supreme Court.

KIREN RIJJU MUST REMEMBER: IN “OPAQUE” COURT APPOINTMENTS, GOVERNMENT TOO IS GUILTY

Speaking at a media conclave on November 4, Union Minister of Law and Justice Kiren Rijju came out against the collegium system under which appointments of judges to the high courts and the Supreme Court are made by the Chief Justice of India (CJI) after consultations with the senior-most judges. He is reported to have said that the collegium system is “opaque” and “not accountable” and that “across the globe judges do not appoint judges, but in India, they do so.” He further said that after the SC struck down the National Judicial Appointment Commission Act, 2014 (NJAC), the government could have taken other steps. Instead, it respected the top court’s decision, and did not act immediately to find alternate ways, but that does not mean “the government will be silent forever”. At a time when many independent institutions are under pressure, such a statement comes as no surprise.

The tone and the tenor of Rijju’s words are overbearing, if not threatening. One wonders what he intended to convey when he said that after the SC’s judgment on NJAC, the government could have taken other steps and that it will not remain silent forever. It sounds as though the government did the Court a favour by accepting the NJAC judgment. Under the Constitution, the power of judicial review of a legislation lies with the SC. So, if the Court strikes down a law, the government has no option but to accept the verdict, however unpalatable it may be. Of course, it can always table a fresh bill in Parliament, but as of now, the verdict stands, and the SC continues to enjoy primacy in the matter of appointment of judges to higher courts. So, until it is overturned either by the Court itself or by Parliament, the NJAC judgment must be respected and accepted with magnanimity, and not grudgingly, as seems to be the case.

Still, not everything is hunky dory with the collegium system. It cannot be denied that some elevations in the past have raised eyebrows. There have been cases where relatives of SC judges have been appointed as high court judges ignoring merit. It also cannot be denied that judges are transferred by the collegium without any seeming justification. With due respect to the members of the collegium, both past and present, they too need to do some soul-searching. Nobody knows why, during the regime of CJI Ranjan Gogoi, two high court judges, who were at serial number 21 and 33 of the All-India Seniority list, were appointed to the Supreme Court, ignoring the claims of many Chief Justices and judges senior to them.

Incidentally, the government was a party to these appointments. It could have sent the file back to the collegium to ascertain why seniority was ignored at such a mass scale. But it did not. Take another case: Justice Akil Kureshi, who retired as Chief Justice of the Rajasthan High Court, was not recommended for elevation to the Supreme Court, notwithstanding the fact that he was the senior-most judge in the All-India Seniority list of judges, and also despite the fact that one of the members of the then collegium reportedly objected to Justice Kureshi being passed over. Again, the government raised no objection, nor sought any clarification over his non-recommendation.



In yet another case, Justice Muralidhar of the Delhi High Court was transferred overnight to the Punjab and Haryana High Court, apparently because he took the Delhi police to task for not registering FIRs against BJP leaders who had allegedly made hate speeches. It was the government which issued the notification of his transfer with immediate effect. And let us not forget judges like U R Lalit, R N Aggarwal, S Rangarajan, S H Sheth and many others who suffered on the dictates of the state and a pliant Supreme Court, but stood firm on their oath of office. Given this background, what is all the hullabaloo about? The government cannot point fingers at the collegium when it too has been party to its wrongdoing.

When the SC, in the NJAC judgment, has held that the CJI, in consultation with senior judges, is best equipped to know and assess the worth of a candidate and their suitability for appointment as a Supreme Court or High Court judge, a heavy burden lies on the shoulders of the collegium to ensure that the names recommended are strictly based on merits and are free from bias, prejudice and favouritism. It is sincerely hoped that the collegium will be more open and transparent in its recommendations for appointments and transfer of judges.

While speaking at the conclave, the law minister is also reported to have asked why the SC involved itself in bail petitions, and why it had put the sedition law in abeyance when the government had said that it was reviewing the provision. The minister also said “there is a Lakshman rekha for everybody. Do not cross the Lakshman rekha in the interest of the nation.” These are strong words. The Minister is perhaps forgetting that under the Constitution, the SC has been entrusted with the task of protecting the constitutional rights of the people, especially the right to life and liberty, as enshrined in Article 21. Given the times in which we live, when FIRs are registered against persons merely for sharing a video in which someone is being thrashed and asked to chant “Jai Shri Ram”, or sharing a tweet, or for words spoken or written against the government being viewed as seditious and leading to their arrests, it is the fundamental duty of the courts, especially the SC, to come to their rescue. The Court, in fact, should be more proactive in hearing the bail applications, rather than turning away the victims, as is being suggested. It is time for the judiciary to stand up, face the threats and onslaughts, while we the citizens hope and pray that none will push our only saviour institution off the precipice.

ECONOMICS, EXCLUSION

On the face of it, a new kind of reservation in education and jobs solely based on income or economic criteria was destined to face several constitutional hurdles. However, given that the special provision in favour of ‘Economically Weaker Sections’ (EWS) among those who are not eligible for community-based quotas meant for Scheduled Castes, Scheduled Tribes and Other Backward Classes, was introduced through an amendment to the Constitution, only a demonstration that the new quota violated the basic structure of the Constitution would have succeeded in dislodging it. By a majority of three to two, the Supreme Court of India has ruled that the amendment does not violate the basic structure. In the process, the Court has recorded a major paradigm shift in its conception of what constitutes valid affirmative action. For the first time, it has upheld a kind of reservation that specifically excludes those from the three existing categories of beneficiaries and is extended solely on the basis of economic criteria. When in Indra Sawhney (1992), a nine-judge Bench upheld OBC reservation, but favoured exclusion of advanced sections of the beneficiary communities from its purview, it introduced a form of economic criteria for the first time. However, the criteria were used to exclude individuals, while the groups continued to be eligible for reservation. At the same time, the Court struck down a provision for 10%



reservation for economically backward sections introduced by the Congress regime, on the ground that the Constitution does not provide for reservation solely based on economic criteria.

The logic behind this scheme of affirmative action was that reservation is a tool of reparation for groups excluded from mainstream avenues of advancement due to caste discrimination, while it should not become a benefit or reward for individual members of the same groups who may have made reasonable progress. This logic was wholly inverted in 2019 when the BJP-led regime amended the Constitution to provide reservation solely on economic criteria to sections other than those enjoying reservation under the categories of SCs, STs and OBCs. The resort to economic or income criterion as the sole marker for identifying a beneficiary is obviously unsustainable from the point of view of equality of opportunity. All five judges agree that the introduction of an economic criterion does not violate the Constitution. However, Justice S. Ravindra Bhat, with Chief Justice of India U.U. Lalit, concurring, has correctly found that the exclusion of groups that already enjoy reservation from accessing this new form of affirmative action violates the equality norm, which is a basic feature of the Constitution.

The Constitution Amendment came with considerable political legitimacy as very few members voted against it. The Court could not have lightly struck it down. The majority acknowledges Parliament's power to create a new set of criteria and a new target for affirmative action. Their opinions whole-heartedly endorse the exclusion of communities that benefit from existing reservation norms, contending that such exclusion is necessary to achieve the intended object of emancipating economically weaker sections and, if they are included, it may undermine the entire idea of providing such reservation. This approach is clearly flawed because this creates a vertical reservation scheme based on economic weakness, a factor that could be applicable to all communities, but consciously excludes a large segment. There was some merit in the argument that reservation cannot be used as a poverty alleviation measure, and that a collective remedy meant to be compensatory discrimination in favour of historically deprived classes cannot be converted into a scheme to identify individuals based on their low-income levels and confer the same benefit. The existing income criterion of ₹8 lakh a year has already been questioned by the Court in a separate case, as it is liable to result in excessive coverage of socially advanced classes. When those exempted from filing I-T returns are only those with taxable income below ₹2.5 lakh, it makes no sense to extend the reservation benefits to sections earning upto ₹8 lakh. Also, the majority view that the 50% ceiling is applicable only to caste-based quotas and not for EWS reservation is constitutionally unsustainable, as it is a vertical compartment that is carved out of the open competition segment.

Once the idea of using economic criterion alone is accepted in principle, as has been done even by the dissenting opinion, it can only be argued that the benefit should have been modulated to maximise the beneficiaries. The objective of economic emancipation could have been better achieved if the income-based reservation had been thrown open to all sections of society. The fear that some sections may corner a large share of the reservation cake had earlier been partially addressed by the 'creamy layer' norm for backward classes, but it also meant that the well-off among them will have to compete in open competition. By introducing an income criterion and barring OBCs, besides SC/ST communities, from the EWS silo, there is a clear violation of equality in their eligibility to avail of a part of the open competition opportunities. The Government should consider both opening up the EWS quota to all communities and keeping the income criterion much lower than the ceiling, perhaps at the same level as the income tax slab, to identify the 'creamy layer' so that some poorer sections of communities, if they are crowded out on the OBC or SC/ST merit list, could still avail of some residual benefits under the EWS scheme.



4 QUESTIONS IN EWS JUDGMENT

Majority Opinion: Yes. In his opinion, Justice Dinesh Maheshwari said that poverty is an adequate marker of deprivation that the state can address through reservations. The SC's earlier jurisprudence holding that "economic criteria cannot be the sole basis for determination of backwardness" is somewhat restricted to the reservation provided to Social and Economically Backward Classes, and EWS is deemed a separate and distinct category, he said.

Justice Bela Trivedi in her separate but concurring opinion upheld the amendment based on the presumption that "the legislature understands and appreciates the needs of its own people."

Justice Pardiwala said that while he is "conscious of the fact that the economically weaker sections of the citizens are not declared as socially and economically backward classes (SEBCs) for the purpose of Article 15(4) of the Constitution", separate reservations are not barred by the Constitution. His opinion cited the Right to Education, another constitutional amendment that puts an obligation on the state to provide free and compulsory primary education, as an example of other forms of reservation.

Minority Opinion: Justice Ravindra Bhat said while laws that provide benefits based on "only economic criteria" do not by themselves violate the right to equality, the Constitution envisages reservations to only be community-based and not individual-centric.

So while access "to public goods" such as tax breaks, subsidies can be allowed, reservation in public employment would not be permissible. "It is inconceivable that the deletion of caste (as long as Indian society believes in and practises the caste system) as a proscribed ground through a constitutional amendment would stand scrutiny," he said.

Is exclusion of SC/ST, SEBC from quota discriminatory?

Majority Opinion: No. Justice Maheshwari said that "there cannot be competition of claims for affirmative action based on disadvantages." Reservation cannot be denied to one section (the EWS) because "that segment is otherwise not suffering from other disadvantages."

Justice Pardiwala said that Article 16(4) is exhaustive for reservation in favour of backward classes but the section is not exhaustive of the concept of reservation. The new constitutional amendment introducing another affirmative action method is read as separate and distinct.

Minority Opinion: This exclusion is the main ground for striking down the constitutional amendment as per the minority opinion. Justice Bhat gave three reasons why the exclusion of SC/ST/OBC is unconstitutional.

First, it "others" those subjected to socially questionable and outlawed practices, though they are amongst the poorest sections of society, and goes against the idea of fraternity. Second, the exclusion virtually confines SC/ST/OBC within their allocated reservation quotas (15 per cent for SCs, 7.5 per cent for STs, 27 per cent for OBCs). Third, it denies the chance of "mobility from the reserved quota (based on past discrimination) to a reservation benefit based only on economic deprivation."

Can quota for poor breach the 50% ceiling for reservations?

Several issues in the EWS quota challenge were based on crucial aspects already decided by the Supreme Court in the landmark 1992 Indra Sawhney vs Union of India verdict.



A nine-judge Bench had upheld 27 per cent quota for OBCs but had struck down the 10 per cent quota based on economic criteria. The first key point in that ruling was that “a backward class cannot be determined only and exclusively with reference to economic criterion”. “It may be a consideration or basis along with, and in addition to, social backwardness, but it can never be the sole criterion,” the court had held.

Second, the SC held that reservation cannot cross 50 per cent, unless a special case was made out in “extraordinary situations and peculiar conditions”. In the current case, a five-judge court could not have overruled Indra Sawhney, which was delivered by a larger bench, but found reasoning to uphold the EWS quota.

Majority opinion: The majority opinion by Justice Maheshwari held that the 50 per cent ceiling was for backward classes and it “overstretched to the reservation provided for entirely different class, consisting of the economically weaker sections”. “Moreover...this ceiling limit...has not been held to be inflexible and inviolable for all times to come.”

Minority view: Although Justice Bhat refrained from expressing a view on whether it is permissible to breach the 50 per cent ceiling, the minority opinion warned that breaching it could “eat up the rule of equality.” The minority opinion also stated that going above 50 per cent “becomes a gateway for further infractions...” However, since the question is also pending before another Constitution bench — on whether a Tamil Nadu law providing for reservation in excess of the 50 per cent limit is unconstitutional — Justice Bhat did not “seal the fate of the pending litigation...”

Can private colleges be forced to have EWS quota?

Under Article 15(5) of the Constitution, the state has power to make reservations in private educational institutions. Only Justice Maheshwari’s opinion, part of the majority view, engaged with this issue to an extent. “Unaided private institutions, including those imparting professional education, cannot be seen as standing out of the national mainstream. As held in the aforementioned judgments, reservations in private institutions is not per se violative of the basic structure. Thus, reservations as a concept cannot be ruled out in private institutions where education is imparted,” the opinion stated.

The opinion added that Parliament now would have had the benefit of the Supreme Court’s earlier verdict upholding the constitutional amendment that introduced the Right to Education.

SHOULD THE AGE OF CONSENT BE CHANGED FOR ADOLESCENTS?

The story so far:

On November 4, the Dharwad Bench of the Karnataka High Court, while dismissing a case filed under the Protection of Children from Sexual Offences Act, 2012, said the Law Commission of India would have to rethink the age criteria, to take into consideration the ground realities. The aspect of consent by a girl of 16 years, but who is below 18 years, would have to be considered, it said, if it is indeed an offence under the Indian Penal Code and/or the POCSO Act.

What are the terms of the POCSO Act?

Under the POCSO Act, 2012, and under several provisions of the IPC, whoever commits a penetrative sexual assault on a child — anyone below 18 years of age — can be “imprisoned for a



term which is not less than seven years but which may extend to imprisonment for life, and shall also be liable to [a] fine.” Even if the girl is 16 years old, she is considered a “child” under the POCSO Act and hence her consent does not matter, and any sexual intercourse is treated as rape, thus opening it up to stringent punishment. There have been several instances in the past few years when the courts have quashed criminal proceedings of rape and kidnapping, after being convinced that the law was being misused to suit one or the other party. Often, the offender had been booked under Section 366 of the IPC, Section 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act, 2006.

Is the law being misused?

In its order, and several other courts have passed similar judgments too, the Karnataka High Court said the effect of such criminal prosecution of a minor girl or boy is causing severe distress to all concerned, including the families. Sometimes, disgruntled parents file a case to foil a relationship between two adolescents. In 2019, a study, Why Girls Run Away To Marry – Adolescent Realities and Socio-Legal Responses in India, published by Partners for Law in Development, made a case for the age of consent to be lower than the age of marriage to decriminalise sex among older adolescents to protect them from the misuse of law, sometimes by parents who want to control who their daughters or sons want to marry. The study noted that in many cases, a couple elopes fearing opposition from parents resulting in a situation where families file a case with the police, who then book the boy for rape under the POCSO Act and abduction with the intent to marry under IPC or the Prohibition of Child Marriage Act, 2006.

In 2021, in the Vijaylakshmi vs State Rep case, the Madras High Court, while dismissing a POCSO case, said the definition of ‘child’ under Section 2(d) of the POCSO Act can be redefined as 16 instead of 18. The court suggested that the age difference in consensual relationships should not be more than five years. This, it said, will ensure that a girl of an impressionable age is not taken advantage of by “a person who is much older.”

What needs to be done?

With the courts and rights activists seeking amendment to the age of consent criteria, the ball lies in the government’s court to look into the issue. In the meantime, adolescents have to be made aware of the stringent provisions of the Act and also the IPC.

Even as activists are calling for a tweak to the POCSO Act, and raising awareness about its terms, a parliamentary committee is looking into the Prohibition of Child Marriage (Amendment) Bill, 2021 which seeks to increase the minimum age of marriage for women to 21 years. Rights activists feel instead of helping the community, raising the age may force vulnerable women to remain under the yoke of family and social pressures.

POCSO ACT FORCES ADIVASIS IN NILGIRIS INTO CONFLICT WITH LAW, SAY ACTIVISTS

Kannan (name changed), a 19-year-old youth from an Adivasi community in Gudalur in the Nilgiris, was in love with 17-year-old Sumathi (name changed) from the same community, when he was charged by the all-woman police for sexually assaulting his girlfriend, whom he has been living with for the past year-and-a-half.

Kannan, from an underprivileged Adivasi background, claims he was not aware of the laws protecting young girls from being unlawfully married off prior to the age of 18, and though both he and his girlfriend are now of legally marriageable age, Kannan faces a long prison term as he



was booked under Sections of the stringent Protection of Children from Sexual Offences (POCSO) Act. Kannan is believed to be among 10 Adivasi youth from Gudalur and Pandalur taluks who have cases pending against them in the courts under various sections of the POCSO Act, the Prohibition of Child Marriage Act, and even kidnapping.

K.T. Subramanian, the secretary of the Adivasi Munnetra Sangam and the ASHWINI-Gudalur Adivasi Hospital, said that child marriage was prevalent among certain Adivasi groups in the Nilgiris. He said that the accused boy in most cases is 17 or 18 years of age, and in a relationship with a minor girl. "In most cases, the families agree to get the couple married, but when the girl becomes pregnant and visits the village health nurse, and they find out that she is a minor, or was married before she turned 18, they inform child welfare services or the local police," Mr. Subramanian said, adding that in many cases, the accused and the victim were from the same community, and were unaware of the laws.

"To strengthen the case against the youth, the local police also sometimes exaggerate the offences and use terms like 'repeated sexual assault', when in reality, sexual intercourse between both parties was consensual," G. Malaichamy, a lawyer defending members of Adivasi communities in court, said.

He added that though judges in the lower courts are sympathetic to the plight of the youth, they are invariably told to appeal to the High Court.

Advocate K. Vijayan, who pleaded on behalf of the Toda community, managed to get an order in favour of the accused due to the "customary practices" of the community. He said that the POCSO Act was extremely stringent, and puts the onus on the accused to prove his innocence. "Consider that a young Adivasi youth, around 20 years old, gets imprisoned for 10-15 years. He will come out a hardened criminal, and would have had to serve time for a crime he didn't even know he was committing," Mr. Vijayan said.

HOW IS INDIA PLANNING TO END CHILD MARRIAGE?

The story so far:

The steering committee of a global programme to end child marriage is on a visit to India to witness state interventions which have helped reduce the prevalence of child marriage. The visit by the UNFPA-UNICEF Global Programme to End Child Marriage team is in view of an estimated increase in number of child brides due to the pandemic. The UNFPA-UNICEF estimates that 10 million children could become child brides as a result of the pandemic globally. In India, child marriage reduced from 47.4% in 2005-06 to 26.8% in 2015-16, registering a decline of 21% points during the decade. In the last five years, it declined by 3.5% points to reach 23.3% in 2020-21, according to the latest National Family Health Survey-5 data.

What is the situation in the world?

According to data from UNICEF, the total number of girls married in childhood stands at 12 million per year, and progress must be significantly accelerated in order to end the practice by 2030 — the target set out in the Sustainable Development Goals. Without further acceleration, more than 150 million additional girls will marry before they turn 18 by 2030. While it is encouraging that in the past decade great progress has been made in South Asia, where a girl's risk of marrying before she is 18 has dropped by more than a third, from nearly 50% to below 30%, it is not enough, and progress has been uneven. Rights activists and health experts say the consequences of child



marriage are dire, not only because it violates children's rights, but also because it results in more infant and maternal deaths. Children born to adolescent mothers have a greater possibility of seeing stunted growth as they have low weight at birth. According to NFHS-5, prevalence of child stunting is 35.5% in 2019-21.

Where does India stand?

There is a growing trend for decline in the overall prevalence of child marriage, but 23.3% is still a disturbingly high percentage in a country with a population of 141.2 crore. Eight States have a higher prevalence of child marriage than the national average — West Bengal, Bihar and Tripura top the list with more than 40% of women aged 20-24 years married below 18, according to NFHS data. Rights workers and welfare officials say a lot more needs to be done on factors closely linked to child marriage, including eradication of poverty, better education and public infrastructure facilities for children, raising social awareness on health, nutrition, regressive social norms and inequalities. They stress on an all-pronged approach to end the practice; strong laws, strict enforcement, preparing an ideal situation on the ground to ensure that the girl child — girls with either or below primary level education have experienced higher levels of child marriage as data show — gets an education and preferably vocational training as well so that she can be financially independent.

How are the States placed?

