



27 November to 3 December 2022

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INTERNATIONAL

OIL NO BAR

The Biden administration's decision to ease sanctions on Venezuela and allow Chevron to return to its joint venture oil fields marks the end of Washington's maximum pressure campaign aimed at ousting President Nicolás Maduro. Former President Donald Trump took U.S. sanctions to the extreme by barring oil companies from operating in the South American country, which has the world's largest oil reserves, and recognising Juan Guaidó, the self-declared unelected acting President. This policy had little impact on Venezuela's political crisis, for two reasons: first, Mr. Guaidó never managed to mobilise enough political capital to shake Mr. Maduro's regime, powered by the Bolivarian grassroots movement; and then, the regime found a way to work around the sanctions by selling its heavy crude at a discounted price to China and other countries. The Biden administration followed the Trump line in its initial months, but started holding talks with Venezuela in March, a few weeks after the Russian invasion of Ukraine. While the U.S.'s official narrative is that the decision to ease sanctions was part of a larger political reconciliation process within Venezuela, the catalyst seems to be Ukraine and the energy crisis. Sanctions on Russia have pumped up prices. Mr. Biden's attempts to revive the Iran nuclear deal have not succeeded so far. The move by Saudi Arabia and its allies to slash oil production has also mounted additional pressure on prices. The only option now to get more oil into the market is to allow Venezuela to do so.

To be sure, the easing of sanctions comes with riders. Chevron can produce oil from its fields in Venezuela, but the oil should be exported only to the U.S. Also, the sale proceeds should be used to pay back state-owned Venezuelan oil company PdVSA's debt to Chevron (some \$4.2 billion), and the licence can be cancelled any time. Even so, Mr. Maduro can claim victory in the U.S.'s clear U-turn. He has offered to begin talks with the opposition, but has not made any major concession beyond that. The U.S. move could also prompt European countries to revisit their policy towards Caracas. The return of foreign companies would allow Venezuela to ramp up its oil production. Mr. Maduro seems to have survived western attempts to isolate him, but his bigger challenge is to ride out the storm at home. The window of reengagement is his opportunity. He should embrace it with steps to address the critical failings of Venezuela's economy, partly because of his own policies, mend ties with the West, and join serious talks with the opposition.

CHINA'S ANTI-LOCKDOWN PROTESTS SPREAD TO DOZENS OF CAMPUSES

Protests in China against the government's harsh COVID-19 lockdown measures continued to intensify over the weekend, spreading to dozens of university campuses around the country in an unprecedented challenge to the Communist Party, on a scale unseen in decades.

These protests were triggered by widespread anger at the death of at least 10 people in a fire in an apartment in the western city of Urumqi, with delays in extinguishing the blaze widely seen by the public as a result of lockdown policies. The protests have coincided with a record outbreak of COVID cases across China in recent days, which have brought fresh lockdowns. The National Health Commission on Sunday reported more than 39,500 cases, the highest since the pandemic began.

Late on Saturday night, crowds gathered in Shanghai, on Urumqi Road, to mourn the victims of the fire. Videos on social media showed protesters calling for an end to lockdowns and mass



testing. Some raised slogans against China's president Xi Jinping and the ruling Communist Party. Several hundred people gathered in Beijing on Sunday night for a rare protest. Some laid out candles to mourn those in Urumqi, while others chanted, "We don't want COVID tests, we want freedom!" A large police presence was deployed around the protest that took place near the Liangma river in the heart of the capital.

Protests this weekend spread to over 50 Chinese college campuses, according to a list shared online and dozens of protest videos shared on social media. In the elite Tsinghua University in the heart of the Chinese capital, Mr. Xi's alma mater, students gathered on Sunday, chanting: "We need democracy, rule of law, and freedom of expression!" "We haven't seen scenes like this since 1989," a veteran Chinese journalist told *The Hindu*, referring to the Tiananmen Square protests.

This weekend, thousands of students gathered across the country, from Sichuan University in the West to Nanjing Communications University in the east. While local protests against issues ranging from land grabs to environmental pollution are not uncommon in China, what is now unprecedented is a national-level protest on the same issue, and carried out in direct opposition to a Central government policy. Only last month, Mr. Xi defended the zero-COVID policy at the Party Congress that marked the start of his third term.

If the scenes from around campuses were certainly unprecedented, less clear is the road ahead. On Sunday, the Communist Party's official newspaper *People's Daily* declared that the government would continue to firmly adhere to the zero-COVID policy, even as anger grows at the economic and social costs, and questions mount as to how the rest of the world has left China behind in emerging from the pandemic.

Chinese health experts have told State media that the country could not afford to open up, given the vast elderly population, and the stress on its medical system that could face a collapse. China could face millions of deaths, with only 40% of the above-80 population having completed three doses of Chinese vaccines, needed to prevent hospitalisation and death. There has not been any recent attempt, however, to revive the booster campaign. That has taken a backseat, with healthcare resources devoted to lockdowns and testing instead.

Yet at the same time, millions of Chinese have struggled under the continuing weight of the zero-COVID regime. Continuing lockdowns have decimated livelihoods and the economy. University students have been particularly badly affected, spending months either in online learning or confined to their dormitories, and facing on graduation arguably the worst job prospects in China's reform era. "Our youth has been stolen," said one comment online. Thousands of students expressed their sentiment by carrying blank sheets of white paper as they gathered in their campuses, or posting blank images online to show solidarity with the protesters.