Data shows that child marriage is a key determinant of high fertility, poor maternal and child health, and lower social status of women. Among the bigger States, West Bengal and Bihar have the highest prevalence of girl child marriage. States with a large population of tribal poor have a higher prevalence of child marriage. In Jharkhand, 32.2% of women in the age bracket 20-24 got married before 18, according to NFHS-5; infant mortality stood at 37.9%, and 65.8% of women in the 15-19 age bracket are anaemic. Assam too has a high prevalence of child marriage (31.8% in 2019-20 from 30.8% in 2015-16). Some States have shown a reduction in child marriages, like Madhya Pradesh (23.1% in 2020-21 from 32.4% in 2015-16), Rajasthan (25.4% from 35.4%) and Haryana. Several States are pegged just below the national average: In Odisha, 20.5% of women were married off before 18 in 2020-21 from 21.3% in 2015-16. States with high literacy levels and better health and social indices have fared much better on this score. In Kerala, women who got married before the age of 18 stood at 6.3% in 2019-20, from 7.6% in 2015-16. Tamil Nadu too has shown improved figures with 12.8% of women in the age group 20-24 years getting married before 18 compared to 16.3% in 2015-16.

What are the laws and policy interventions?

There are several laws including the Prohibition of Child Marriage Act, 2006 and the Protection of Children from Sexual Offences Act, 2012, which aim at protecting children from violation of human and other rights. A parliamentary standing committee is weighing the pros and cons of raising the age of marriage for women to 21, which has been cleared by the Union Cabinet. With various personal laws governing marriages in India, the government wants to amend the law, a reform that activists and agencies have said will not be enough to stop the practice of child marriage. Besides centralised schemes like the Beti Bachao Beti Padhao, which need better implementation on the ground, States have launched many initiatives to improve the factors linked to child marriage, from education to health care and awareness programmes. For instance, West Bengal's Kanyashree scheme offers financial aid to girls wanting to pursue higher studies, though women's activists have pointed out that another scheme Rupashree, which provides a one-time payment of



₹25,000 to poor families at the time of a daughter's marriage, may be counter-productive. Bihar and other States have been implementing a cycle scheme to ensure girls reach safely to school; and U.P. has a scheme to encourage girls to go back to school.

What needs to be done?

According to Sandeep Chachra, executive director, ActionAid Association India, which has been working with UNICEF and UNFPA in over 60 high prevalence districts and the governments of Odisha, Bihar, Jharkhand, West Bengal and Rajasthan, the solution lies in empowering girls, creating proper public infrastructure and addressing societal norms. "It's a long process, but we are getting down to the gram panchayat level, ensuring that Child Protection Committees and Child Marriage Prohibition officers are doing the job and activating community support groups. Such efforts can lead to Child Marriage Free Villages like in Odisha which now has over 12,000 such villages." A series of such interventions — and recommendations of the Shivraj Patil Committee report in 2011 — have helped bring down the percentage of child marriages in Karnataka (from 42% in 2005-06 to 21.3% in 2019-20). Uma Mahadevan-Dasgupta, who serves in the IAS, says several thousand child marriage prohibition officers have been notified in Karnataka and 90,000 local gram panchayat members have been oriented to spread awareness on child marriage, not only that it is illegal to get a child married off before 18, but also the dangers to the child's health and her offspring. There has been a rise in child marriages during the pandemic, but many have been prevented as well.

FIRST AMENDMENT TO CONSTITUTION CHALLENGED: WHAT HAPPENED IN SC IN 1950 THAT PROVOKED NEHRU TO AMEND ARTICLE 19(2)?

The Supreme Court last week agreed to examine a plea challenging the expansion of restrictions to the fundamental right to freedom of speech and expression that was made by the first amendment to the Constitution. The petitioner, who has challenged the law nearly seven decades after it came into force, argued that the amendment damages the basic structure doctrine.

What was the first amendment to the Constitution?

Just over a year into the working of the Constitution, then Prime Minister Jawaharlal Nehru introduced a Bill to amend the Constitution. On May 18, 1951, the amendment Bill was referred to a Select Committee which considered the issue for six days. The amendment officially came into effect on June 18, 1951.

The Constitution (First Amendment) Bill sought to make several consequential changes — from exempting land reforms from scrutiny to providing protections for backward classes in the Constitution. Notably, it also expanded on the scope of the restrictions on the right to free speech.

So what exactly is the constitutional position on free speech?

Article 19(1)(a) in Part III of the Constitution guarantees the fundamental right to freedom of speech and expression. But this freedom is not absolute or unfettered. It is followed by Article 19(2), which lists exceptions or "reasonable restrictions" on that right. The text of Article 19(2) in the original Constitution read: "Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to, libel, slander, defamation, contempt of Court or any matter which offends against decency or morality or which undermines the security of, or tends to overthrow, the State."



Following the amendment, Article 19(2) was changed to read as follows: “Nothing in sub clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence...”

Thus, the first amendment made two key changes:

First, it introduced the qualification “reasonable” to the restrictions that Article 19(2) imposed. In a 2015 paper, legal scholar Gautam Bhatia placed this term in context, and traced its origins to debates in the Constituent Assembly. The insertion of the term “reasonable”, he argued, keeps the door open for the courts to step in and examine the legitimacy of the restrictions imposed by Parliament.

Second, the amendment introduced into the Constitution the specific terms “public order” and “incitement to an offence”. This set of new, narrower terms in the provision were necessitated by two Supreme Court rulings in 1950, that went against the state’s power to curb free speech.

What were these two verdicts passed by the Supreme Court?

Both these verdicts involved the press: Brij Bhushan v State of Delhi (March 1950), and Romesh Thappar v State of Madras (May 1950). It was the verdicts in these cases that essentially promoted the first amendment.

ROMESH THAPPAR CASE:

In 1949, the Madras government (Tamil Nadu had not been created then) had banned ‘Cross Roads’, a left-leaning magazine, for its criticism of the government’s foreign policy. This led to the first significant free speech ruling by the Supreme Court in Romesh Thappar v State of Madras.

The petitioner had challenged Section 9(1-A) of the Madras Maintenance of Public Order Act, 1949 as unconstitutional. This provision authorised the government to impose restrictions for the wider purpose of securing “public safety” or the “maintenance of public order”. The court had to define the terms “public safety” and “public order”, and examine if they fell within the scope of the restrictions allowed in Article 19(2). The government argued that the words “undermining the security of the State” in Article 19(2) could be equated with “public safety” and “maintenance of public order.”

In its majority opinion in the case, the court disagreed with the government and struck down the provision as unconstitutional. The court found a vast difference in degrees between the two provisions.

Justice Fazal Ali dissented from the majority view and said that disrupting public order is a means to undermine the security of the State.

BRIJ BHUSHAN CASE:

In 1950, the Chief Commissioner of Delhi issued a “pre-censorship order” on the RSS mouthpiece ‘Organiser’ which too was critical of the government. Its publisher Brij Bhushan challenged Section 7(1)(c) of the East Punjab Public Safety Act, which allowed pre-publication scrutiny of material “prejudicial to public safety or the maintenance of public order”.



The issue in this case was essentially the same as the one in Romesh Thappar. And the verdict of the Supreme Court followed the same pattern as in the earlier case.

Then Chief Justice of India Hiralal Kania, and Justices M Patanjali Sastri, Mehr Chand Mahajan, Sudhi Ranjan Das, B K Mukherjea formed the majority that struck down the law. Justice Fazal Ali again dissented.

THE UNIFORM CIVIL CODE

The story so far:

Ahead of the upcoming Assembly elections, Gujarat on October 29 joined the list of BJP-ruled States that have called for implementing the Uniform Civil Code (UCC). Gujarat Home Minister Harsh Sanghavi along with Union Minister Parshottam Rupala announced that the State will constitute a committee headed by a retired High Court judge to evaluate all aspects for implementing the UCC.

What did the Constituent Assembly say about the UCC?

Article 44 contained in part IV of the Constitution says that the state “shall endeavour to secure for the citizens a uniform civil code throughout the territory of India”. While there is no draft or model document yet for the UCC, the framers of the Constitution envisioned that it would be a uniform set of laws that would replace the distinct personal laws of each religion with regard to matters like marriage, divorce, adoption, and inheritance. Part IV of the Constitution outlines the Directive Principles of State Policy, which, while not enforceable or justiciable in a court of law, are fundamental to the country’s governance.

The clause on UCC generated substantial debate in the Constituent Assembly about whether it should be included as a fundamental right or a directive principle. The matter had to be settled by vote; with a majority of 5:4, wherein the sub-committee on fundamental rights headed by Sardar Vallabhbhai Patel decided that securing a UCC was not within the scope of fundamental rights.

Members of the Assembly took starkly contrasting stances on the UCC. Some also felt that India was too diverse a country for the UCC. Member Naziruddin Ahmad from Bengal argued that certain civil laws in all communities were “inseparably connected with religious beliefs and practices”. He felt the UCC would come in the way of Article 19 of the draft Constitution (now Article 25) which guarantees the right to freedom of religion subject to public order, morality, and health. While he was not against the idea of a uniform civil law, he argued that the time for that had not yet come, adding that the process had to be gradual and not without the consent of the concerned communities.

Member K.M. Munshi however, rejected the notion that a UCC would be against the freedom of religion as the Constitution allowed the government to make laws covering secular activities related to religious practices if they were intended for social reform. He advocated for the UCC, stating benefits such as promoting the unity of the nation and equality for women. He said that if personal laws of inheritance, succession and so on were seen as a part of religion, then many discriminatory practices of the Hindu personal law against women could not be eliminated.

Dr. B.R. Ambedkar had more of an ambivalent stance toward the UCC. He felt that while desirable, the UCC should remain “purely voluntary” in the initial stages. He stated that the Article “merely”



proposed that the state shall endeavour to secure a UCC, which means it would not impose it on all citizens. The amendments to protect personal laws from the UCC were eventually rejected.

What are the various arguments around the UCC?

It has been argued that while India does have uniformity in most criminal and civil matters like the Criminal Procedure Code, Civil Procedure Code, and the Contract Act, States have made over 100 amendments to the CrPC and IPC, as well as several amendments to civil laws. For instance, BJP-ruled States reduced the fines prescribed and justified by the Centre under the amended Motor Vehicles Act. Another example could be that the law of anticipatory bail differs from one State to another.

Experts thus argue that if there is plurality in already codified civil and criminal laws, how can the concept of 'one nation, one law' be applied to diverse personal laws of various communities? Besides, constitutional law experts argue that perhaps the framers did not intend total uniformity, which is why personal laws were placed in entry 5 of the Concurrent List, with the power to legislate being given to Parliament and State Assemblies.

Looking at the codified personal laws of various communities in India — all Hindus are not governed by a homogenous personal law even after the enactment of the Hindu Code Bill, neither are Muslims and Christians under their personal laws. Even at the time of drafting the Hindu Code Bill, several of its provisions actually sought to locate the complex links between the importance of inheritance, succession rights and the right to divorce. But facing staunch opposition from conservative quarters, it was amended, diluted, and watered down multiple times to finally be separated into four different Acts — the Hindu Marriage Act, the Hindu Succession Act, the Hindu Minority and Guardianship Act, and the Hindu Adoptions and Maintenance Act — in the 1950s.

Constitutional law scholar Faizan Mustafa notes that while marriages amongst close relatives are prohibited by the Hindu Marriage Act of 1955, they are considered auspicious in the south of India. Even the Hindu Succession Act of 1956 made several compromises and could not make the daughter a coparcener till 2005. Wives are still not coparceners nor do they have an equal share in inheritance. Similarly, there is still no uniform applicability when it comes to the Muslim personal law or the Shariat Act that was passed in 1937. For instance, the Shariat Act is not applicable in Jammu and Kashmir and Muslims continue to be governed by customary law which is at variance with the Muslim personal law in the rest of the country. The applicability also varies for certain sects of Muslims. Besides, many tribal groups in the country, regardless of their religion, follow their own customary laws

While the Supreme Court in 2019 hailed Goa as a "shining example" of an Indian State which has a functioning UCC, experts point out that the ground reality in Goa is more complex and that the Code has legal pluralities. The Goa Civil Code was given by the Portuguese in 1867; it permits a certain form of polygamy for Hindus while the Shariat Act for Muslims has not been extended to Goa with Muslims of the State being governed by Portuguese law as well as Shastric Hindu law. The Code gives certain concessions to Catholics as well. Catholics need not register their marriages and Catholic priests can dissolve marriages performed in church.

Meanwhile, the BJP's 2019 manifesto as well as the Uttarakhand Chief Minister Pushkar Singh Dhami's UCC committee proposal argue that the uniform code would be formed by taking the best practices of various religions and tailoring them for modern times. Researchers say this would essentially mean picking up certain Muslim practices and applying them to the Hindu community (or vice-versa), and question whether there would not be any opposition to the same.



What has the Supreme Court said about the UCC?

The Supreme Court in various judgements has called for the implementation of the UCC. In its Mohd. Ahmed Khan vs Shah Bano Begum judgement of 1985, where a divorced Muslim woman demanded maintenance from her former husband, the apex court while deciding whether to give prevalence to the CrPc or the Muslim personal law, called for the implementation of the UCC.

The Court also called on the government to implement the UCC in the 1995 Sarla Mudgal judgement as well as in the Paulo Coutinho vs Maria Luiza Valentina Pereira case (2019).

What has the Law Commission said?

The Modi government in 2016 requested the Law Commission of India to determine how to form a code in the presence of “thousands of personal laws” in the country. In 2018, the Law Commission submitted a 185-page consultation paper on the reform of family law. The paper stated that a unified nation did not necessarily need “uniformity”, adding that secularism could not contradict the plurality prevalent in the country. In fact, the term “secularism” had meaning only if it assured the expression of any form of difference, the Commission noted. While saying that a UCC “is neither necessary nor desirable at this stage”, the report recommended that discriminatory practices, prejudices and stereotypes within a particular religion and its personal laws should be studied and amended. The Commission suggested certain measures in marriage and divorce that should be uniformly accepted in the personal laws of all religions. Some of these amendments include fixing the marriageable age for boys and girls at 18 years so that they are married as equals, making adultery a ground for divorce for men and women and simplifying the divorce procedure. It also called for the abolition of the Hindu Undivided Family (HUF) as a tax-exempted entity.

What is the government’s stance?

While the UCC is a long-time poll promise of the BJP, Union Law Minister Kiren Rijiju said in Parliament this year that the government currently had no plans to set up a panel to implement the UCC and requested the 22nd Law Commission of India to undertake an examination of various issues relating to the same. The chairperson and members of said Law Commission, which was set up in 2021, have not yet been appointed.

WHAT IS THE STATUS OF REMOTE VOTING FOR NRIS?

The story so far:

On the assurance of the Attorney General that the Centre was looking at ways to facilitate distance voting for non-resident Indians (NRIs), mainly migrant labourers, the Supreme Court on November 1 disposed of a batch of petitions seeking remote voting for NRIs. The Bench led by Chief Justice U. U. Lalit said that the purpose of the petitions had been served as the government was aware and had introduced a Bill to facilitate proxy voting by overseas electors. The Bill, however, lapsed and a pilot project for postal voting is yet to see the light of day.

What is the size of the NRI electorate?

According to estimates, India has the largest diaspora population, with nearly 1.35 crore non-resident Indians spread across the globe. Many of them are in the Gulf countries, the U.S. and the U.K. In the 2019 Lok Sabha elections, 99,844 NRIs registered and 25,606 electors turned up to



vote, with a majority hailing from Kerala (25,534). In the 2014 Parliamentary elections, 11,846 NRIs registered and only a fraction turned up to vote. Of the registered overseas electors, 90% belonged to Kerala. Others registered are from Gujarat, Punjab, and Tamil Nadu among other States.

A major reason for low NRI registration and voting despite India amending the Representation of the People Act in 2010 to enable eligible NRIs who had stayed abroad beyond six months to vote is the condition that they have to visit the polling booth in person. While some observers ask why those who migrated abroad should be given special privileges in voting, the petitioners argue that NRIs should not be deprived of the franchise because they exercised their right to freely practise a profession or trade. Another question raised is whether expatriates who have been living abroad for a long period of time, say upwards of two years, should be given voting rights. Other democracies allow absentee voting if overseas electors are not abroad for a specified period and/or if they mention an “intent to return”.

What has the government done so far?

Since the in-person proviso of the amended Act discouraged many, petitions were filed in the Supreme Court between 2013 and 2014 by NRIs. The Election Commission of India (ECI) formed a Committee in 2014 on the Court’s direction to explore the options for overseas electors. The committee narrowed it down to two remote voting options — e-postal ballot and proxy voting.

The Electronically Transmitted Postal Ballot System (ETPBS) involves the NRI voter sending an application to the returning officer in person or online. The returning officer will send the ballot electronically. The voter can then register their mandate on the ballot printout and send it back with an attested declaration. The voter will either send the ballot by ordinary post or drop it at an Indian Embassy where it would be segregated and posted. Proxy voting, meanwhile, enables voters to appoint proxies to vote on their behalf.

Both ETPBS and proxy voting are currently available to only service voters, like those in the armed forces or diplomatic missions. In its report, the ECI said proxy voting would be a “convenient” and “doable” method.

All political parties consulted by the ECI except the Bharatiya Janata Party (BJP) were against proxy voting as they felt it could never be guaranteed that the proxy would vote as per the actual voter’s choice. In 2017, however, the government introduced a Bill to amend the Representation of People Act to remove the condition of in-person voting for NRIs and enable them to vote through proxies. The Bill was passed in the Lok Sabha in 2018 but never introduced in the Upper House, eventually lapsing with the 16th Lok Sabha.

In 2020, the ECI wrote to the Law Ministry that it was “technically and administratively ready” to facilitate ETPBS for NRIs in the 2021 Assembly elections in five States but the External Affairs Ministry flagged “huge logistical challenges” relating to identity verification of voters, absence of polling agents, the burden on embassy staff etc.

What next?

Besides the government’s assurance in Court, the Law Ministry in March said that the Centre was exploring the possibility of allowing online voting for NRIs. The Chief Election Commissioner Sushil Chandra said in April that ETPBS for NRIs was being contemplated.



It is yet to be seen, however, if any of the remote voting options materialise before the 2024 elections.

THE FREEBIE GAME IN GUJARAT AND HIMACHAL PRADESH

In July, Prime Minister Narendra Modi spoke against political parties promoting a culture of freebies — he called them “revdi” — to win votes. His remarks triggered a public debate with parties of the Opposition, especially the AAP and DMK, accusing the PM of targeting welfare schemes and state subsidies promised by non-BJP parties. The Election Commission joined the debate and said political parties should lay out the cost of the freebies they promise and how they plan to finance them if voted to power. The Supreme Court was petitioned, which, in August, referred the matter to a three-judge bench: The plea challenged a Madras High Court judgment in *S Subramaniam Balaji (2013)* that held that the promise of freebies cannot be termed as a corrupt practice. None of this, however, seems to have influenced the election conversation in Himachal Pradesh — which votes Saturday — or the campaign for Gujarat, where polls are scheduled for early December. The main contenders for power in both states have made effusive promises of what some would call welfare, and others freebies.

The AAP got off to an early start in Gujarat, announcing 300 units of free electricity for every household, a monthly allowance of Rs 1,000 for women, unemployment allowance of Rs 3,000, debt waiver upto Rs 2 lakh for farmers. In response, the BJP and Congress have offered teasers of their own lists — their manifestos are not ready yet. Congress has promised free medical treatment up to Rs 10 lakh, free electricity for farmers, a Rs 5 subsidy on every litre for milk producers, while the BJP offered two free LPG cylinders annually to households and subsidised edible oil beginning Janmashtami. In Himachal, the BJP promised three free LPG cylinders for poor women, bicycles and scooters for girl students, financial aid of Rs 25,000 to all pregnant women and so on, while the Congress list included free electricity up to 300 units monthly to all households, and financial assistance of Rs 1,500 monthly to women between 18 to 60 years of age.

With voters becoming more demanding, and economic opportunities increasingly limited, political parties are arguably forced to promise an expansion of the welfare net. The BJP has tried to draw a distinction between “allurement” and “empowerment”. But such distinctions are subjective. Welfare and subsidies hold different meanings for different classes of people, and only one thing is clear — it is futile for institutions like the EC or the judiciary to wade into a debate that is best left to parties and voters.

SC BLOCKS PLEAS SEEKING PROBE AGAINST SOREN

The Supreme Court on Monday held that public interest litigation (PIL) petitions filed against Jharkhand Chief Minister Hemant Soren seeking a CBI investigation into allegations of money laundering, are not maintainable.

Mr. Soren had approached the Supreme Court after the State High Court had held that the PIL petitions against him for alleged money laundering through shell companies and obtaining a mining lease were maintainable.

The Bench, which gave relief to Mr. Soren, was headed by Chief Justice U. U. Lalit.

“We have allowed the appeals holding that the PILs are not maintainable,” Justice Sudhanshu Dhulia, on the Bench, said.



“The allegations made are vague, very much generalised and not at all substantiated by anything worthy to be called evidence,” Justice Dhulia said.

“...Therefore only asking the court to direct the CBI or the ED to investigate the matter... is nothing but an abuse of the process of the court,” Justice Dhulia declared.

The Supreme Court had earlier stayed the Jharkhand High Court proceedings against Mr. Soren while reserving his appeals against the HC decision for judgment. The PILs against Mr. Soren had also alleged violations of provisions of the Representation of the People Act. Taking cognisance of the controversy, the Election Commission had sent a notice to Mr. Soren in May seeking his version on the mining lease issued in his favour while holding the Mining portfolios. The High Court had concluded that the “writ petitions cannot be thrown away on the ground of maintainability”.

UNLAUNDERED TRUTH

A Special Court dealing with cases under the Prevention of Money Laundering Act (PMLA) in Mumbai has made some extraordinarily scathing observations about the way the Enforcement Directorate (ED) functions. While granting bail to Sanjay Raut, Shiv Sena (Uddhav Thackeray) MP, the court has termed his arrest not only illegal but also one recorded for “no reason” at all. The grant of bail and the observations made by Special Judge M.G. Deshpande have galvanised the ED to file an immediate appeal before the Bombay High Court, but the lengthy order contains enough material to substantiate the charge by Opposition parties that central agencies are being utilised to hound political opponents. The judge has found that the underlying criminal case of cheating concerned another set of people who had committed misdeeds, but they were not arrested. As far as Mr. Raut and his associate, Pravin Raut, who has also been given bail, were concerned, it was essentially a civil dispute, and there was nothing to show that money involved in their transactions were “proceeds of crime”. Their arrest under the PMLA was illegal, the court said, because there was no underlying scheduled offence. The ED has alleged that the proceeds of the fraudulent sale of tenements pertaining to a re-development project at Patra Chawl in Mumbai, amounted to ₹1,039 crore. It had further alleged that Mr. Pravin Raut was a proxy for Sanjay Raut, and that the latter and his wife had utilised ₹95 crore out of the proceeds to buy assets.

The misuse of agencies seems to be an unlaundered truth, going by the court’s remarks. There has indeed been a disproportionate targeting of non-BJP political leaders by investigating agencies of the Union government. While lawyers and activists have been arrested under anti-terrorism laws, mainstream political opponents often see tax raids and money-laundering cases. The latter class of cases is made possible by the PMLA that permits the ED to register a money-laundering case whenever there is an FIR by the police involving a given list of offences. In a sardonic comment, the Special judge has noted that the ED works at great speed while making an arrest, but proceeds with the trial at a snail’s pace. ED officers seem to be aware only of Section 19 (power to arrest) and Section 45 (stringent conditions for bail), but not the fact that they should also hold a trial. The judge’s remarks also drive home the fact that money-laundering prosecutions have an abysmally low rate of convictions. Instead of rushing to file appeals against adverse orders, central agencies ought to reflect on the manner in which they are being utilised for political ends.

CONTENT SLOT

Tweaking guidelines for television channels operating in India, the Union Cabinet has laid down some norms on content as well. In the time of polarising opinions, heated debates and narrow targeting of ideas on television, it said wherever applicable, the channels would have to broadcast

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



content on themes of national importance and socially relevant issues for at least 30 minutes every day. The 'Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022' point out that as airwaves and frequencies are public property and need to be used in the best interest of society, a company with permission to operate in India, barring foreign channels, will have to air content in the service of the public. The themes that have been picked out include education and spread of literacy, agriculture and rural development, health and family welfare, science and technology, welfare of women and weaker sections of society, protection of environment and of cultural heritage and national integration. These are subjects on which a lot more awareness is necessary. According to a FICCI-EY report, with television subscriptions estimated to add another 42 million by 2025 from 178 million in 2021, on the face of it, the public service broadcast is not a bad idea in a diverse country with myriad issues.

The good intent, however, comes with a caveat. The guidelines say "the Central Government may, from time to time, issue a general advisory to the channels for telecast of content in national interest, and the channel shall comply with the same". Though the Government has left it to the channels to "appropriately modulate their content to fulfil the obligation", its stated intention to step in as and when required may be another way to signal that it will keep a watchful eye on the media. In its 2008 recommendations, the Telecom Regulatory Authority of India had suggested a public service obligation, which the Information and Broadcasting (I&B) Ministry has taken on board. But there is no clarity yet on compensation norms and who is going to foot the bill for the public service component on TV. The guidelines, with effect from November 9, replace those in operation since 2011 with the Government announcing a host of measures which include making India a teleport hub. The Government has done away with the requirement to seek permission for live telecast of events; only prior registration of events will be necessary for live telecast. As for the 30-minute public service slot, I&B Secretary Apurva Chandra has said stakeholders will be consulted regarding the modalities, which will have to be sorted out.

GOVERNOR ARIF MOHAMMED KHAN'S BATTLE WITH KERALA GOVERNMENT, MEDIA

Kerala Governor Arif Mohammed Khan has been sparring with the state government headed by the CPM on a host of issues. He has demanded the resignation of vice-chancellors appointed by the state government on grounds of procedural violations. He took umbrage to a statement made by a minister and asked the chief minister to remove him. On Monday, he turned his attention to the media and expelled two TV channels from his press conference alleging that they were carrying out a "campaign (against him) based on falsehood". Surely, Khan's words and actions do not behove the office he occupies. Raj Bhavan has to stay above petty political battles and not be seen in an openly adversarial relationship with the elected government. Of course, Khan, a seasoned politician well read in constitutional matters, should know this.

The Constitution envisages a minimal role for the Governor's office: It is expected to function as per the advice of the Council of Ministers. Sure, he can offer wise counsel to the government, but it is unacceptable for him to insist that the chief minister follow every word of it. The Governor's office can't assume the role of the political Opposition in the state, which would compromise the dignity of the office. Unfortunately, Khan's open criticism of the government and the manner in which he does it has reduced him to an Opposition figure. Similarly, his targeting of a section of the media is in poor taste: His disagreements with the political groups that back these TV channels cannot be a reason to humiliate journalists on their rolls. Khan invoked reasons of propriety and drew parallels with a minister's relations to the CM and the governor's to the PM to back his



approach to journalists. The comparisons do not hold: It is preposterous on the part of Khan to expect the media to serve at the pleasure of his office.

On its part, the CPM has sought to take the battle to the Raj Bhavan by mobilising cadres — the party has announced a march on November 15. While the Governor's overreach is unacceptable, the government has a lot to answer for the issues the Raj Bhavan has flagged. For instance, nepotism in both formal and informal appointments is a serious charge that the government can't ignore. In the end, however, the government is accountable to the public, not the Governor. Both sides have to figure out when to step back.

KERALA GOVT. MOVES TO DIVEST GOVERNOR OF CHANCELLOR ROLE

In the latest escalation of its running battle with Governor Arif Mohammed Khan, the Kerala government on Wednesday decided to remove him as Chancellor of State universities, seeking to replace him with "renowned academic experts".

The State Cabinet on Wednesday resolved to request the Governor himself to promulgate an ordinance removing him from the position. This would divest him of his powers as Chancellor, and at one stroke, render the Raj Bhavan remote from all aspects of university governance.

In an official statement, the Cabinet noted that the M.M. Punchhi Commission, constituted in 2007 by the then-Congress-led Union government to study Centre-State relations, had vouched against granting Governors the power of Chancellors.

The Commission had recommended that State governments desist from burdening Governors with the Chancellor's role, the statement said.

The Cabinet's decision came as no surprise. On Sunday, Communist Party of India (Marxist) State secretary M.V. Govindan hinted the party would go to any extent to insulate the jurisdictional autonomy of universities from Mr. Khan's alleged trespasses.

In an apparent reference to the recent move by Mr. Khan questioning the appointment of Vice-Chancellors of 11 universities, Higher Education Minister R. Bindu said at a press conference that there were interferences in the functioning of varsities, which aimed at making them rudderless.

The CPI(M) also seemed to take a cue from the Tamil Nadu government, which had weighed a similar executive order after several run-ins with the Governor in his capacity as Chancellor.

In case Mr. Khan disagreed with the ordinance and withheld its promulgation, the government may introduce a Bill in the Assembly to remove him, senior CPI(M) leaders indicated. Although the ruling LDF has the numbers in the Assembly to push such a Bill through the House, it will face stiff opposition from the Congress-led United Democratic Front (UDF).

Leader of the Opposition in the Assembly V.D. Satheesan said the ordinance to curtail the Governor's powers was not well-intentioned, and at worst, could be considered conspiratorial. The CPI(M) aspired to insert its favourites into Chancellor positions to take total control of the higher education sector to promote politically partisan interests, including nepotism in appointments, claimed Mr. Satheesan, adding that the UDF would not abide by the CPI(M)'s plot.

BJP State president K. Surendran warned the government to brace itself for aggressive street protests if it removed Mr. Khan from the Chancellor's position. He alleged that the ordinance was a cover for CPI(M)-orchestrated corruption and favouritism in varsity appointments.



NEEDLESS NEEDLING

The presentation of a memorandum against Tamil Nadu Governor R.N. Ravi by MPs of the ruling DMK-led Secular Progressive Alliance to President Droupadi Murmu is yet another reflection of the fractured relationship between the DMK regime and the Governor. Irrespective of their differences, this unfortunate development could have been avoided with some effort and reasoning on both sides. The memorandum has slammed the Governor's way of functioning, "openly contradicting its [Tamil Nadu government's] policy in public and unduly delaying assent to Bills". In an account of 20 Bills passed by the State Assembly and pending with the Governor, the memorandum, expectedly, dealt with Mr. Ravi's approach towards the TN Admission to UG Medical Degree Courses Bill 2021, also called NEET [National Eligibility-cum-Entrance Test] exemption Bill, which is now awaiting presidential assent. What the Alliance argued was that Mr. Ravi, instead of forwarding the Bill to the President, even in the first instance had chosen to return it to the Assembly, "which is ultra vires of the powers conferred on a Governor". But quite needlessly, the joint statement also took strong exception to the Governor's public statements on matters unrelated to governance such as Sanatana Dharma, Dravidian heritage, Tamil pride and Thirukkural, a Tamil classical work. Ever since he assumed charge in September 2021, Mr. Ravi, a former Nagaland Governor, has earned the DMK's wrath over the NEET exemption Bill. In addition, his presenting himself as a strong advocate of the three-language formula and the National Education Policy (NEP) has not been palatable to many parties in the State.

While it is perfectly legitimate to have contrarian views in a democratic set up, every constitutional authority should conduct himself or herself in a manner that adheres to the letter and spirit of the Constitution. Notwithstanding the correctness or otherwise of his position, the Governor should not be seen as one needlessly provoking a duly-elected government to confront him on one issue or the other. He should walk the extra mile to establish that he stays within constitutional limits. Given his non-political background, Mr. Ravi is better placed than many of his gubernatorial counterparts to present himself as being fair and objective. Meanwhile, critics including those from the ruling party should refrain from reacting adversely to every single observation as their responses may create an impression of their wanting to be in a state of perpetual conflict with the Governor. After all, the ties between the institution of Governor and the State government rest and flourish on understanding and mutual respect. Otherwise, Tamil Nadu will be the loser, undermining governance.

A HIGHER NUMBER OF PROMOTIONS, BUT LOWER LEARNING OUTCOMES

Higher education in India is entering a worrying phase due to the unprecedented impact of COVID-19 on school education. On the one hand, with policies mandating the promotion of students, promotion rates at the secondary school level rose significantly and repetition rates nosedived during the pandemic years (2020-21 and 2021-22). On the other, the inability to attend physical school and the lack of access to digital education caused a massive drop in learning levels after the COVID-19 outbreak. Simply put, compared to students from the pre-COVID-19 years, more students were promoted from secondary to higher secondary school and graduated from school to college during the pandemic years even though their learning outcomes were poor. This is significant as even in the pre-COVID-19 era, the employability of engineers had been reducing fast due to the poor quality of education and the lack of conceptual understanding.

The Unified District Information System for Education (UDISE+) survey for 2021-22 shows that the promotion rate among secondary school students continued to increase even during the



pandemic years. Notably, the promotion rate among Scheduled Caste (SC) and Scheduled Tribe (ST) students increased sharply after the outbreak. The promotion rate among Other Backward Classes (OBC) students continued to rise unabated. The repetition rates too drastically came down in the pandemic years with some 1% students repeating their class across all communities. Notably, the gap in the repetition rate between SC/ST students and general category students declined greatly after the outbreak.

While the promotion rate surged and the repetition rate declined, the marks scored by school students in National Achievement Survey (NAS) exams dropped significantly across classes and in most subjects. NAS exams were conducted in November 2021 across select schools. Similar tests were conducted in 2017/2018. For instance, in the Class X Science exam, the score of general category students dropped by 34 marks, while that of SC, ST and OBC students declined by 45, 48 and 40 marks, respectively. So, there will be a disproportionately greater impact on SC and ST students as their learning outcomes reduced the most while their promotion rates saw the highest degree of rise among all the communities. Despite reports such as a UNICEF poll and an Annual Status of Education Report (ASER) survey pointing out that dropout rates increased in India during the outbreak, UDISE+ data do not reflect this drop.

ASER showed that except in the 15-16 age group, the share of children who were “not enrolled” in schools in 2020 and 2021 compared to 2018 increased in every other age group. However, the UDISE+ shows an increase in enrolment rate across all levels of education (Table 6). This contradiction in data necessitates further scrutiny of the UDISE+ data.

INDIA'S FIRST PRIVATE SATELLITE VEHICLE SET FOR LAUNCH: ALL YOU NEED TO KNOW ABOUT VIKRAM S, AND WHY IT IS A BIG DEAL

India's first privately developed launch vehicle is set to make its maiden flight from Indian Space Research Organisation's (ISRO) launchpad at Sriharikota between November 12 and 16. The mission, of Hyderabad-based Skyroot Aerospace, is called 'Prarambh' (the beginning), and will carry two Indian and one foreign customer payloads on the launch vehicle named 'Vikram'.

“A launch window between November 12 and 16 has been notified by authorities, the final date being confirmed based on weather conditions,” Skyroot Aerospace CEO and co-founder Pawan Kumar Chandana said. Vikram's successful launch will mark a big step for India's space exploration sector. In fact, Skyroot on its website claims, “Launching satellites to space will soon become as easy as booking a cab — Quick, precise and affordable!”

What exactly is Mission Prarambh

Prarambh will see Vikram-S carry three customer satellites in a sub-orbital flight. Sub-orbital flight, like the ones undertaken by Jeff Bezos and Richard Branson, travel slower than orbital velocity — they are fast enough to reach outer space but not fast enough to stay in orbit around the Earth.

“The Vikram-S rocket is a single-stage sub-orbital launch vehicle which will carry three customer payloads and help test and validate technologies in the Vikram series space launch vehicles,” said Naga Bharath Daka, COO and co-founder of the company. Also, Spacekidz, a Chennai-based aerospace startup, will fly 'Fun-Sat', a 2.5 kg payload developed by students from India, the US, Singapore and Indonesia, on Vikram-S.



Vikram's features

As reported by PTI, Skyroot was the first startup to sign a memorandum of understanding with ISRO for launching its rockets. Its launch vehicles have been crafted specially for the small satellite market, and are named 'Vikram' as a tribute to Vikram Sarabhai, founder of the Indian space programme. They come in three forms, Vikram I, II, and III.

According to Skyroot, "More than 20,000 small satellites are estimated to be launched in the coming decade, and Vikram series is designed to enable this through unprecedented mass producibility and affordability. The leading technology architecture of Vikram vehicles offers unique capabilities like multi-orbit insertion, interplanetary missions; while providing customised, dedicated and ride share options covering a wide spectrum of small satellite customer needs." Skyroot claims a Vikram rocket can be assembled and launched within 24 hours from any launch site, and has the "lowest cost in the payload segment".

The need for satellite launch vehicles like Vikram

As reported earlier by The Indian Express, for a very long time, small satellites — anything weighing between 5 and 1,000 kg — had to remain content with hitching a ride to space on rockets commissioned to carry some other, larger satellites.

The timeline of the launch would be dictated by this larger, primary, satellite, whose interests would take precedence. But with more and more businesses, government agencies, even universities and laboratories beginning to send satellites — nearly all of them falling in this category of small satellites — to space, the constraints of a piggyback ride have started to hurt.

The demand for the launch of small satellites has increased at a rapid pace in the last eight to ten years, thanks to the ever-growing need for space-based data, communication, surveillance, and commerce. The need for satellite data, imageries and space technology now cuts across sectors, from weather to agriculture to transport to urban development.

In India

In India, ISRO is capable of launching satellites into space, and the demand is fast outrunning its capacity, especially as the space agency also has other, larger goals it needs to focus on. Therefore, the sector is being opened up to private players, with ISRO helping them with facilities and knowledge. The use of facilities can be chargeable, providing ISRO with revenue.

Chandna, Skyroot CEO, said on Tuesday, "We could build and get our Vikram-S rocket mission ready in such a short time only because of the invaluable support we received from ISRO and IN-SPACe (Indian National Space Promotion and Authorisation Centre), and the technology talent that we inherently possess."

Also, on November 4, the Vikram Sarabhai Space Centre (VSSC), ISRO's lead centre for the development of launch vehicles, facilitated the hot testing of a rocket engine developed by Indian space startup Agnikul Cosmos, as part of an MoU between them.

VSSC successfully conducted the 15-second hot test of Agnilet Engine at its Vertical Test Facility, Thumba Equatorial Rocket Launching Station (TERLS), Thiruvananthapuram.



ISRO'S CRYOGENIC ENGINE, INDIGENOUSLY DEVELOPED FOR LVM3, PASSES HOT TEST

The Indian Space Research Organisation (ISRO) has successfully conducted the hot test of CE20 cryogenic engine, which has been indigenously developed for Launch Vehicle Mark-3 (LVM3), previously called the GSLV-Mk3, at Mahendragiri in Tamil Nadu on Wednesday (November 9).

According to the space agency, CE20 cryogenic engine is indigenously developed for LVM3. It was subjected to a successful hot test at an uprated thrust level of 21.8 tonne for the first time on Wednesday.

This will enhance the LVM3 payload capability up to 450 kg with additional propellant loading.

The major modifications carried out on this test article compared to previous engines was introduction of Thrust Control Valve (TCV) for thrust control. ISRO said in addition to the hot test, a 3D printed LOX and LH2 turbine exhaust casings were inducted in the engine for the first time.

During the test, engine and facility performance was normal and required parameters were achieved, according to ISRO. The LVM3 is the heaviest launch vehicle of ISRO.

Last month, the LVM3 placed 36 satellites of OneWeb; this was LVM's first commercial launch. Following the launch, ISRO said that the LVM3 has become a catalyst for the Indian Space Programme, opening new vistas for heavy payloads to the Low Earth Orbit.

Early next year the ISRO is expected to launch LVM's second commercial launch.

UTTARAKHAND BANS FIVE 'DRUGS' MADE BY PATANJALI

Authorities of Ayurvedic and Unani Services, Uttarakhand has asked Patanjali's Divya Pharmacy to stop the production of five drugs and remove their advertisements in media. The pharmacy, which comes under the Patanjali company founded by yoga exponent Baba Ramdev, has been found in repeated contravention of the Drugs and Magic Remedies (Objectionable Advertisement) Act. In the letter issued by G.C.S. Jangpangi, licence officer, Uttarakhand Ayurvedic and Unani Services, the pharmacy has been asked to stop production of Divya Madhugrit, Divya Eyegrit Gold, Divya Thyrogrit, Divya BPgrit, and Divya Lipidom.

According to Patanjali, these drugs were used to control diabetes, eye infection, thyroid abnormalities, blood pressure and cholesterol. Patanjali has said the medicines made by Divya Pharmacy follow prescribed standards. The company said it was facing an attack from the "anti-Ayurveda drug mafia".

WHY CENTRE HAS RESTRICTED USE OF A HERBICIDE IN DEMAND AMONG FARMERS

The Union Agriculture Ministry has restricted the use of glyphosate, a widely used herbicide. This comes even as the Supreme Court on November 10 is about to take up a plea seeking a ban on all herbicide-tolerant crops, including transgenic hybrid mustard and cotton.

What is glyphosate?

It is a herbicide used to kill weeds — undesirable plants that compete with crops for nutrients, water and sunlight. Since weeds basically grow at the expense of crops, farmers remove them manually or spray herbicides.



Glyphosate is a broad-spectrum herbicide that can control a wide range of weeds, whether broadleaf or grassy. It is also non-selective, killing most plants. When applied to their leaves, it inhibits the production of a protein '5-enolpyruvylshikimate-3-phosphate synthase (EPSPS)'. This enzyme, produced only by plants and microorganisms, synthesises aromatic amino acids that are necessary for their growth.

Use in India

There are nine glyphosate-based formulations containing different concentrations of the chemical registered for use under the Insecticides Act, 1968 (<https://bit.ly/3FXz7IS>). These are approved largely for weed control in tea gardens and non-crop areas such as railway tracks or playgrounds. Farmers also apply glyphosate on irrigation channels and bunds to clear these of weeds, making it easier for water to flow and to walk through them. Weeds growing on bunds are, moreover, hosts for fungi, such as those causing sheath blight disease in rice.

In general, though, the scope for glyphosate use is limited for the very reason that it is non-selective. Designed to kill all plants coming into contact with it, the chemical cannot ordinarily distinguish between crop and weed. Hence, it can be used in tea or rubber plantations, but not in fields where the crops and weeds are at almost the same level.

What exactly has the government now done?

The Ministry of Agriculture and Farmers Welfare, on October 21, issued a notification stating that "the use of glyphosate involves health hazards and risk to human beings and animals". It has, however, not banned and only "restricted" its use. The spraying of glyphosate and its derivatives shall henceforth only be permitted through "pest control operators".

Why has this been done?

As earlier noted, the scope for glyphosate is already restricted in normal agricultural crops by virtue of it being a non-selective herbicide. Glyphosate application has increased only with the advent of genetic modification (GM) or transgenic technology.

In this case, it has involved incorporating a 'cp4-epsps' gene, isolated from a soil bacterium *Agrobacterium tumefaciens*, into crop plants such as cotton, maize and soyabean. This alien gene codes for a protein that does not allow glyphosate to bind with the EPSPS enzyme. The said GM crop can, therefore, "tolerate" the spraying of the herbicide, which then kills only the weeds.

In 2019 alone, some 81.5 million hectares were planted worldwide with herbicide-tolerant (HT) GM crops (<https://bit.ly/3UkOPlk>). The global glyphosate market is annually worth \$9.3 billion, with over 45 per cent of use on account of GM crops (<https://bit.ly/3TdbclC>)

As far as India goes, the only GM crop officially under commercial cultivation today is Bt cotton. This has two alien genes ('cry1Ac' and 'cry2Ab') from the soil bacterium *Bacillus thuringiensis*, that code for proteins toxic to the American bollworm, spotted bollworm and tobacco caterpillar insect pests. In the 2022 kharif planting season, about 39 million Bt cotton packets — each containing 450 gm of seeds — were sold at a notified maximum retail price of Rs 810/packet.

But industry estimates suggest sales of an additional 5 million packets of "illegal" GM cotton seeds at prices ranging from Rs 1,100 to Rs 1,350/packet. These seeds harbour both insect-resistance and HT traits, coming from the two Bt genes and the glyphosate-tolerant 'cp4-epsps' gene.



Neither the Centre nor state governments have succeeded in stopping the cultivation of illegal HT cotton. The fact that their seeds (1.5 to 2 packets are sown on every acre) are selling at a premium is proof of farmers themselves wanting them. Given the high cost of manual weeding and non-availability of labour when required, they clearly see the value in spraying glyphosate and planting HT cotton. Having failed to curb the illegal sales of seed, the Centre is trying to nip the problem in the bud — by cutting the access of farmers to glyphosate and allowing its use only through pest control operators.

How valid are the health concerns over glyphosate?

The World Health Organisation's International Agency for Research on Cancer (IARC), in March 2015, classified glyphosate as "probably carcinogenic to humans" (<https://bit.ly/3UAK72K>). But this was based on evidence for cancer in experimental animals from "pure" glyphosate, as opposed to that in humans from real-world exposures through diluted formulations (which is how the chemical is actually sold and used).

The US Environmental Protection Agency, on the other hand, has held that there are "no risks of concern to human health from current uses of glyphosate" and "no evidence" of it causing cancer. Its findings are based on "a significantly more extensive and relevant dataset [than the IARC's]" (<https://bit.ly/3NNqP81>).

The European Chemicals Agency, too, has concluded that "classifying glyphosate as a carcinogenic, mutagenic (causing DNA changes) or reprotoxic substance is not justified" (<https://bit.ly/3NNSzOB>).

For now, what's not in doubt is the demand for herbicides and crops that can withstand their application among Indian farmers.

The Union Environment Ministry's Genetic Engineering Appraisal Committee (GEAC), on October 18, recommended the commercial release of Delhi University's GM hybrid mustard. This crop can also tolerate the spraying of glufosinate ammonium, a non-selective herbicide similar to glyphosate. GEAC is further set to take a call on approving glyphosate-tolerant Bt cotton, whose illegal cultivation is an open secret.

All eyes are next on the Supreme Court, scheduled to hear a plea challenging the GEAC's nod for the transgenic hybrid mustard and also seeking a ban on all HT crops.

AAP GOVT IN PUNJAB WATCHES THE FIELDS BURN. THE SOLUTION IS REDUCING PADDY ACREAGE & DEEP AGRI REFORMS

Punjab has recorded 29,400 paddy crop residue burning events in the current harvest season from September 15 to November 5, as against 28,792 during the same period last year. The increase cannot be blamed on the absence of farmer awareness or means to manage the leftover stubble and straw from combine-harvesting. The state has some 50,000 tractor-drawn happy, super and smart seeders that can remove the standing paddy stubble and incorporate it into the soil, while simultaneously sowing the seeds of the next wheat crop. These — along with an equal number of other machines (mulchers, rotavators, straw balers, choppers, reversible mould board ploughs, etc) — should, at least on paper, enable a significant part of Punjab's wheat area to be planted without setting fields on fire. That's not happening. A ground report in this newspaper has shown even farmers having access to the machines taking the easy way out, unmindful of the public health costs.

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



There's an obvious reason why farmers are continuing to do what they shouldn't be. The AAP government in Punjab has demonstrated both incompetence and lack of political will in taking any action against perpetrators — not a single FIR has been filed so far. True, the extended monsoon has delayed paddy harvesting by around 10 days this time, further reducing the sowing window for wheat. But given the availability of machines — the seeders, costing Rs 1.75-2.5 lakh each, are subsidised up to 80 per cent — this shouldn't have been a serious constraint. The likelihood of a spike in residue burning incidents due to late harvesting is something that was known and could have been managed. Such proactiveness was expected all the more from a party that's also in power in Delhi, the state bearing the brunt of the farm fires.

Clearly, machines cannot, beyond a point, solve what is more than just a burning problem. Punjab needs to sharply reduce, maybe halve, its three million hectares-plus area now under paddy cultivation. It simply does not have the water resources for this. As a first step, the supply of free electricity, encouraging farmers to pump excess groundwater to grow a crop not best suited to the state's agro-ecology, must end. This should be accompanied by a planned programme — say, over five years — of diverting half of the paddy area to cotton, maize, soyabean, arhar and other kharif pulses and oilseeds. Farmers growing these alternative crops may be given assurance of minimum support price (MSP) that will incentivise them to switch from paddy. Such guaranteed MSPs, conditional upon their not cultivating paddy and paid as difference over the ruling market prices, can be a realistic solution to a problem rooted as much in political economy as agronomy.

JHARKHAND FORMS TASK FORCE TO STUDY IMPACT OF CLIMATE COMMITMENTS

The Jharkhand government has formed a task force to study the impact on the state of commitments made by India at last year's global climate summit.

At the COP26 summit in Glasgow last year, India had committed to achieving net-zero carbon emissions by 2070 and set a target of building the capacity to generate 500 GW of non-fossil fuel energy.

Officials said the task force, comprising officials from 13 different departments, has been formed to assess the magnitude and nature of the effects of the "accelerated phase-out of coal mines and coal-based industries" on Jharkhand's economy as well as on the communities that are directly or indirectly dependent on these industries.

The task force is expected to deliver an interim report within 12 months.

"With the state endowed with rich coal resources, and a large number of coal-based industries located in the state, it is necessary to study the impact of such commitments on the state and its people and to prepare for a transition towards a green and sustainable model of development. To this effect, a task force is hereby constituted to study the effects of transition from a fossil fuel-based energy eco-system on the communities and workers, particularly those impacted by planned/unplanned closure of mines, among others," Jharkhand's Forest, Environment and Climate Change Department said in a notification issued on November 4.

PASHMINA SHAWLS HAVE SHAHTOOSH GUARD HAIR, SAY CUSTOMS OFFICIALS; ALL FLUFF, COUNTER TRADERS AND ARTISANS

Traders of universally prized Pashmina shawls are complaining that "obsolete testing methods" have resulted in many of their export consignments being flagged by Customs authorities for



presence of Shahtoosh guard hair, which is obtained from endangered Tibetan antelopes. The traders claim the use of obsolete techniques such as “light microscopy” by the authorities has resulted in several cases of “false positives”, leading to their wrongful prosecution.

Pashmina is obtained from a breed of mountain goats (*Capra hircus*) found on the Changthang Plateau in Tibet and parts of Ladakh. Manufacture of Pashmina is a largely unorganised cottage and handicraft industry, providing employment and livelihood to approximately six lakh people, most notably to local skilled villagers and artisans in Kashmir.

Shahtoosh, on the other hand, is the fine undercoat fibre obtained from the Tibetan antelope, known locally as chiru, a species living mainly in the northern parts of the Changthang Plateau in Tibet. As they offer high levels of smoothness and warmth, Shahtoosh shawls is a highly expensive commodity.

However, when their population declined dramatically from commercial poaching, CITES (Convention on International Trade in Endangered Species of Wild Fauna & Flora) listed the Tibetan antelope in 1979, leading to a ban on sale and trade of Shahtoosh shawls and scarves.

As the two materials have similar physical properties and tangibility, differentiation is hard without advanced scientific forensic methods.

Due to the “prevailing system”, a lot of export orders get cancelled as it takes months — in some cases years — for the shipment to eventually be released by the officials. “As a result, the value of Pashmina exports has dropped from over ₹750 crore six or seven years ago to about ₹100 crore today,” Mr. Rashid said. As many of the exporters do not want to get into this kind of trouble, many have quit the export-end of business and are focussing on retail, he said, adding, “That’s why there is such a huge dip in exports.”

HC moved

Left with no other option, the Pashmina Exporters and Manufacturers Association has moved a petition before the Delhi High Court, for a direction to improve the existing testing infrastructure by incorporating the modern “scanning electron microscopic” technique and DNA tests.

Advocates Tanveer Ahmed Mir and Kartik Venu, who represented the association, said the ambiguity in the forensic results adversely affected the reputation and finances of the Pashmina industry.

Mr. Mir said that the traders were subjected to both Customs prosecutions — on suspicion of presence of Shahtoosh guard hair — as well as criminal prosecutions by the Wildlife Crime Control Bureau (WCCB), CBI, and ED, possibly leading to incarceration up to seven years, even when it is not clearly proved if the material used is in fact a contraband.

India contributes only about 1% of the world’s Pashmina, but the Pashmina produced in India is considered the best of the lot.

INDIAN BLACK HONEYBEE IS A WESTERN GHATS DISCOVERY

A new species of endemic honeybee has been discovered in the Western Ghats. The new species has been named *Apis karinjodian* and given the common name Indian black honeybee.



The finding has been published in the September issue of *Entomon*, a peer-reviewed journal brought out by the Association for Advancement of Entomology.

It is after a gap of more than 200 years that a new species of honeybee has been spotted in the Western Ghats. The last honeybee described from India was *Apis indica* in 1798 by Fabricius. Although Fabricius named the Indian bee *Apis indica*, it was not considered a valid species till now. The research team restored the status of *Apis indica* based on a new measure for species discrimination in honeybees termed 'Radio-Medial Index (RMI).'

They obtained high-resolution photographs of the type specimen from the Natural History Museum, Copenhagen, Denmark, to prove the distinct identity of *Apis indica*, which led to the discovery of *Apis karinjodian*.

Apis karinjodian has evolved from *Apis cerana* morphotypes that got acclimatised to the hot and humid environment of the Western Ghats. Molecular analysis of mitochondrial DNA was also carried out and molecular sequence data available in the public open database NCBI-GenBank also helped confirm the species status of the new honeybee. The research work took more than three years.

The distribution of *Apis karinjodian* ranges from the central Western Ghats and Nilgiris to the southern Western Ghats, covering the States of Goa, Karnataka, Kerala and Tamil Nadu.

NEELAKURINJI WITHERS BUT TOURIST INFLOW CONTINUES

Though the Neelakurinji flowers (*Strobilanthes kunthiana*) atop the Kallippara hills in Idukki have withered away, the inflow of tourists to the picturesque landscape continues.

According to Santhanpara panchayat officials, Neelakurinji largely bloomed on the Kallippara hills from the first week of October. It is estimated that more than 10 lakh people flocked to the hills in the past 30 days. Santanpara panchayat president Liju Varghese said the local body closed the ticket counter on Sunday. "Even though the flowers have dried out, tourists are continuing to visit the Kallippara hills," he said.

Tourism potential

"Considering the tourism potential of the Kallippara hills, the panchayat has decided to develop it as a tourism destination. A memorandum will be submitted to the District Collector in this regard," Mr. Varghese added.

Tourist footfall has generated a revenue of ₹15,03,180 lakh this blooming season, officials said. About four tonnes of waste collected from the site has been transported to the Material Collection Facility (MCF) centre that is functioning under the grama panchayat. Haritha Karma Sena members will conduct another massive clean-up drive on the Kallippara hills, said officials. The stunning view of Tamil Nadu and the windmills in Chathurangapara hills are also attracting the tourists to the Kallippara hills.

CAMERA TRAPS RENEW HOPE FOR SNOW LEOPARD IN KASHMIR

Camera trapping exercises by researchers from Nature Conservation Foundation (India), partnering with J&K's Department of Wildlife Protection, also raised hopes for other important



and rare species such as the Asiatic ibex, brown bear and Kashmir musk deer in the upper reaches of the northernmost part of India.

“It is the first record of snow leopard from the Baltal-Zojila area. In fact, we have very limited records of the presence of snow leopards across J&K,” Munib Khanyari, programme manager at NCF (India), told The Hindu on November 6. But not much is known about the number of snow leopards in J&K and Ladakh.

“The Snow Leopard Population Assessment of India (SPAI) has been concluded so far in Himachal Pradesh and Uttarakhand. The estimated population of the great cat is 50 and 100, respectively, in these two States,” he said.

Various teams have been conducting surveys across the nearly 12,000 sq. km potential snow leopard territory of J&K for a few years now covering Gurez, Thajwas, Baltal-Zojila, Warwan, and Kishtwar. The surveys have often focused on the neighbouring areas of Ladakh, Himachal Pradesh and Uttarakhand.

NEW CRAB SPECIES FOUND IN T.N.

Researchers have discovered a new species of estuarine crab at the mangroves of Parangipettai near the Vellar river in Cuddalore district. The species has been named *Pseudohelice annamalai* in recognition of Annamalai University’s 100 years of service in education and research. The discovery has been published in the latest issue of *Zoological Studies* by M. Prema and S. Ravichandran of the Centre of Advanced Studies (CAS) in Marine Biology, Annamalai University, in collaboration with Professor Hsi-Te-Shih and Jih-Wei Hsu of National Chung Hsing University, Taiwan.

“This is the first ever record of this genus, *Pseudohelice*, collected from high intertidal areas in front of the CAS. So far, only two species — *Pseudohelice subquadrata* and *Pseudohelice latreillii* — have been confirmed within this genus.

FREDDIE AND ELTON KILL AGAIN: WHY INDIA’S CHEETAH PAIR IS BEING TRACKED SO CLOSELY

The two Cheetah brothers in Kuno National Park, Freddie and Elton, made their second successful hunt on Wednesday evening, once again killing a Cheetal (spotted deer), forest officials said.

This comes over three days after their first kill, on the evening of November 6 (Sunday), which was reported Monday.

But wait, why is this being talked about? Aren’t cheetahs supposed to hunt anyway?

Yes, they are. And that is precisely why this is a big deal — that the cheetahs, who reached Kuno all the way from Namibia after flying 8,000 km over the Indian ocean, are exhibiting normal behaviour, which shows they are adapting well, and India’s cheetah reintroduction project worth Rs 96 crore is on the right track.

Forest officials on latest kill

Cheetahs kill once every two-three days, and after Freddie and Elton hunted a cheetal on Sunday, forest officials were waiting to see if they would confirm to this behaviour.



“Considering that they kill every two-three days, we were expecting them to make another kill soon. The monitoring team had also spotted them making a chase last evening,” a forest official told The Indian Express, requesting anonymity.

The kill was spotted this morning by a monitoring team that tracks the brothers everyday to ensure their safety. The animals are tracked in the wild using a Very High Frequency (VHF) satellite collar.

Of the last cheetah killed, Freddie and Elton finished off about 25-30 kg of meat, forest officials said. This appetite and hunting behavior shows the cheetahs seem to be thriving, the first hunt was not a fluke, and that they have not lost any muscle strength in their long travel and quarantine.

“It is encouraging to learn about the ‘rockstars’, Freddie and Elton, successfully hunting another spotted deer within five days of their release from the quarantine boma. This proves they are in the best of health conditions and agility, even after the mandatory quarantine period. Our field team along with a team from Wildlife Institute of India and the Namibian experts have worked hard and have taken good care of these cheetahs,” said Chief Wildlife Warden JS Chauhan.

Why weren't they hunting all this while?

India's cheetah reintroduction project is the first time in the world that a large carnivore has been relocated from one continent to another.

After the cheetahs reached India on September 17, they were kept in quarantine bomas (enclosures) to prevent them catching infections from other animals, and were fed buffalo meat.

They are being released into a larger enclosure in a staggered manner, with Freddie and Elton being the first, on November 5. The next cheetah to be released in the large enclosure will be another male, Obaan. The release will likely take place in a week's time, said forest officials.

The larger enclosures consist of nine interlinked compartments spread across a 5-sqkm area. The separate compartments have been created so that a particular animal can easily be removed should the need arise. The team of Dr Laurie Marker, Founder and Executive Director of Cheetah Conservation Fund (CCF) in Namibia, from whose centre the animals were brought to India, had suggested that each enclosure should have around 40 animals as prey. The forest officials in Kuno have said they will ensure an optimum prey base, as needed.

The other five cheetahs are Sasha, Siyaya, Savannah, Tbilisi and Asha. Brothers Freddie and Elton have been put up together, as will Savannah and Sasha. The others will be in separate compartments.

Asha, named by Prime Minister Narendra Modi, is suspected to be pregnant, and will be moved only after more clarity on her status. The male cheetahs are aged between 4.5 years and 5.5 years while the five female cheetahs are aged two to five years.

What next

After the cheetahs have been judged well-adapted to the larger enclosures, they will be released into the 748-sqkm Kuno National Park. While the enclosure has a high prey base, it does not have other large predators. In fact, its 11.7-km peripheral fence has electric charge to keep other animals at bay.



Cheetahs are known to coexist with leopards in Namibia, but the enclosures have been kept free of leopards to make the guest animals feel safe in their new habitat.

Once the cheetahs move to the national park, “they will have to survive with 150-odd leopards,” an official said.

Why Kuno was chosen for the cheetahs

Six sites, which had been assessed in 2010 for the translocation of the Asiatic Lion, were re-assessed in 2020 —Mukundara Hills Tiger Reserve and Shergarh Wildlife Sanctuary, both in Rajasthan, and Gandhi Sagar Wildlife Sanctuary, Kuno National Park, Madhav National Park and Nauradehi Wildlife Sanctuary in Madhya Pradesh.

Kuno was found ready to receive the cheetah immediately as it had been prepared for the Asiatic Lion. Both animals share the same habitat – semi-arid grasslands and forests that stretch across Gujarat, Rajasthan and Madhya Pradesh. The upgradation of sites required investment in reducing anthropogenic pressures through relocation of villages, mitigating infrastructure (roadways and railway) and prey augmentation for the cheetah through translocation of blackbuck, chital, chinkara and wild boar, among other animals.

Will any other site in India get the cheetahs?

The ambitious reintroduction project aims to establish a cheetah metapopulation in India nearly 75 years after the last of this animal was killed in 1947. Cheetahs were declared extinct in India in 1952.

Having brought these eight Cheetahs from Namibia, Madhya Pradesh forest officials are now making efforts to accommodate more in Nauradehi forest sanctuary in Sagar and Gandhi Sagar Sanctuary in Mandsoor. A proposal has been sent to the state government by forest officials two days ago, seeking permission to make the necessary arrangements.

According to Chauhan, the proposal has been sent as Kuno-Palpur National Park has the carrying capacity of only 25 cheetahs, and the Centre is trying to get another 12 of these animals from South Africa. When those 12 cheetahs are brought in, the total population in Kuno will go up to 20, and once the animals start coupling and babies are born, Kuno-Palpur’s carrying capacity will be exceeded.

MOTHER TONGUE SURVEY OF INDIA, INVOLVING 576 LANGUAGES, IS READY: WHAT IS THIS SURVEY?

The Ministry of Home Affairs (MHA) has completed the Mother Tongue Survey of India (MTSI) with field videography of the country’s 576 languages.

“In order to preserve and analyse the original flavour of each indigenous Mother Tongue, it has been planned to set up a web-archive at the National Informatics Centre (NIC),” says the Home Ministry’s annual report for 2021-22.

What is the MTSI?

According to the report, the Mother Tongue Survey of India is a project that “surveys the mother tongues, which are returned consistently across two and more Census decades”. It also documents the linguistic features of the selected languages.



The report states that the NIC and the National Film Development Corporation (NFDC) will be documenting and preserving the linguistic data of the surveyed mother tongues in audio-video files. Video-graphed speech data of Mother Tongues will also be uploaded on the NIC survey for archiving purposes.

How many “mother tongues” does India have, and what is spoken the most?

As per an analysis of 2011 linguistic census data in 2018, more than 19,500 languages or dialects are spoken in India as mother tongues, PTI had reported earlier.

The category “mother tongue” is a designation provided by the respondent, but it need not be identical with the actual linguistic medium. After subjecting the 19,569 returns to linguistic scrutiny, edit and rationalisation, they were grouped into 121 mother tongues, the Registrar General and Census Commissioner, India, had earlier said.

According to the 2011 linguistic census, Hindi is the most widely spoken mother tongue, with 52.8 crore people or 43.6 per cent of the population declaring it as the mother tongue. The next highest is Bengali, mother tongue for 9.7 crore individuals, and accounting for 8 per cent of the population.

Where does the mother tongue feature in the education of children?

The new National Curriculum Framework (NCF) for the foundational stages of education, launched by Education Minister Dharmendra Pradhan last month, has recommended that mother tongue should be the primary medium of instruction in schools for children up to eight years of age.

While the focus on mother tongue as the medium of instruction, especially for primary schooling, has been a feature of education policies for years, the latest push for the use of mother tongue has come after repeated policy articulations in its favour from Prime Minister Narendra Modi and Home Minister Amit Shah.

The new NCF, which deals with pre-school and classes I-II, emphasises the virtues of the mother tongue as the primary medium of instruction, saying that by the time children join pre-school, they acquire significant competence in the “home language”.

According to the NCF, evidence from research confirms the importance of teaching children in their mother tongue during the foundational years and beyond.

“Since children learn concepts most rapidly and deeply in their home language, the primary medium of instruction would optimally be the child’s home language/ mother tongue/ familiar language in the Foundational Stage,” it states.

What is the status of the population census?

The forthcoming decennial population census will be the 16th since the first exercise was conducted in 1872. It will be the eighth census since independence. The census was supposed to take place in 2021, but was postponed due to the outbreak of the Covid-19 pandemic. To ensure efficient processing and quick release of data, the Home Ministry has said that it has adopted some new initiatives, which include digital data processing and the use of geospatial technology.



According to the report, pre-census mapping activities like preparation and updation of maps that show administrative units will be carried out. Census results will be disseminated via web-based interactive maps.

Jurisdictional changes that occurred in the country after Census 2011 till 31.12.2019 have been updated in the geo-referenced database and more than 6 lakh maps (district/sub-district/village level) have been prepared and uploaded for census functionaries.

PM MODI UNVEILS KEMPEGOWDA STATUE IN BENGALURU: WHO WAS HE, AND WHAT ARE BJP'S POLITICAL CALCULATIONS BEHIND THE MOVE?

Prime Minister Narendra Modi on Friday (November 11) arrived in Bengaluru and unveiled a 108-foot tall bronze statue of 'Nadaprabhu' Kempegowda, credited to be the city's founder. He also inaugurated Terminal 2 of the Kempegowda International Airport, which was built at a cost of around Rs 5,000 crore, and flagged off two trains, south India's first Vande Bharat Express, and Bharat Gaurav Kashi Darshan train.

Karnataka Chief Minister Basavaraj Bommai had announced in June this year that a Kempegowda statue will also be installed inside the Vidhana Soudha (legislative assembly) premises within a year.

Also termed the "Statue of Prosperity", Bommai tweeted on Wednesday that the structure has been termed the "first and tallest bronze statue of a founder of a city" by the World Book of Records.

So, who was Kempagowda, what are BJP's political calculations behind the statue plan? The Indian Express explains.

Who was Nadaprabhu Kempegowda?

Nadaprabhu Kempegowda, a 16th century chieftain of the Vijayanagara empire, is credited as the founder of Bengaluru. It is said that he conceived the idea of a new city while hunting with his minister, and later marked its territory by erecting towers in four corners of the proposed city.

Kempegowda is also known to have developed around 1,000 lakes in the city to cater to drinking and agricultural needs.

He was from the dominant agricultural Vokkaliga community in south Karnataka.

His name is everywhere in the city – the Kempegowda International Airport, the Kempegowda Bus Stand, and even the main metro station in the city is called Nadaprabhu Kempegowda metro station. An arterial road in the old city is called the K G Road or the Kempegowda Road.

When was the airport statue of Kempegowda planned?

The 108-ft bronze statue is being constructed in a 23-acre heritage park on the airport premises. It has a 4,000 kg sword which arrived at the Bengaluru airport from Delhi last month. The sword was brought in a special truck from Delhi.

It was in September 2019 that then Chief Minister B S Yediyurappa had announced plans to install a bronze statue of Kempegowda at the city's international airport at the cost of Rs 100 crore.



This announcement had come a day after a massive protest by the Vokkaliga community in Bengaluru over the alleged targeting of its members, including Congress leader D K Shivakumar, the Café Coffee Day founder V G Siddharth (deceased) and former Chief Minister H D Kumaraswamy by central probe agencies.

The protest had come at a time when the BJP was making plans to poach several Vokkaliga community leaders from southern Karnataka as part of its strong push to make inroads in the old Mysuru region, which is considered as the Vokkaliga stronghold.

The plan of constructing the statue was taken forward by the present CM Basavaraj Bommai.

The CM has said that the statue will be unveiled along with the inauguration of the much-awaited international airport's Terminal-2.

"The statue of Kempegowda is in its final stages of completion and it is the tallest statue of Kempegowda," Bommai said.

What BJP aims to achieve with its push to woo Vokkaligas?

Kempegowda is an iconic figure among Karnataka's second most dominant Vokkaliga community after Lingayats. The saffron party plans to woo the Vokkaliga community by honouring Kempegowda, according to the BJP sources.

The BJP has never won a clear majority of over 113 seats in the 224-member Karnataka Assembly as the party has struggled to attract the Vokkaliga community. The community has old Mysuru as its heartland.

The old Mysuru region in south Karnataka consists of areas that were part of the erstwhile Kingdom of Mysore — Mysuru, Mandya, Chamarajanagar, Tumkur, Hassan, Chikmagalur, Kolar, Bengaluru and excludes coastal areas and Kodagu.

The BJP has been sensing a new opportunity to make inroads in the region after the Lok Sabha polls in 2019, where it virtually swept Karnataka.

The Vokkaliga community has usually been supporting former Prime Minister HD Devegowda's JD(S) and the Congress party.

LEGAL BATTLE OVER DEMOLITIONS NEAR TOMB OF AFZAL KHAN IN MAHARASHTRA

The Supreme Court on Friday (November 11) sought reports from the district collector and the deputy conservator of forests of Satara district in Maharashtra, on the demolition drive conducted around the tomb of Afzal Khan, a 17th-century commander of the Adil Shahi dynasty of Bijapur.

These reports should indicate the nature of the structures and whether due process was followed in removing the alleged unauthorised structures, the court said. A bench of Chief Justice D Y Chandarchud and Justice Hima Kohli was apprised by the Maharashtra government that the demolition drive was over and illegal structures built on government and forest land were razed.

The Hazrat Mohammad Afzal Khan Memorial Society, which has looked after the tomb since the 1950s, moved the Supreme Court through advocate Nizam Pash, seeking protection for the monument. However, Satara District Collector Ruchesh Jaiwanshi said that the administration has



removed “all the unauthorised structures that had come up around the grave of Afzal Khan”. On Thursday, the bench had agreed to hear an interim plea seeking a stay on the demolition.

What was the demolition for?

In the early hours of Thursday, officials of the Satara District administration went to the fort constructed in the mid-seventeenth century by Maratha King Chhatrapati Shivaji in Pratapgarh with earthmovers and bulldozers. There was a heavy police presence in the area and elsewhere in the district.

The administration was there to demolish the “unauthorised structures”, constructed around the medieval tomb of Afzal Khan. Khan was killed by Maratha king Chhatrapati Shivaji Maharaj near the Pratapgarh Fort in Satara and a tomb was built there later.

The Bombay High Court’s 2017 orders, in response to petitions by Hindu right-wing organisations that “unauthorised structures” around the tomb be removed, were cited for the action. As per the administration, since the early 1990s, additional structures – including pucca structures – were constructed at the spot. The High Court orders pertained to their removal.

The action was incidentally carried out on the 363rd anniversary of the killing of Afzal Khan by Shivaji, celebrated by admirers of Shivaji Maharaj as ‘Shiv Pratap Day’, and was seen as a major win for the Hindu groups in Maharashtra.

What is the history of Afzal Khan’s tomb?

With Shivaji’s rise and increasing control of the region, Afzal Khan was seen as the man to subdue him in the Deccan. According to Sir Jadunath Sarkar’s authoritative book ‘Shivaji and his Times’, Khan put together a force of 10,000 cavalry and marched from Bijapur to Wai, plundering Shivaji’s territory along the way. Shivaji called a council of war at the fort of Pratapgarh, where most of his advisers urged him to make peace. However, Shivaji was not eager to back down and he set up a meeting with Khan.

Although there’s a dispute on the minute details of how Afzal Khan was killed on November 10, 1659, among Maratha and Adilshahi sources, what’s uncontested is that during the meeting, an embrace between the two turned into an attack in which Shivaji emerged victorious. This was followed by a rout of the Adilshahi army at the hands of the Marathas.

As per Maratha sources, Khan’s remains were buried at the fort and a tomb was constructed on Shivaji’s orders. “It was indeed a graceful act on the part of Shivaji to have erected a tomb over the remains of Afzul Khan and built a tower in his honour, which is still known by the name ‘Afzul Buruj’ at Pratapgarh. The sword of Afzul Khan was preserved as a valued trophy in the armoury of Shivaji and his descendants,” said historian D B Parasnis in his 1916 book, ‘Mahabaleshwar’.

What is the controversy over the tomb of Afzal Khan?

Hindu groups, most notably Vishwa Hindu Parishad, have alleged the Hazarat Mohammad Afzal Khan Memorial Society has expanded the tomb by carrying out unauthorised constructions. In 2004, a public interest litigation application was filed by a person named Varsha Laxmanrao Deshpande, demanding the demolition.

The Hindu groups also claimed the Society was glorifying an “enemy of Swaraj” in “Shivaji’s own land” by hosting various activities in the slain commander’s honour.



ROYAL BLACK: PINK CITY'S INDELIBLE KALI SYAHI HAS WRITTEN REAMS OF HISTORY, IS A FLOWING TRADITION

Keeping alive a tradition dating back to the reign of the Kachhwaha rulers, a family in the Walled City of Jaipur makes an indelible black ink, or kali syahi, used 250 years ago for writing royal firmans (decrees) and ledgers. The fourth generation of the family now produces the ink every Deepavali.

While the erstwhile royal family used the ink for its official transactions, the businessmen of the princely State used it to write their accounts. Even universities established after Independence awarded degrees written with this ink. The ink was believed to ward off evil and bring prosperity to its users.

The manufacturers of the ink lived in the nearby Sanganer town, but were invited to the Walled City by the Jaipur royals 255 years ago and given a shop in Tripolia Bazaar at a nominal price. The shop, which now has been divided within the family, exists with a descriptive name, Kali Syahi Ki Dukaan.

Natural ingredients

He told The Hindu that the ink was made of natural ingredients using a traditional procedure handed down from generations. "The black ink is prepared on a no-moon night with the chanting of mantras. It is made of kaajal (homemade mascara), gondh (edible gum) and other locally sourced herbal ingredients." The youngest of three brothers, Mr. Bomb learned the ink-making process from his mother.

The ink has medicinal properties, as some of its ingredients were used in the traditional Ayurvedic system for the treatment and healing of wounds.

For several years, Padma Shri awardee and revered saint Narayan Das Maharaj of Triveni Dham near Jaipur visited the Kali Syahi shop on Deepavali to consecrate the ink before its release for sale. Following the Maharaj's death in 2018, one of his disciples comes to the shop and performs the ritual.

Mr. Bomb said he intended to promote the ink in Europe, taking a family tradition to a global level.

THE WOMEN IN BUDDHISM

All religions insist they respect women. However they all have stories, art and laws that are rather patriarchal, if not outrightly misogynistic. When this is pointed out, believers and followers tend to become defensive and insist this is not the fault of the religion's original essence, but of later interpreters. Such conversations have long been part of Hindu, Islamic and Christian studies, but only now are emerging in Buddhist study.

Buddha's mother

Buddhist imagery appears five centuries after the Buddha's passing. At first, Buddha was represented symbolically. Then he was given a body. The only woman of prominence in early Buddhist art is his mother. She is shown either conceiving him while dreaming of an elephant or delivering him holding the branch of a tree or being visited by her son in heaven after his Buddhahood. Relatively fewer images show his wife, who he abandons, even the milkmaid who



feeds him. There are of course women in the crowd of people adoring him, and women who are part of Jataka narratives.

Tara, a powerful Buddhist goddess, appears only a thousand years after the Buddha, five centuries after the first Buddhist art. This is part of a new school known as Mahayana where Buddha is more deity than teacher. Buddha is now linked with multiple saviour forms, the Bodhisattva. With Tara, the idea of compassion (karuna) enters Buddhist thought. It is more emotional now, and less intellectual. Tara is shown with a lotus flower. In China, images of a female Buddha appear: Kwan Yin. She grants wishes. She is kind and loving, like a mother.

About 1,500 years after the Buddha, a thousand years into Buddhist art, we find Tantrik ideas seeping into Buddhism, especially in Tibet and eastern India. Now, we find Buddhist images explicitly showing sex and violence. Buddha and Bodhisattva are shown having sex with female deities, who are sources of power and esoteric knowledge. This ritual sex is considered metaphorical. But still, it remains a far cry from the monastic ideas of Buddha in 500 BCE. This is the time we have images of fierce female forms, the Dakinis and the Yoginis, associated with terrifying forms of Buddha and Bodhisattvas, such as Heruka. In principle, the smaller female form embodies wisdom (pragnya) and the larger male form embodies compassion, but in art the two are rarely shown as equal, like Shiva and Shakti halves of the Ardharhnareshwar form. In Tantrik Hindu art we find Kali towering atop Shiva, and has an equal if not superior relationship with her male counterpart, the same is never indicated in the Yab-Yum (father-mother) artwork of Tibetan Vajrayana.

Traditional attitudes

Among literary texts, we find Therigatha, an early collection of verses composed by women. These include a woman who lost her child, a former sex worker, a rich woman who has given up her fortune, and even the Buddha's mother, whose sorrow makes Buddha realise the need to let women also renounce society and become nuns. This is one of the earliest Indian texts that gives voice to the woman, but it also reflects traditional attitudes towards them. That women were physically weak, intellectually inferior and highly sensuous, and so needed to be bound by marriage and maternity.

The code for Buddhist monks, Vinaya, has more rules for women than men, justified on grounds of the inherent inequality between the male and the female biology, which makes it easier for men to be more spiritual and women to be more carnal. After an incident where women had sex with a monk while he was sleeping under a tree, monks were advised to sleep indoors. Monks who voluntarily submit to female charms were declared defeated (parajita). In the tale of Sudinna, a young monk breaks his vows of celibacy after his old parents beg him to give his wife, whom he had abandoned, a child so that his family lineage may continue. When this is revealed, the Buddha admonishes him thus: "It is better for you to have put your manhood in the mouth of a venomous snake or a pit of burning charcoal than a woman."

As per inscriptions, women of the Satavahana period, when Buddhist stupas were being built in the Deccan, were major donors and so may have softened attitudes towards women. But Jataka tales, through which Buddhist ideas reached the common man, are full of stories that see women as temptations to be feared, and to be admired only when they display sexual restraint. Takka Jataka tells the story of a woman who has sex with a man who saves her from drowning, and later with the thief who abducts her. Andabhuta Jataka tells the story of how a gambler wins the game of dice with a mantra that derives its power from the infidelity of women. In Kunala Jataka, the



Bodhisattva himself, in the form of a cuckoo, tells eight tales of unfaithful, lustful, untrustworthy women. In Jatakas, Buddha takes 550 forms. Not one is that of a woman.

Buddhist lore is full of stories where nuns are warned that their greatest enemy is their body. And so we hear the story of a nun called Subha who plucks out her eye and gives it to the man who keeps praising it. In Japan we hear of Ryonen, who burns her beautiful face, so that she is allowed to enter the monastic order. In China, the Pure Land Buddhism speaks of Sukhavati heaven as a place where everyone has a male form and is born of a flower.

Seeds of patriarchy

When it comes to misogyny in India, we often point to toxic masculinity celebrated on the silver screen, or to chauvinist stories of gods and heroes glamorised in epics such as Ramayana and Mahabharata, or to Hindu art where Lakshmi is shown at the feet of Vishnu, for example. We rarely look at monastic orders, privileging male biology, as sowing seeds of patriarchy. Many historians argue that several Buddhist beliefs and practices were appropriated by the Brahmanical orders. However, the list of appropriated ideas never includes misogyny.

Academicians have long nurtured the Orientalist image of Buddha being the fountainhead of all things rational and liberal in India, positioned as a traditional counter to the casteist and materialistic traditions of Hindu Brahmins. It is only now that scholars are exploring Buddhist art and literature through the lens of gender and throwing light on things that have hitherto gone unnoticed.

FORGOTTEN IN INDIA AFTER FIGHTING FROM WORLD TRENCHES

On the eleventh hour of the 11th day of the 11th month of 1918, the guns fell silent over Europe, bringing an end to a brutal war that drew in soldiers and contributions from around the world. Indian blood was spilled in Europe, as it was in Africa, West Asia and Asia. The memory of the almost 10 million battlefield deaths in the First World War and the 15 million or more who were killed fighting the Second World War is now honoured in countries around the world on November 11, with nation-wide silences and the laying of wreaths. Not so much in India — apart from in Army cantonments and at the British Consulate in Kolkata — even though over 1,61,000 men made the ultimate sacrifice for India's freedom.

Seventy-five years after Independence, it is time to honour India's immense contribution to the world wars and move it from a footnote in another country's history to the main stage, where it belongs. These were India's wars too.

Two conflicts and a reticence

Indian reticence over these two conflicts arises from the uneasy relationship between the Indian contribution to fighting fascism on a global stage and the nationalist movement for freedom at home. The success of the first is seen to have come at the cost of the second. It began with the betrayal of nationalist expectations of greater autonomy for India in return for support during the Great War. This was compounded by the bitterness of Viceroy Lord Linlithgow declaring war on Germany on India's behalf in 1939 without consulting Indian leaders, and further roiled by the pitting of Indian against Indian when Netaji Subhas Chandra Bose's Indian National Army sided with the Axis Powers in the hope that this might bring freedom. But the failure of Indian independence to follow automatically from India's participation in the wars does not mean that the war efforts extended colonial rule, or were all about protecting Britain: there was fighting on



Indian soil to defend India. Yet, the prevailing impression remains that of wars fought for somebody else, somewhere else; consequently, India's valuable contribution has been written out of its history books.

India's pivotal role

Almost 1.5 million men volunteered to fight in the Great War. Indians mobilised four days after Britain declared war on Germany, with the support of nationalist leaders, including Mahatma Gandhi. Indians fought with valour and distinction in the trenches of Europe, West Asia and North Africa, earning 11 Victoria Crosses along the way. Of those men, about 74,000 never came home. India raised the largest ever volunteer army, of 2.5 million, for the Second World War. More than 87,000 of those men are cremated or buried in war cemeteries around the world and in India. Thirty-one Victoria Crosses — 15 % of the total — went to soldiers from undivided India. Without Indian soldiers, non-combatant labourers, material and money, the course of both conflicts would have been very different as acknowledged by Field Marshal Auchinleck, Britain's last Commander-in-Chief of the Indian Army, in an interview years later.

And yet, there is no recognition within India of this history. In Britain, the contribution of the Commonwealth — including the Indian subcontinent — is memorialised in the Commonwealth Memorial Gates that lead up to Buckingham Palace. The Gates commemorate the campaigns where Commonwealth soldiers served with distinction; there is also a canopy inscribed with the names of the Commonwealth recipients of the George and Victoria Crosses. Much of India's recent history is encapsulated in these gates, in a spirit of gratitude and equality. Britain, after all, has much to be grateful for, but Indians seem less keen to acknowledge this.

Some of this ambivalence owes itself to the atrocities of colonial history, which must be acknowledged too. Britain may have handed out 11 VCs over the course of the First World War, but it betrayed the hopes of nationalists with the imposition of martial law after the war ended, culminating in the horror of Jallianwalla Bagh in April 1919. British perfidy, however, does not in any way reduce the sacrifices of those who fought for freedom. Those who went abroad to fight alongside white British soldiers returned with the knowledge that they were equal to their colonial masters. In not recognising and honouring this, we push those men back into colonial subjugation.

Battles looking east

And these were not just European wars to defend foreign lands. India was threatened in the Second World War by advancing Japanese forces who got as far as Burma/Myanmar. They were repulsed in the battles of Imphal and Kohima between March and July 1944. These were brutal battles. In Kohima, the two sides were at one point separated by the width of a tennis court. A Commonwealth cemetery on Garrison Hill, Kohima, contains this epitaph (by John Maxwell Edmonds): 'When You Go Home, Tell Them of Us, and Say/For Your Tomorrow, We Gave Our Today'.

Our today has been built on the sacrifice of many, including those who died fighting fascism. Let us remember and honour them.

It is time to honour India's immense contribution to the world wars and move it from a footnote in history to the main stage



BUSINESS & ECONOMICS

WHY HAS EU'S FINANCIAL MARKETS REGULATOR DERECOGNISED SIX INDIAN CLEARING BODIES?

On October 31, the European Union's financial markets regulator European Securities and Markets Authority (ESMA) said it will withdraw recognition of six Indian clearing bodies or central counterparties (CCPs). These six CCPs are Clearing Corporation of India (CCIL), Indian Clearing Corporation Ltd (ICCL), NSE Clearing Ltd (NSCCL), Multi Commodity Exchange Clearing (MCXCCL), India International Clearing Corporation (IFSC) Ltd (IICC) and NSE IFSC Clearing Corporation Ltd (NICCL). As per the European Market Infrastructure Regulations (EMIR), a CCP in a third country can provide clearing services to European banks only if it is recognized by the ESMA.

What's the reason for derecognition?

The ESMA said it reviewed the recognition of all third country CCPs (TC-CCPs) that had been recognised prior to September 21, 2020, as per the European Market Infrastructure Regulation (EMIR) regime. The decision to derecognise Indian CCPs came due to 'no cooperation arrangements' between the ESMA and Indian regulators — the Reserve Bank of India (RBI), the Securities and Exchange Board of India (SEBI) and the International Financial Services Centres Authority (IFSCA). The ESMA wants to supervise these CCPs, which the Indian regulators are not in favour of as they feel that these entities have robust risk management and there is no need for a foreign regulator to inspect them, sources said.

The EU regulator said it will defer the application of the withdrawal decisions until April 30, 2023 to mitigate the adverse impact of the move on EU market participants. This, sources said, will also give the ESMA and the Indian regulators six months' time to negotiate and come to a consensus. While Sebi has reached a fairly advanced level of understanding with the ESMA, the RBI is yet to work out any agreement.

How will the derecognition impact European banks?

As of the date of application of the withdrawal decisions, these TC-CCPs will no longer be able to provide services to clearing members and trading venues established in the EU. Some of the major European banks dealing in the domestic forex, forward, swap and equities and commodities markets include Societe Generale, Deutsche Bank and BNP Paribas. The derecognition will impact these lenders as they will not be able to provide clearing and settlement facilities to their clients. They will also have to set aside additional capital to trade in the domestic market. Of the total foreign portfolio investors (FPI) registered in India, close to 20 per cent are from Europe, bankers said.

What's the role of CCP?

CCPs perform two main functions as the intermediary in a market transaction — clearing and settlement — and guarantee the terms of a trade. CCP is a system provider, who by way of novation interposes between system participants in the transactions admitted for settlement, thereby becoming the buyer to every seller and the seller to every buyer, for the purpose of effecting settlement of their transactions. A CCP is authorised by the RBI to operate in India under Payment and Settlement Systems Act, 2007.



RBI WITHDREW \$66.73 BILLION FROM OVERSEAS BANKS TO PROP UP RUPEE IN H1

The Reserve Bank of India (RBI) withdrew \$66.73 billion from other central banks and overseas commercial banks in the first six months of the financial year 2022-23 in a bid to prop up the rupee which has been under pressure due to the appreciation of the dollar in the last few months.

The rupee has fallen nearly 11 per cent in 2022 so far as the dollar surged amid the rise in inflation across the globe and central banks, led by the US Federal Reserve, started hiking interest rates. Foreign portfolio investors have pulled out Rs 1.62 lakh crore (around \$19.75 billion) from Indian markets in the last ten months.

On the other hand, the Reserve Bank's gold holdings went up to 785.35 metric tonnes of gold (including gold deposits of 41.57 metric tonnes), up from 743.84 metric tonnes a year ago.

The RBI pulled out \$58.9 billion from its deposits in other central banks and Bank of International Settlements during the six-month period ended September 2022, bringing down India's deposits in central banks from \$140.53 billion in March 2022 to \$81.63 billion, according to the RBI's half-yearly report on 'Management of foreign exchange reserves'. India's deposits in other commercial banks also declined by \$7.83 billion to \$29.32 billion.

The RBI sells dollars from its forex kitty to prevent a slide in the rupee.

As of September 2022, out of the total foreign currency assets of \$472.81 billion, \$361.84 billion was invested in securities, \$81.64 billion was deposited with other central banks and the BIS and the balance \$29.33 billion comprised deposits with commercial banks overseas, the report said.

While 447.30 metric tonnes of gold is held overseas in safe custody with the Bank of England and the BIS, 296.48 metric tonnes of gold is held domestically. In value terms (USD), the share of gold in the total foreign exchange reserves increased marginally from about 7.01 per cent as at end-March 2022 to about 7.06 per cent as at end-September 2022.

Foreign exchange reserves cover of imports (on balance of payments basis) declined to 10.4 months in June 2022 from 11.8 months at end-March 2022. The ratio of short-term debt (original maturity) to reserves, which was 20.0 per cent at end-March 2022, increased to 22.0 per cent at end-June 2022. The ratio of volatile capital flows (including cumulative portfolio inflows and outstanding short-term debt) to reserves increased from 66.6 per cent at end-March 2022 to 67.6 per cent at end-June 2022, the RBI said.

According to the central bank, the valuation loss, reflecting the appreciation of the US dollar against major currencies, amounted to \$22.7 billion during April-June 2022 as against a valuation gain of \$2.2 billion during April-June 2022.

The central bank has the mandate to invest up to \$5 billion in the bonds issued by the India Infrastructure Finance Company (UK) Limited. As of September 2022, the amount invested in such bonds stood at \$1.323 billion. The foreign currency assets comprise multi-currency assets that are held in multi-asset portfolios as per the existing norms, which conform to the best international practices followed in this regard. It says except fixed deposits with the BIS, commercial banks overseas, central banks and securities issued by supranationals, almost all other types of investments are highly liquid instruments which could be converted into cash at short notice. The Reserve Bank closely monitors the portion of the reserves, which could be converted into cash at a very short notice, to meet any unforeseen/ emergency needs, the report said.



THE GOVERNMENT'S PUSH TO FACILITATE INTERNATIONAL TRADE IN DOMESTIC CURRENCY IS A GOOD IDEA

India's foreign exchange reserves, at \$531.08 billion as on October 28, have dipped from a peak of \$642.02 billion a year ago. It isn't surprising, therefore, that the government and the Reserve Bank of India (RBI) are seeking to conserve reserves by facilitating international trade in domestic currency, as opposed to the dollar. The RBI had, in September, allowed the public sector UCO Bank to open a special rupee "Vostro" account for Russia's Gazprombank. This was to enable payments for imports from Russia to be made in rupees and credited to the said account. The monies deposited in the same Vostro account could, in turn, be debited for paying Indian exporters to Russia in rupees. Besides UCO Bank, two Russian-owned banks — Sberbank and VTB Bank — have opened special Vostro accounts at their respective branches in Delhi. To the extent that payments for trade between the two countries happens in rupees, it reduces India's dollar dependence and depletion in forex reserves.

According to a report in this newspaper, India wants to push similar rupee-based bilateral trade mechanisms with Sri Lanka, Maldives and assorted southeast Asian, African and Latin American countries. The idea isn't new. Even before Russia, the same UCO Bank operated a special Vostro account of four Iranian commercial banks, where Indian refiners deposited rupee payments for import of crude from the Western sanctions-hit Islamic republic. Iran used these funds to import basmati rice, tea, sugar, soyabean meal and pharmaceuticals, especially during 2016-17 to 2019-20. The arrangement worked quite smoothly till the Vostro account ran dry after India practically stopped sourcing crude from Iran, following the lifting of sanction waivers by the US.

It links up with the limitations to such domestic currency-based trade settlements. The first is, of course, geopolitical: Russia has now emerged as India's biggest crude supplier, from a distant No 12 in 2021-22. How long can this sustain in a deepening sanctions regime? The second is more basic. India's imports from Russia — mainly petroleum, coal, fertilisers and sunflower oil — stood at \$21.35 billion during April-September, but its exports to that country were worth just over \$1 billion. The trade imbalance would leave far too much unused rupees in the Vostro account. It also explains why the RBI's alternative rupee trade payment mechanism hasn't really taken off and Indian refiners are still buying Russian oil using dollars. Russia, if at all, seems keen on payment in UAE dirham or rouble, but not rupee. Trade ultimately has to be a two-way street. While curtailing dollar dependence and exploring bilateral trade options by paying/settling in domestic currencies makes for sound economics, it cannot replace the need for India to export more — whether to Russia or China.

CASH WITH PUBLIC AT RECORD HIGH OF RS 30.88 LAKH CRORE

Six years after the government announced demonetisation on November 8, 2016, currency with the public has hit a new high. With cash remaining the preferred mode of payment, currency with public for the fortnight ended October 21, 2022 stood at a record high of Rs 30.88 lakh crore — up 72 per cent or Rs 12.91 lakh crore from Rs 17.97 lakh crore on November 4, 2016.

Cash with the public has shot up by 239 per cent from Rs 9.11 lakh crore recorded on November 25, 2016, two weeks after Rs 500 and Rs 1,000 notes were withdrawn from the system. According to the RBI data, in the fortnight ended October 21, 2020, the currency with the public rose by Rs 25,585 crore — on the eve of the Diwali. It rose by 9.3 per cent, or Rs 2.63 lakh crore, on a year-on-year basis. After Rs 500 and Rs 1,000 notes were withdrawn from the system in November



2016, currency with the public, which stood at Rs 17.97 lakh crore on November 4, 2016, declined to Rs 7.8 lakh crore in January 2017 soon after demonetisation.

Currency with the public is arrived at after deducting cash with banks from total currency in circulation (CIC). Currency in circulation refers to cash or currency within a country that is physically used to conduct transactions between consumers and businesses. Cash in the system has been steadily rising, even though the government and the Reserve Bank of India (RBI) pushed for a “less cash society”, digitisation of payments and slapped restrictions on the use of cash in various transactions. The jump was primarily driven by a rush for cash by the public in 2020 as the government announced a stringent lockdown to tackle the spread of the Covid pandemic. As nations around the world announced lockdowns in February, people began accumulating cash to meet their grocery and other essential needs. The sudden withdrawal of notes in November 2016 had roiled the economy, with demand falling, businesses facing a crisis and gross domestic product (GDP) growth declining nearly 1.5 per cent. Many small units were hit hard and shut shutters after the note ban. It also created a liquidity shortage.

The rise in currency in circulation in absolute numbers is not the reflection of reality. “What needs to be taken into account is the currency to GDP ratio, which had come down after demonetisation,” said a banker.

The cash in circulation to GDP ratio has been 10-12 per cent till about FY20. CIC in India increased to a high of 14.4 per cent of GDP in 2020-21 from 10.7 per cent of GDP in 2017-18. However, post the covid-19 pandemic and due to the growth of cash in the ecosystem, CIC to GDP is expected to inch up further. The Reserve Bank’s own view of CIC suggests that there is little or no correlation between CIC and digital payment penetrations and that CIC will grow in line with nominal GDP.

Although digital payments have been growing gradually in recent years, both in value and volume terms across countries, data suggests that during the same time currency in circulation to GDP ratio has increased in consonance with the overall economic growth, according to an RBI study on digital payments.

During the festival season, the cash demand remains high as a large number of merchants still depend on cash payments for end-to-end transactions. Cash remains a major mode of transaction with about 15 crore people still not having a bank account. Moreover, 90 per cent of e-commerce transactions use cash as a mode of payment in tier four cities compared to 50 per cent in tier one cities.

LIQUIDITY TURNS SURPLUS AS DEMAND FOR CASH DROPS POST FESTIVE SEASON

The liquidity in the banking system has turned to a surplus in November as the demand for cash seen during the festive season tapers and also on likely increase in government spending.

During the first three days of the month, the Reserve Bank of India (RBI) absorbed a daily average of Rs 71,090 crore from the banking system.

This compares with a daily average injection of Rs 58,213.98 crore between October 20 and October 31, 2022, when the liquidity situation tightened on account of higher demand for cash during the festival season, GST and other tax related outflows and the Reserve Bank’s intervention in the foreign exchange market to contain volatility in the rupee.



Liquidity in the banking system refers to readily available cash that banks need to meet short-term business and financial needs.

While on November 1, the absorption of surplus liquidity was to the tune of Rs 26,140.89 crore, the central bank absorbed Rs 93,163.62 crore and Rs 93,965.62 crore on November 2 and November 3, respectively.

“There must be some lumpy spending by the government and that is what is getting reflected here,” said Soumyajit Niyogi, director, core analytical group, India Ratings and Research. Last week, Reserve Bank of India Governor Shaktikanta Das said that the liquidity strain seen in October was likely to be transitory on account of several factors.

“First, the leakage due to currency demand will slow down after the festival season; and as currency returns to the banking system, the system liquidity will improve. Second, government expenditure is likely to pick up after the monsoon season. Third, the pace of forex outflows has moderated, which augurs well for system liquidity, going ahead,” Das had said at a banking event.

The flows from foreign portfolio investors (FPI) also resumed in October after being negative in September. Das had said that deposit growth of banks has picked up in recent fortnights and is working towards bridging the funding gap associated with double-digit credit offtake.

The Governor said the interaction of global and domestic developments somewhat tightened the liquidity conditions in October and the average daily absorption under the liquidity adjustment facility (LAF) amounted to Rs 1.35 lakh crore during the month, down from the average daily absorption of Rs 2 lakh crore in September this year.

Analysts feel that, unlike last year, the liquidity in the banking system is not going to be in extreme surplus as it will defeat the RBI’s purpose of taming inflation.

“Overall the expectation is that the RBI will not allow that kind of surplus liquidity to be in the system because that doesn’t serve their purpose when they are hiking rates. It (rate hike) will be more effective when the liquidity in the system is not abundant,” Care Ratings’ Sinha said.

Despite raising the repo rate by 190 basis points (bps) since May this year, the RBI has not been able to maintain its inflation target of 2-6 per cent for three consecutive quarters. The consumer price-based inflation (CPI), or retail inflation, has been above 6 per cent — the upper band of its legally mandated CPI inflation target — for nine months, starting January 2022.

Last week, a special meeting of the Monetary Policy Committee (MPC) was convened to discuss and draft a report that the RBI has to send to the government, explaining the reasons for the failure in meeting the inflation target.

FINMIN CLEARS FRAMEWORK FOR SOVEREIGN GREEN BONDS

The government on Wednesday gave nod to the final sovereign green bonds framework in line with the Budget announcement. The issuance of green bonds, which are intended to raise funds for public sector projects to help in reducing carbon intensity of the economy, will be for Rs 16,000 crore in the second half of this financial year.

The proceeds from the green bonds, which are a part of the scheduled borrowing plan of the government, would be used to fund renewable energy, energy efficiency, clean transportation, water and waste management, pollution prevention and control and green buildings among

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



others. Nuclear power generation, landfill projects, alcohol/weapons/tobacco/gaming/palm oil industries and hydropower plants larger than 25 MW have been excluded from the framework.

All eligible 'green expenditures' will include public expenditure by the government in the form of investment, subsidies, grant-in-aids, or tax foregone or select operational expenditures, R&D expenditures in public sector projects that help in reducing the carbon intensity of the economy. Equity is allowed only in the sole case of metro projects under the 'Clean Transportation' category, the framework said.

The Ministry of Finance has constituted a Green Finance Working Committee (GFWC) including members from relevant line ministries and chaired by the Chief Economic Advisor. The GFWC will meet at least twice a year to support the Ministry of Finance with selection and evaluation of projects and other work related to the Framework. Initial evaluation of the project will be the responsibility of the concerned Ministry/Department in consultation with experts.

The allocation of the proceeds will be reviewed in a time-bound manner by the GFWC to ensure that the allocation of proceeds is completed within 24 months from the date of issuance. It will also bring out an annual report on the allocation of proceeds to the eligible projects along with details of projects financed, status of implementation, and unallocated proceeds. For every year, GFWC will meet to identify a fresh set of eligible expenditures in line with the framework in consultation with line Ministries. Once the Finance Bill is passed, Ministry of Finance will inform Reserve Bank of India (RBI) regarding the amount of eligible green expenditures for which proceeds from green bonds can be utilised.

The proceeds will be deposited to the Consolidated Fund of India (CFI) in line with the regular treasury policy, and then funds from the CFI will be made available for eligible green projects, the framework said. This Green Bond Framework has been reviewed by CICERO, a provider of second opinions on green bond frameworks.

Finance Minister Nirmala Sitharaman in her Budget Speech this year announced that the government proposes to issue sovereign green bonds to mobilise resources for green infrastructure. "The proceeds will be deployed in public sector projects, which help in reducing the carbon intensity of the economy," she said in the Budget 2022-23.

MEASURING TRADE

The Government has quietly dropped the practice of releasing preliminary monthly merchandise trade estimates at the beginning of the month, and updating them two weeks later with 'quick' estimates. The foreign trade numbers for October 2022 and beyond will be released by the middle of the next month, as was the practice till two years ago. Perhaps the idea of issuing early estimates for export and import shipments in late 2020 was driven by the need to have some more high frequency indicators for assessing the direction of the economy as it found its feet again after the battering from COVID-19 lockdowns. While one cannot really say the pandemic is over yet, it is a sensible decision to now revert to the older system when 'quick' estimates were released on the fifteenth day of each subsequent month, or earlier if that date happened to fall on a weekend. The early estimates have emitted conflicting signals about the economy in recent months, thanks to sharp variations between the preliminary and 'quick' estimates in the volume of trade and even the direction of exports growth. For instance, the first data set for August suggested a 1.15% contraction in exports — the first such contraction since February 2021 — while September's numbers showed a 3.5% dip year-on-year. Even as industry and economists read this as an omen



of the global turmoil and slowdown coming home to hurt the Indian recovery engine, the 'quick' estimates for both these months showed a 1.6% and 4.8% uptick, respectively, in outbound goods trade.

The difference in the two sets of numbers largely arises from the lack of electronic data interchange facilities at some ports, thus making it difficult to factor in such shipments into the first data set. But with variations so wide, it is smarter to wait till all the data is compiled and released at one go — even as attempts must be redoubled to ensure all ports onboard the electronic data system. The Government should now stick to a clear time table for releasing the trade data — recent months were also marred by suspense over when the initial estimates would be released and the last set came about 90 minutes before midnight on October 3. It should also refrain from being selective about data points. For March, it initially only released export numbers, and September's preliminary data omitted the growth rates for India's top 10 export, import items. A consistent, comprehensive and transparent approach to releasing economic data will also bolster the country's credibility as a reliable alternative to China.

INDIA INC. NEEDS DEMAND REVIVAL TO BOOST INVESTMENTS

In September, Finance Minister Nirmala Sitharaman was anguished that industry was holding back from investing in manufacturing despite a significant cut in corporate tax rates in 2019.

The slowdown in corporate investment did not happen because companies were making losses. In fact, private companies, boosted by considerable tax cuts, made windfall profits. A State Bank of India analysis shows that tax cuts contributed 19% to the top line of companies during the pandemic. But this did not result in increased investments.

Before the pandemic, instead of investing in themselves, companies chose to reward shareholders with higher dividends. During the pandemic, they did not use the profits for paying out dividends; they retained a big chunk of the profits. However, instead of investing in buildings, plants and machinery, they invested in equity shares and debt instruments. So, both before and after the outbreak, they shied away from capital investments.

The hesitancy to invest can be explained by a slowdown in the demand side of the economy. Consumer demand started to decline the year before the pandemic and worsened after the COVID-19 outbreak. This forced companies to use the increased profits to decrease their debts, pay dividends and invest in financial instruments instead of increasing productivity by making capital investments.

THE SUPREME COURT ORDER ON PF PENSIONS (G. ANANTHAKRISHNAN)

The story so far:

Thousands of working individuals who are eligible for pension under the Employees' Pension Scheme-1995 (EPS-1995) of the Employees' Provident Fund Organisation (EPFO) and those who already draw PF pension have been litigating in various courts for several years, seeking to invoke a provision in the scheme by which pension benefit can be substantially increased. A three-judge bench of the Supreme Court ruled in the matter on November 4, in a case where the EPFO appealed various orders favouring employees issued by the Kerala, Rajasthan, and Delhi High Courts. The order provided relief to some employees.



Why did the employees litigate?

An option to increase pension is provided for in EPS-1995, for which 8.33% of the employer's contribution to the employee's PF account must be remitted into the pension fund on actual basic pay, dearness allowance and retaining allowance. The request for a higher pension should be made in the form of an option exercised by both employee and employer. But due to information asymmetry, most members did not exercise this option and have been contributing to the pension fund only within a salary cap (which was revised from ₹6,500 to ₹15,000 eight years ago), and not on actual pay. This reduced the pension benefit sharply.

The litigation by employees arose because the Union Government amended EPS-1995 effective September 1, 2014, introducing, among other changes, a time limit of six months for the members, jointly with their employers, to opt for higher pension based on their actual salary, and a further six months where reasonable cause for delay existed. The time limit was, however, not known to the employees as there was no communication to them; subsequent applications for higher pension were rejected by the EPFO citing the cut-off date, even after it had been set aside by a two-judge bench of the SC in the precedent-setting R.C. Gupta case in 2016.

What is the impact of the order?

The Supreme Court importantly upheld the amendments to the pension scheme made by the government in 2014, which restricts even membership of the scheme up to a wage ceiling of ₹15,000. But it provided some relief to employees.

One section of current employees (and by extension members of the pension scheme who were contributing to the pension fund as of September 1, 2014) stand to benefit from the order. The SC bench directed that members of the scheme who did not exercise the option for higher pension as provided for in the scheme as it existed before the 2014 amendment, were entitled to exercise the option, jointly with their employers, even under the amended scheme. This right was upheld in the R.C. Gupta judgement, which said no cut-off date was envisaged in EPS-1995.

The court said that all employees who did not exercise the option but were entitled to do so due to interpretation of the cut-off date by authorities should get a further four months to do so from the date of the order. The implication is that those who were members of EPS-1995 as of September 1, 2014 and beyond could exercise the joint option. This means that serving employees can opt for higher pension now, transferring the stipulated part of the employer's contribution to the pension fund. Other members who contributed to the fund beyond that date but retired, would have to remit the stipulated dues into the pension fund of the EPFO.

Yet, the court specifically excluded those who retired prior to September 1, 2014 without exercising the joint option in the unamended scheme, since they had already exited the membership. This part of the order covers older employees who get a meagre pension. They cite lack of communication on the option of higher pension while in service.

How has the court responded to the government's demands?

While the court granted partial relief to the employees, it also gave some consideration to the Union government's argument that it would be stretched for funds to pay higher pension. The members opting for higher pension would, therefore, have to contribute an additional 1.16% on salary exceeding ₹15,000 as a temporary measure for six months, while the government came up with measures to augment its resources. This includes the possibility of legislatively raising the



employer's rate of contribution. At the same time, the judges held the government's demand for the 1.16% employee contribution not sustainable by law. The compromise was thus only to advance the rollout of the higher pension.

The apex court recognised the government's powers to amend the pension scheme prospectively or retrospectively under Section 7 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. Based on this recognition, the judges did not interfere with the revised formula used to calculate the quantum of pension — the employees had challenged the reckoning of pensionable wages spread over 60 months of service before the employee exited, rather than 12 months of service that existed in the pre-2014 scheme. The Union government used the example of manual labourers to claim that wages could vary widely, and even be low in the final 12 months. Ironically, the case pertained to organised sector employees whose wages are highest in the last year or service.

BIG TECH FIRMS SWING THE AXE ON TALENT

The story so far:

Reports of Twitter cutting half of its staff globally, and almost all in India, a week after Elon Musk took the reins of the micro-blogging platform may have overshadowed a much gloomier tech talent landscape. Several large technology firms have already paused hiring and, in some cases, companies are laying off employees as macroeconomic headwinds and tight business budgets are making them restructure their business processes and talent needs. Earlier this month, Amazon said it was pausing hiring in its corporate function.

Why are companies laying off employees?

Apple's CEO Tim Cook recently told investors that the company would "continue to hire people and invest in areas, but we are being more deliberate in doing so." A new report by Business Insidersaid that the iPhone maker is freezing hiring for the next two quarters.

Despite the U.S. government's support through the CHIPS Act to the semiconductor industry, Intel has decided to lay off employees in certain divisions. The chip maker, as part of its Q3 earnings, announced plans to cut about \$3 billion in costs over the course of next year.

Social AR firm Snap Inc. is planning to cut a fifth of staff. In August, CEO Evan Spiegel told employees in a memo that the company would cut its workforce by over 1,000 workers. He cited bleak revenue projections and noted that a restructuring was needed for long-term success in a tight environment.

On Wednesday, Facebook's parent company said it is laying off 11,000 employees. Just a year ago, after CEO Mark Zuckerberg renamed the company as Meta Platforms and took a plunge into the amorphous metaverse, the company made elaborate plans to hire 10,000 employees over five years in the European Union (EU) region. That plan seems to be put on the back-burner now as it prepares to cut discretionary spending and extend a hiring freeze for the next several months.

Is Apple behind tech companies' decision to lay off employees?

Social media platforms like Meta and Snap have been hit by an update from Apple. The iPhone maker introduced an app tracking feature that lets users to opt out of apps that track them.



Facebook and Snap get a large proportion of their revenue from selling space for ads. And to make their platforms effective in placing relevant ads, they must collect and analyse user data. But Apple's new feature has made it difficult for these firms to push targeted ads. According to some estimates, Facebook lost about \$12 billion as a result of Apple's app tracking feature.

What are the primary reasons?

In the case of chip makers like Intel and Qualcomm, the challenge comes from drop in sales of laptops and mobile devices. In its earnings call last week, Qualcomm cited the "rapid deterioration in demand and easing of supply constraints across the semiconductor industry have resulted in elevated channel inventory."

For smartphone companies that typically end the year on a high note, the chip firm's gloomy outlook is a cause for concern as Qualcomm does not expect the market to recover soon.

Higher inventory for chip makers, lower demand for handset manufacturers, loss in revenue from selling ad spaces for social platforms, and uncertain long-term bets like the metaverse have played a significant role in making large tech firms restructure their business practices. This has made them pause hiring in some cases, and in others swing the axe on talent.

ARE TWITTER USERS LEAVING THE PLATFORM FOR MASTODON?

The story so far:

Twitter's new CEO Elon Musk's plans for the social media app have raised a series of concerns about paid verified accounts, increased spread of misinformation, and advertising on the platform. Some Twitter users who are worried that Musk's free speech ideals will lead to more online abuse have started leaving the platform. As they search for alternatives, Mastodon, which claims to be the "largest decentralised social network on the Internet," stands out.

What is Mastodon?

Founded by developer Eugen Rochko, Mastodon was released in 2016. The social media platform's main appeal was that it was decentralised, open source, and represented a vision of what its founder wanted Twitter to be. Rather than being controlled by a CEO or a centralised moderation team, Mastodon users pick "servers" which host their data and let them access the same platform.

Servers are organised by general or specific topics, including "LGBTQ+," and "Activism". Some are open to join while others require users to get on a waitlist. Anyone can submit a server for consideration, as long as it is in the ambit of Mastodon's rules. The platform is ad-free and has its timeline arranged in chronological order, rather than relying on an algorithm like Twitter did.

How similar is Mastodon to Twitter?

Mastodon users send "toots" that can be up to 500 characters in length. Users have their own handles and can share media, re-share toots, favourite them, and bookmark them. However, Mastodon's relatively tiny user pool has discouraged people from joining. They are also concerned about the complicated server structure and a social media set-up that looks more fragmented when compared to Twitter. Furthermore, there are complaints about user experience and overloaded servers.



Are people using Mastodon?

Mastodon tweeted on Thursday that over 2,30,000 users had switched to its platform and that old accounts were being re-activated. There was a 71% increase in monthly active users on November 5, according to its website. Servers were also up by 17%, totalling more than 3,000 in number.

Mastodon still has a long way to go to catch up to Twitter, which has millions of monthly active users, many of whom are monetisable. Some of Mastodon's early adopters include activists, journalists, and researchers who wanted a Twitter-like experience but one that was less toxic.

However, the platform faced challenges that it could not fully control. In 2019, the far-right social media community Gab used Mastodon's code to build its own network. Mastodon slammed Gab for its views and distanced itself, but admitted that it cannot choose who would use its software. This raises the question of whether advertisers, brands, and promotional accounts will look at Mastodon as a Twitter replacement.

What is the Indian connection?

In late 2019, several anti-caste activists and accounts claimed that Twitter censored accounts belonging to marginalised caste and tribe users, and did not take measures to stop those spreading casteist abuse. Twitter India addressed what it called a "perceived bias" in a statement but claimed it was impartial. Several Indian Twitter users suggested a shift to Mastodon, believing it might take stronger action against caste discrimination and trolls. Around the same time, Mr. Rochko announced that Mastodon was adding "casteism and advocacy of casteism" to its extremely prohibited offences list. However, the Indian migration from Twitter to Mastodon has not been impactful.

TATA MOTORS TO DELIST FROM NEW YORK STOCK EXCHANGE; HERE'S WHY

Tata Motors has said it plans to delist its American Depositary Shares (ADS) from the New York Stock Exchange (NYSE) after January 2023 and terminate its ADS programme. The company notified the NYSE on Wednesday (November 10) of its intent to voluntarily delist its ADSs, each representing its five ordinary shares.

Why has Tata Motors decided to delist from NYSE?

In a filing to exchanges, the company said since the ADS were issued in 2004, it has witnessed a considerable increase in liquidity and foreign shareholder participation in the equity stock markets in India.

"The company has further considered the consistent drop in the number of ADSs outstanding as a percentage of its outstanding ordinary shares. Therefore, the rationale for ADS listing in the United States has significantly diminished," it said, as per the filing.

How will this help Tata Motors?

This will help simplify the company's financial reporting requirements and reduce administrative costs. Upon delisting of its ADSs, it will concentrate trading of its equity shares on the BSE Ltd and the National Stock Exchange of India Ltd (NSE).

"The company intends to file a Form 25 with the US Securities and Exchange Commission (SEC) on or around January 13, 2023 to delist its ADSs from the NYSE," it said.



Once the ADSs have been delisted from the NYSE, there would be no over-the-counter market trading of the ADSs in the United States due to regulatory restrictions under Indian law, the company said.

The company on Wednesday also reported a consolidated net loss of Rs 944.61 crore in the second quarter ending September 2022, as compared to a net loss of Rs 4,441.57 crore in the year-ago period.

Its consolidated revenue from operations rose by 29.7 per cent at Rs 79,611.37 crore in the second quarter ending September 2022, from Rs 61,378.82 crore in the year-ago period.

LIFE & SCIENCE

THE FALCON HEAVY LAUNCH: THE MOST POWERFUL OPERATIONAL ROCKET IN THE WORLD

The story so far :

On November 1, Elon Musk-owned SpaceX launched the Falcon Heavy rocket into a geosynchronous Earth orbit from the Launch Complex 39A at the Kennedy Space Center in Florida, U.S. This is considered as a National Security Space Launch for the U.S. military. The company hails this as the most powerful operational rocket in the world. This is the fourth launch of the giant rocket system, and the first one in nearly three years since its last launch in 2019.

What is its current mission?

The rocket is carrying satellites to space for the U.S. military in a mission named as U.S. Space Force (USSF)-44. The mission deployed two spacecraft payloads, one of which is the TETRA 1 microsatellite created for various prototype missions in and around the geosynchronous earth orbit. The other payload is for national defence purposes. It will place the satellites for the Space Systems Command's Innovation and Prototyping.

Space Systems Command (SSC) is the oldest military space organisation in the United States Armed Forces. It is responsible for developing, acquiring, equipping, fielding and sustaining lethal and resilient space capabilities. SSC mission capability areas include launch acquisition and operations, communications and positioning, navigation and timing, space sensing, battle management command, control, and communications, and space domain awareness and combat power.

The Falcon Heavy uses three boosters for added thrust and lift capacity. The centre booster plunged into the ocean as planned and the two side boosters landed on ground pads at the Cape Canaveral Space Force Station. These two boosters will be refurbished for a subsequent U.S. Space Force mission later this year, according to a press release by the Space Systems Command. The boosters are reused on other missions to cut down on mission costs.

What are the specifications of the Falcon Heavy rocket?

SpaceX claims Falcon Heavy to be the most powerful rocket in the world today by a factor of two. With a lifting capacity of around 64 metric tonnes into orbit, Falcon Heavy can lift more than twice the payload of the next closest operational vehicle, the Delta IV Heavy.



The rocket has a height of 70 m, a width of 12.2 m and a mass of 1,420,788 kg. Falcon Heavy has 27 Merlin engines which together generate more than five million pounds of thrust at lift-off, equalling around eighteen 747 aircraft at full power. This makes it the most capable rocket flying. The rocket can lift the equivalent of a fully loaded 737 jetliner, complete with passengers, luggage and fuel, to orbit, SpaceX said.

Merlin is a family of rocket engines developed by SpaceX for use on its Falcon 1, Falcon 9 and Falcon Heavy launch vehicles. Merlin engines use RP-1 and liquid oxygen as rocket propellants in a gas-generator power cycle. These engines were designed for recovery and reuse, according to SpaceX.

When was the Falcon Heavy last launched?

SpaceX last launched its Falcon Heavy rocket in June 2019 from NASA's Kennedy Space Center. It carried 24 satellites as part of the Department of Defense's Space Test Program-2.

The satellites included four NASA (National Aeronautics and Space Administration) technology and science payloads to study non-toxic spacecraft fuel, deep space navigation, "bubbles" in the electrically-charged layers of Earth's upper atmosphere, and radiation protection for satellites, according to a NASA release. The space agency said that the mission was useful for smarter spacecraft design and benefitted the agency's Moon to Mars exploration plans by providing greater insight into the effects of radiation in space. It also tested out an atomic clock that could change how spacecraft navigates and looked at how the space environment around the Earth affects us.

Why was there a delay in the current mission ?

The mission was earlier scheduled for lift-off in 2020 but was delayed. The exact reasons for delaying the mission were not publicly disclosed but payload readiness issues were considered to be the cause. Also, most of SpaceX's missions till date did not require the massive power of the Falcon Heavy.

What about the other launches of Falcon Heavy ?

The Falcon Heavy debuted in 2018 when SpaceX CEO Elon Musk sent his personal red Tesla Roadster, an electric sports car with a dummy driver, into space as a test payload. The car is still in space, orbiting around the sun, travelling as far away as Mars' orbit and, at times, as close as Earth's orbit. SpaceX launched the other two Falcon Heavy missions in 2019. One carried a TV and phone service satellite to orbit for Saudi Arabia-based Arabsat, and the other carried experimental satellites for the U.S. Department of Defense.

Are there any future launches?

SpaceX is said to be working on even bigger rockets. The company is targeting early December to launch its giant Starship rocket system, according to a report by Reuters.

These test flights of Starship are all about improving our understanding and development of a fully reusable transportation system designed to carry both crew and cargo on long-duration interplanetary flights, and help humanity return to the Moon, and travel to Mars and beyond, SpaceX said in its website.



The Musk-owned company claimed Starship to be the world's most powerful launch vehicle ever developed, with the ability to carry an excess of 100 metric tonnes to Earth orbit.

CHINESE ROCKET DEBRIS FALLS INTO SEA AGAIN — WHY DOES THIS HAPPEN?

On Friday, large fragments of China's Long March 5B rocket plunged uncontrolled into the south central Pacific Ocean, the US Space Command reported in two tweets. The fragments were stages of the rocket used to deliver the third and final module of the Tiangong space station. The rocket had blasted off from southern China four days previously, and broke up during re-entry, European and American space agencies said.

HOW BIG: One of the pieces was left over from the core stage of the rocket that was about 30 metres long and weighed between 17 and 23 tonnes, Western space agencies said. It was "one of the largest pieces of debris re-entering in the near past", they said, according to a report in The Guardian.

HOW DANGEROUS: Spain's air navigation authority shut down parts of its airspace for about 40 minutes in view of "the uncontrolled entry of remains from the Chinese space object CZ-5B in a descending orbit crossing our national territory".

That said, the chances of humans being hit were minuscule, The New York Times reported, quoting an aerospace expert — about 6 per 10 trillion. What was worrying though, is the fact that the rocket stage did not by design have a system to ensure it fell in a designated place on Earth. NASA Administrator Bill Nelson had earlier said "it is critical that all spacefaring nations are responsible and transparent...and follow established best practices, especially, for the uncontrolled reentry of a large rocket body debris".

IT'S HAPPENED EARLIER: Friday's incident was the fourth time something like this had happened with a Chinese rocket. In May 2020, during the rocket's first deployment, fragments had landed in Ivory Coast, causing some damage to buildings; debris from the second and third flights had plunged into the Indian Ocean and near the Philippines respectively. A rocket of the same design is expected to be used again in 2023, The NYT reported.

LOW RISK, SAYS CHINA: Media reports quoted Lijian Zhao, spokesperson for the Chinese foreign ministry, as saying that the "reentry of the last stage of a rocket is an international practice", and that the Long March 5B rockets are "designed with special technology; most of the components will burn up and be destroyed during the reentry process, and the probability of causing harm to aviation activities and on the ground is extremely low".

ROCKET & MISSION: China currently relies on the Long March 5B to carry its heaviest payloads to space. The rocket has a big central booster and four smaller boosters on the side, which drop off some time after lift-off. The core booster stage, however, goes to orbit. For the latest mission, the rocket carried Mengtian, a science laboratory module, to Tiangong. The space station is smaller than the International Space Station, but it will establish a more permanent base in space than China's earlier space stations, The NYT report said.

A THIRD OF WORLD HERITAGE GLACIERS UNDER THREAT, WARNS UNESCO

A third of the glaciers on the UNESCO World Heritage list are under threat, regardless of efforts to limit temperature increases, a study conducted by the UN body has found.



However, the study said it was still possible to save the other two-thirds if the rise in global temperature did not exceed 1.5°C compared to the pre-industrial era. The UNESCO said that this would be a major challenge for the delegates at the upcoming COP27.

In addition to drastically reduced carbon emissions, the UNESCO is advocating for the creation of a new international fund for glacier monitoring and preservation. Such a fund would support comprehensive research, promote exchange networks between all stakeholders and implement early warning and disaster risk reduction measures, the study said.

Half of humanity depends directly or indirectly on glaciers as their water source for domestic use, agriculture, and power. Glaciers are also pillars of biodiversity, feeding many ecosystems, it said.

“When glaciers melt rapidly, millions of people face water scarcity and the increased risk of natural disasters such as flooding, and millions more may be displaced by the resulting rise in sea levels,” IUCN Director General Dr. Bruno Oberle said.

“This study highlights the urgent need to cut greenhouse gas emissions and invest in nature-based solutions, which can help mitigate climate change,” he added.

As many as 50 UNESCO World Heritage sites are home to glaciers, representing almost 10% of the Earth’s total glacierised area.

The UNESCO study, in partnership with the International Union for Conservation of Nature (IUCN), showed that these glaciers have been retreating at an accelerated rate since 2000 due to CO2 emissions, which are warming temperatures.

They are currently losing 58 billion tonne of ice every year — equivalent to the combined annual water use of France and Spain — and are responsible for nearly 5% of observed global sea level rise.

NECESSARY SIGNAL

The 27th session of the Conference of Parties (COP) is underway at Egypt’s sea-side city of Sharm el-Sheikh where, over two weeks, heads of government, diplomats, business heads, activists, journalists, and lobbyists will converge. The attempt is to inch ahead on a global rehaul of energy consumption to improve earth’s chances against catastrophic climate change. While every COP ends with a hard-bargain document, the essential principle remains constant: how to ensure that all countries contribute to paying for what it takes to avoid the consequences of global warming without compromising on economic development, while accounting for their historical responsibility in exacerbating the crisis. There are several countries, especially island nations, that stand to lose the most from global warming without having a role in causing it. Given that COP agreements are non-binding on the signatory member-states, and volte-faces not unusual — such as the United States unilaterally exiting the agreement only to join again — these meetings also serve as a forum for public posturing. Countries announce their commitment to lofty environmental goals but do little to execute the often-stringent measures that these entail because they potentially involve political blowback. However, COPs do serve as an effective nudge. Even a decade ago, the link between global warming and climate change had sizeable critics; now, no country challenges fundamental science. A fossil fuel-free future is the direction that the world is moving towards.



It is thus appropriate that COP27 is viewed as the so-called 'implementation CoP', to borrow a term from Sameh Shoukry, Egyptian Foreign Minister and President, COP27. Shifting from fossil fuels to renewable sources is expensive and the large developing countries (India, China, Brazil, South Africa) while committing to a carbon-free future also underline their right to rely on fossil fuels in the interim. While there is agreement that developed countries foot the bill, the bulk of the wrangling is over determining how the bill is paid. The 'implementation COP', India has said, must set out a transparent payment system and spell out how countries already reeling under climate disasters can be compensated. This will also mean greater transparency from recipient nations on how these investments measurably improve a transition away from polluting sources. Unlike Glasgow 2021, when 'net zero' or commitments to be carbon neutral were the flavour of the season, implementation COPs are unlikely to result in ambitious breakthroughs. Often, however, it is the unspoken and the subterranean that get the job done. COP27 must send the message, loud and clear, that be it war or peace, poverty or plenty, securing the world's future comes at a price that only gets costlier every passing day.

WITH CO₂ EMISSION LIKELY TO RISE, 1.5°C TARGET GETTING TOUGHER, FINDS REPORT

Global carbon dioxide emissions is expected to continue to rise this year as well, further narrowing down the window of opportunity to keep the temperatures from rising beyond 1.5 degree Celsius, a new report released at the climate meeting on Thursday said.

At current trends, there was at least a 50 per cent chance that the 1.5 degree Celsius temperature target would be exceeded in the next nine years, the Global Carbon Project, which comes up with country level estimates of CO₂ emissions every year during the climate conference, said. CO₂ is the most common among the six major greenhouse gas emissions that are causing global warming.

The total carbon dioxide emissions, excluding those from land use changes and deforestation, are likely to be around 36.6 billion tonnes, about one per cent higher than the previous year, the report said. CO₂ released from land use changes like deforestation would likely contribute another 3.9 billion tonnes, it said.

Among major emitters, India is estimated to see the biggest rise in its CO₂ emissions, about 6 per cent from last year. Emissions are expected to decrease by about one per cent in China, the world's largest emitter, and the European Union which, as a group is the third biggest emitter. But the United States, the world's second biggest emitter it is projected to increase by 1.5 per cent, the report said.

"In India, the emissions in 2022... are driven mostly by a 5 per cent increase in coal emissions. Emissions from oil are up sharply, with a projected rise of 10 per cent. Projections from natural gas are projected to decline 4 per cent but contribute little to the total change as gas is a small part of the energy mix in India," a statement from the Global Carbon Project said.

Global CO₂ emissions had dropped significantly in 2020, compared to the previous year, due to the Covid19 pandemic, and had shown a marginal increase last year. This year's emissions are likely to go beyond the 2019 levels, the report said.

The Intergovernmental Panel on Climate Change, in its report released earlier this year, had said that global emissions (of all greenhouse gases combined, not just CO₂) needed to peak by the year 2025 if the world had to retain any realistic chances of keeping the rise in temperatures below 1.5 degree Celsius.



A couple of months later, the World Meteorological Organisation that there was a 50 per cent chance that the global temperatures would temporarily go beyond 1.5 degree Celsius from pre-industrial times within the next five years.

CLIMATE NETWORKING

From Monday, the sea-side, port city of Sharm El-Sheikh, Egypt, will host over 45,000 registered participants as part of the 27th edition of the UN-Conference of Parties (UN-COP). The participants include representatives of the 195 member-countries of the UN-COP, business persons, scientists, and members of indigenous and local communities and activists.

The UN-COPs, over the decades, have burgeoned into a colossal networking event where, under the umbrella of a simmering climate crisis, various interest-groups come away after protracted negotiations with little more than a promise to meet the following year at a new venue. The two-week long jamboree has multiple sub-events, protests and theme-pavilions that begin with a bang, such as with a World Leader's summit.

The event sees several heads of state deliver statements on the need to ensure that carbon emissions don't heat the globe beyond its sustainable limits. Last year, Prime Minister Narendra Modi, at the 26th edition of the COP in Glasgow, Scotland, committed to India becoming net-zero, or in effect carbon neutral, by 2070. It is unclear if he will be at Sharm-El-Sheikh but U.S. President Joe Biden and U.K. Prime Minister Rishi Sunak are expected to be present.

From here on, the summit — on the surface — is muted but is buzzing with activity underneath when various negotiating teams, representing countries, business groups and think tanks congregate into smaller groups, lay out draft text agreements and wage semantic wars. The main founding document is the 2015 Paris Agreement that commits countries to keep temperatures from rising over 2°C by the end of the century and as far as possible below 1.5°C.

This guiding principle results in an annual agreement, the latest being the Glasgow Climate Pact — an assemblage of various Articles and sub-articles — that outlines the responsibilities of every country and how they propose to take action on doing their bit to curtail carbon emissions. As has now become a pattern in most COPs, the negotiations build to a crescendo where concerns are aired about an impasse and then, the President of the COP — this time, Sameh Shoukry, Egypt's Minister of Foreign Affairs — will push the deadline by a few hours and then a document, flush with incremental gains, is conjured up when the gavel comes down.

'Implementation COP'

The latest COP, Mr. Shoukry has said, will be an 'Implementation COP'. "This means the full and faithful implementation of all the provisions of the Paris Agreement, along with pursuing even more ambitious NDCs if we are to keep the temperature goal within reach and avert further negative impacts," he said in a press statement. NDCs, or Nationally Determined Contributions, are a country's intent — but not binding or mandatory — towards achieving the goals of the Paris Agreement.

India has updated its NDC of 2015 by committing to reduce the emissions intensity of its GDP by 45% by 2030, from the 2005 level, achieving 50% cumulative electric power installed capacity from non-fossil fuel-based energy resources and creating an additional carbon sink of 2.5 to 3 billion tonnes of CO₂ by adding forest and tree cover by 2030. However, unlike in the 2015 version, the latest NDC also underlines India's commitment to "...mobilise domestic and new &



additional funds from developed countries..” to, primarily, access and implement clean energy technology.

Environment Minister Bhupendra Yadav, who will be leading the Indian delegation to COP-27, has said India will continue to press developed countries into making good their unfulfilled commitment to deliver \$100 billion a year of climate finance by 2020 and every year thereafter till 2025. There is yet no definition on what constitutes ‘climate finance’ and whether it includes both loans and grants and India, he said, would press for more transparency as well as institutional mechanisms to make these funds available to developing countries as well as those most vulnerable to the impacts of climate change.

RED FLAGS OVER ‘GREENWASHING’ AT COP27 — WHAT IS IT?

The use of unfair practices in climate action is not new. Corporations, and sometimes even countries, attempt to exaggerate the actions they are taking to help the fight against climate change, and also the impacts of these actions. In the process, they provide misleading information, make unverifiable claims, and sometimes plainly lie about their products or processes.

In the first official acknowledgment of ‘greenwashing’, UN Secretary General Antonio Guterres on Tuesday warned private corporations to desist from such practices and mend their ways within a year. There will be zero tolerance for greenwashing, he said at the ongoing climate meeting in Sharm el-Shaikh.

Greenwashing

There is a growing tendency among firms and governments to mark all kinds of activities as climate-friendly, as something that would lead to emissions reduction, or avoidance of emissions. Many of these claims are unverifiable, misleading, or dubious. While they help in boosting the image of the entity, sometimes even helping them garner benefits, they do nothing in the fight against climate change.

While Guterres spoke against greenwashing in the context of net-zero targets being pursued by many corporations and sub-national governments, greenwashing is prevalent across a whole range of environmental activities. Developed countries, for example, are often accused of greenwashing their normal business investments in developing countries, or their bilateral aid, by highlighting climate co-benefits of the financial flows, sometimes with very little justification.

The Volkswagen scandal, in which the German car company was found to have been cheating in emissions testing of its supposedly green diesel vehicles, was a case of greenwashing. Several other multinational corporations, including oil giants like Shell and BP, and Coca Cola have faced accusations of greenwashing.

Greenwashing presents a false picture of the progress being made on the climate change front, thereby pushing the world towards disaster, while at the same time rewarding entities for irresponsible behaviour.

Fairly widespread

The processes and products that can potentially cut emissions are so many that it is practically impossible to monitor and verify all. There is lack of regulation and standardisation in most of



these spaces. The processes, methodologies and institutions to measure, report, create standards, verify claims and grant certifications are still being set up.

In the meanwhile, large number of organisations have sprung up claiming expertise in these areas and offering their services for a fee. Many of these organisations lack integrity and robustness, but their services are still availed by corporations because it makes them look good.

As Arjun Dutt, Senior Programme Lead at Delhi-based Council on Energy, Environment and Water, said, sometimes, corporations make genuine mistakes.

“Many times, it is not clear whether the project a company wants to invest in is really green. If a company is investing in a solar project, for example, it is fairly straightforward. But in many other cases, it is not that clear. The investing company then looks for third party entities which claim to know whether a particular project is green. Several such entities do not have the expertise. But the corporation goes along, mainly because they don’t know better. This can be a case of a genuine mistake. But there are many other instances when companies deliberately mislead, or lie,” Dutt said.

Credits and offsets

The trade in carbon credits comes under the scanner in any discussion on greenwashing. Carbon trade is a legitimate exercise. In fact, it is officially encouraged. Countries or firms that reduce emissions beyond their mandate are granted carbon credits, which can then be bought for money by entities that need it to achieve their targets. There was a carbon market under the Kyoto Protocol, and a new one is being created under the Paris Agreement as well.

But the scope of carbon markets has increased manifold since it was first conceptualised. Informal carbon markets also exist. There are now credits available for all kinds of activities — for growing trees, for planting a certain kind of crop, for installing energy-efficient equipment in office buildings. Basically, any activity that has the potential to reduce or avoid emissions can earn credits. The credits are often certified by unofficial third party companies and sold to others. Such transactions, particularly in informal, bilateral or voluntary markets, have been flagged for lack of integrity and double counting.

Even the official market is not immune to charges of double counting and greenwashing. Countries like India or Brazil had accumulated huge carbon credits under the Kyoto Protocol and wanted these to be transitioned to the new market being set up under the Paris Agreement. But many developed countries resisted this, questioning the integrity of the credits and claiming they did not accurately represent reductions in emissions. Carbon offsets from forests are one of the most controversial.

The way forward

An expert group formed by the UN Secretary General last year to suggest remedial actions on this front submitted its report Tuesday. Among other things, it recommended that corporations pursuing net zero targets must not be allowed to make fresh investments in fossil fuels, must be asked to present short-term emission reduction goals on the path to achieving net zero, and must bring an end to all activities that lead to deforestation. In addition, the corporations have been advised not to use offset mechanisms at the start of their journey to net-zero status.

The expert group has also recommended the creation of regulatory structures and standards as soon as possible.



While the measures are likely to curb these activities to some extent, it is also true that the entire architecture of global fight against climate change is based on trust. There are elements of measurement, reporting and verification, but as mentioned earlier, the vast array of activities makes it extremely difficult, if not entirely impossible, to police every process and product.

WHAT IS THE MANGROVE ALLIANCE FOR CLIMATE, WHICH INDIA JOINED AT COP27?

At the 27th Session of Conference of Parties (COP27), this year's UN climate summit, the Mangrove Alliance for Climate (MAC) was launched with India as a partner on Tuesday (November 8). The move, in line with India's goal to increase its carbon sink, will see New Delhi collaborating with Sri Lanka, Indonesia and other countries to preserve and restore the mangrove forests in the region.

Attending the event in Sharm El-Sheikh, Egypt on Tuesday, Union Minister for Environment Forest and Climate Change Bhupender Yadav said that India is home to one of the largest remaining areas of mangroves in the world — the Sundarbans — and has years of expertise in restoration of mangrove cover that can be used to aid global measures in this direction.

The MAC

An initiative led by the United Arab Emirates (UAE) and Indonesia, the Mangrove Alliance for Climate (MAC) includes India, Sri Lanka, Australia, Japan, and Spain. It seeks to educate and spread awareness worldwide on the role of mangroves in curbing global warming and its potential as a solution for climate change.

Mariam bint Mohammed Almheiri, UAE's Minister of Climate Change and the Environment, while launching the alliance, said that her country intends to plant 3 million mangroves in the next two months, in keeping with UAE's COP26 pledge of planting 100 million mangroves by 2030.

"Increasing reliance on nature-based solutions is an integral element of the UAE's climate action on the domestic as well as international level, therefore, we seek to expand our mangrove cover," she said, as per a report in Dubai-based news channel Al Arabiya. "We are pleased to launch MAC jointly with Indonesia, and believe it will go a long way in driving collective climate action and rehabilitating blue carbon ecosystems," she added.

However, the intergovernmental alliance works on a voluntary basis which means that there are no real checks and balances to hold members accountable. Instead, the parties will decide their own commitments and deadlines regarding planting and restoring mangroves. The members will also share expertise and support each other in researching, managing and protecting coastal areas.

The significance of mangroves

Mangroves have been the focus of conservationists for years and it is difficult to overstate their importance in the global climate context. Mangrove forests — consisting of trees and shrub that live in intertidal water in coastal areas — host diverse marine life. They also support a rich food web, with molluscs and algae-filled substrate acting as a breeding ground for small fish, mud crabs and shrimps, thus providing a livelihood to local artisanal fishers.

Equally importantly, they act as effective carbon stores, holding up to four times the amount of carbon as other forested ecosystems. Mangrove forests capture vast amounts of carbon dioxide



from the atmosphere and their preservation can both aid in removal of carbon from the atmosphere and prevent the release of the same upon their destruction.

The current state of the mangroves

South Asia houses some of the most extensive areas of mangroves globally, while Indonesia hosts one-fifth of the overall amount. India holds around 3 percent of South Asia's mangrove population. Besides the Sundarbans in West Bengal, the Andamans region, the Kachchh and Jamnagar areas in Gujarat too have substantial mangrove cover.

However, infrastructure projects — industrial expansion and building of roads and railways, and natural processes — shifting coastlines, coastal erosion and storms, have resulted in a significant decrease in mangrove habitats. Between 2010 and 2020, around 600 sq km of mangroves were lost of which more than 62% was due to direct human impacts, the Global Mangrove Alliance said in its 2022 report.

India at COP

Unlike other world leaders — US President Joe Biden and UK Prime Minister Rishi Sunak — Prime Minister Narendra Modi has skipped this edition of the conference, with Union Minister Bhupender Yadav representing India instead.

Yadav has said that India's focus currently is on concessional and climate-specific grants to drive climate finance, and has teamed up with Brazil, South Africa and China (the BASIC bloc) to negotiate agreements.

Demands by various negotiating blocs

As seen in the previous sessions of the climate conference, building consensus among the 190+ countries who are members of the UN Framework Convention on Climate Change (UNFCCC) is a tough task. China, for instance, has ramped up the use of coal amidst energy security risks and rising tensions with Taiwan. Its deteriorating relationship with the US, the second-biggest emitter of greenhouse gas behind Beijing, has further complicated possibilities of negotiations.

The European Union, which negotiates as a single entity for its 27 members, is at the lower end of the spectrum of gas emitters, but is under pressure to ease its resistance to its staunch position

against the issue of 'loss and damage', which calls for rich and developed countries to compensate poorer, developing countries who are disproportionately affected by the effects of climate change.

G77 and China is the largest intergovernmental organisation of developing countries in the UN. Pakistan, which currently chairs the group and faced devastating floods this year, will lead the group in its demand for a dedicated fund for compensation from wealthy countries, Reuters reported. The Climate Vulnerable Forum, which represents 58 countries that are disproportionately affected by the consequences of climate change such as Bangladesh and Maldives, reportedly demands a dedicated fund in which rich polluting nations help bear the costs of "loss and damage".

VACCINE TRIAL SOON AMID FEAR OF EBOLA VIRUS SPREAD

The Ebola virus outbreak that began in Uganda on September 20 after one case was confirmed in Mubende district the previous day has spread to at least 130 people (lab confirmed) and caused



43 deaths as on November 2. The increase in fatalities has in turn increased the case fatality rate among lab-confirmed cases to 33% (43/130); the case fatality rate was 26.5% (34/128) as on October 29.

It is not the increase in case fatality rate alone that is causing concern — the deadly virus has now reached the capital city Kampala; the virus was restricted to the rural areas of Uganda since the outbreak began in September.

Difficulty in tracing

Compared with rural regions, the presence of the virus in the Kampala city increases the risk of the virus easily spreading to a large number of people and the increased difficulty of tracing all contacts. Thus, there is an enhanced possibility of the outbreak becoming bigger, particularly as the virus has already spread to school children — six school children from three schools tested positive for the virus and one child died as on October 28. Also, there is a risk of the virus spreading across borders, as the virus is now present in the capital city.

Unlike the large Ebola outbreak of 2014-2016 caused by the Zaire strain that started in Guinea and spread to two other Western African countries — Sierra Leone and Liberia — by July 2014, the outbreak in Uganda is caused by rarer Sudan strain. Uganda is facing a Sudan Ebola virus outbreak after a decade.

The Ebola outbreak of 2014-2016 which spread to over 28,000 people and killed 11,000 people allowed the testing of Merck's vaccine through a ring vaccination strategy.

Currently there are no vaccines available for the Sudan strain of the Ebola virus. The silver lining is that Merck has developed a vaccine specifically against the Sudan strain in 2015 and 2016 after the success with the vaccine against the Zaire strain.

Testing on monkeys

However, since there was no outbreak of Ebola caused by the Sudan strain till September this year, the large stock of vaccines against the Sudan strain now spreading in Uganda was never tested on people. But the virus was tested on monkeys and was found to be effective in protecting against the virus. Jon Cohen of Science recently reported that Merck had, in 2021, destroyed the candidate vaccine that it had in vials as the vaccines had expired. However, the vaccine stored in bulk was found to be viable despite more than six years after they were produced.

Besides Merck's vaccine for the Sudan strain, two other vaccines by Sabin Vaccine Institute and the University of Oxford are in the process of being produced for clinical testing. While the Merck's vaccine uses the VSV (vesicular stomatitis virus) platform, both Sabin Vaccine Institute and University of Oxford use the chimpanzee adenoviruses to carry the virus protein into humans, much like the AstraZeneca COVID-19 vaccine.

Clinical trials using the ring vaccination strategy of administering the vaccine among the contacts might begin by mid-November. On October 26, Uganda Media Centre (the country's official centre for public communications) tweeted that all three candidate vaccines would be evaluated.

Health Minister Jane Ruth Aceng Ocerro said the initial plan is to test the vaccine on 3,000 contacts of 150 lab-confirmed cases within 29 days of contact. "The trial preparation has been concluded and we estimate that we may begin the trial in two weeks' time," she said on October 26 in a tweet.



NEW HOPE FOR MALARIA VACCINE: THE SCIENCE, CHALLENGES, OPPORTUNITY

Malaria kills nearly 600,000 people every year, the majority of whom are children under the age of five in sub-Saharan Africa. The need to develop an effective vaccine against the disease has long been a top priority — but given the highly complex life cycle of the parasite, characterisation of key elements that correlate with protective immunity has been very difficult.

Promising breakthroughs

After decades of slow progress, there seems to be light at the end of the long tunnel. WHO approval in October 2021 for RTS,S/AS01 (Mosquirix) developed by GlaxoSmithKline for immunising children was a major milestone. Although RTS,S/AS01 has modest efficacy and reduces severe malaria cases by only about 30 per cent after four doses given to children under age 5, it still provides significant public health benefits, and could save thousands of lives every year.

It took more than 30 years and approximately \$700 million for this breakthrough, which underscores the scientific and logistic challenges in developing a vaccine against a parasitic disease like malaria. GSK has granted Bharat Biotech licence to manufacture Mosquirix, and by 2029, the Hyderabad-based company is expected to be the sole global manufacturer of this vaccine.

However, RTS,S/AS01 fails to meet the WHO's own benchmark for malaria vaccine efficacy of 75 per cent set in 2015. In September 2021, another malaria vaccine, R21/Matrix M, developed by the University of Oxford in the UK, demonstrated an efficacy of 77 per cent in phase 1 and 2 trials among 450 children in Burkina Faso. In early September 2022, this vaccine once again made headlines after publication of results of a booster dose of R21/Matrix-M in the journal *Lancet Infectious Diseases* showed a high efficacy of 80 per cent was maintained after two years.

DEATH IN CRISPR GENE THERAPY STUDY SPARKS SEARCH FOR ANSWERS

The lone volunteer in a unique study involving a gene-editing technique has died, and those behind the trial are now trying to figure out what killed him.

Terry Horgan, a 27-year-old who had Duchenne muscular dystrophy, died last month, according to Cure Rare Disease, a Connecticut-based nonprofit founded by his brother, Rich, to try and save him from the fatal condition.

Although little is known about how he died, his death occurred during one of the first studies to test a gene editing treatment built for one person. It's raising questions about the overall prospect of such therapies, which have buoyed hopes among many families facing rare and devastating diseases.

The early-stage safety study was sponsored by the nonprofit, led by Dr. Brenda Wong at the University of Massachusetts Chan Medical School and approved by the Food and Drug Administration. The hope was to use a gene-editing tool called CRISPR to treat Horgan's particular form of Duchenne muscular dystrophy. The rare, genetic muscle-wasting disease is caused by a mutation in the gene needed to produce a protein called dystrophin. Most people with Duchenne die from lung or heart issues caused by it.