ON THE BOIL

The killing of five Palestinian men by Israeli security forces in separate incidents on Tuesday in Hebron and Ramallah is the latest flare-up of a continuing story of violence and retribution in the occupied West Bank. Organised armed resistance independent of the official Palestinian leadership has been growing in the West Bank ever since the clashes in Jerusalem in May 2021, which led to the 11-day war on the Gaza Strip, controlled by the Islamist Hamas. Among the new militant groups that have sprung up in the West Bank is the Lion's Den, reportedly based in the Old City of Nablus, attacking Israeli troops and illegal Jewish settlers in Palestinian territories. This year has seen a marked jump in attacks by Palestinians — Jerusalem was hit by two blasts in



November in which a teenager was killed and 18 injured — while the Israelis carry out raids in West Bank towns almost daily. The violence is cyclical. At least 140 Palestinians have been killed this year, including 26 children, which is a seven-year record. More than 30 Israelis have been killed by Palestinians.

If anything, the continuing violence despite Israel's disproportionate crackdown underscores the argument that the status quo in the occupied and blockaded Palestinian territories is unbearable and unsustainable. Israel's approach is that it can manage the security challenges from Palestinians with heavy force and no concessions. A weak and divided Palestinian leadership means that there is no organised, collective voice to negotiate with the Israelis. The Palestinian Authority, which runs parts of the West Bank, is led by Fatah, while the overpopulated Gaza Strip, on the Mediterranean coast, is ruled by its rival Hamas. Still, the situation is beyond Israel's control. The absence of a peace process, a deepening of the occupation and pent-up frustration with their own leadership have led a new generation of Palestinians in the West Bank to embrace violence and militancy, recalling the days of the second Intifada. The return of Benjamin Netanyahu as Prime Minister could make the situation worse as some of his far-right and ultra-Orthodox allies want the Jewish settlements in the West Bank to be expanded and "disloyal" Arab citizens of Israel expelled. The slow death of the two-state formula and growing violence are bad news for the occupiers and the occupied. While it is making Palestinian lives extremely difficult, the unending conflict is reshaping Israeli society as well, which is becoming polarised with the clergy, far-right nationalists and extremists wielding an outsize influence on politics and governance.

A NEW ERA

Once a rising star within the ruling United Malays National Organisation (UMNO). And then a rebel reformer thrown into prison by his former boss. The story of Anwar Ibrahim is that of power, revolt, incarceration and comeback. In the ups and downs of his long career, Mr. Anwar never gave up on his political activism or faith in his movement, Reformasi (Reform), which has finally taken him to the office that evaded him for over two decades. In last week's elections, his coalition Pakatan Harapan (PH, Alliance of Hope), emerged as the largest bloc in Parliament following which Malaysia's King appointed the 75-year-old leader as the Prime Minister. In the 1990s, Mr. Anwar, then the Deputy Prime Minister, was seen as the obvious successor of the all-powerful Prime Minister Mahathir Mohamad. But their differences and his calls for reform within UMNO and the government led to his downfall. He was jailed over sodomy charges, which he denies. Two jail terms later, Mr. Anwar, in 2018, joined hands with Dr. Mahathir, and managed to oust from power the UMNO, which was grappling with corruption scandals. Dr. Mahathir, who became the Prime Minister again, gave Mr. Anwar a pardon but refused to share power with him, pushing the country into political instability. But this time, Mr. Anwar is free of legal hurdles and does not face any immediate challenge to his claim to power.

The election results, however, also showed Malaysia's polarising polity. This is the first time Malaysians voted in a hung Parliament. Mr. Anwar's bloc (PH), which promised corruption-free governance and protection of minority rights, won 82 seats of the 222-member Assembly. Former Prime Minister Muhyiddin Yassin's Perikatan Nasional (PN) got 73 seats, while Prime Minister Ismail Sabri Yaakob's Barisan Nasional (BN) — dominated by UMNO — was defeated with its 30 seats. While the result clearly underscored growing resentment towards UMNO, it also showed the rise of the Malaysian Islamic Party (PAS), which is part of the Perikatan coalition. The PAS, which won 49 seats on its own, wants a theocratic Islamic rule in Malaysia and religious



interpretation of the Constitution. Perhaps the biggest challenge Mr. Anwar faces is the growing polarisation of Malaysian society. As an opposition leader, he campaigned for equality and minority rights and questioned corruption and cronyism. Now, as Prime Minister, he has to translate them into action. And he has to do so when his government would be dependent on coalition partners for majority in Parliament and at a time when Islamist forces that challenge his progressive agenda are on the rise. A tall ask indeed.

DEBT TALKS IN SRI LANKA PUT SPOTLIGHT ON CHINA LOANS

As Sri Lanka works hard to obtain financing assurances from its diverse creditors — a prerequisite for the provisional \$2.9-billion IMF package — the loans obtained from China, the island nation's largest bilateral lender, have come under sharp focus. Earlier this week, Governor of the Central Bank of Sri Lanka Nandalal Weerasinghe told reporters that if Sri Lanka missed the December deadline [to report to the IMF], "we still have time until January".

Months after opting for a pre-emptive and disorderly default on its \$51 billion foreign debt, Sri Lanka reached a staff level agreement with the International Monetary Fund (IMF) in September. The government said the programme would put Sri Lanka's battered economy on a path to recovery and reform, making the bankrupt country eligible to borrow again from international sources. The IMF made its support contingent on Sri Lanka obtaining adequate financing assurances from all its creditors. While private lenders, mainly holders of International Sovereign Bonds, account for the largest chunk of Sri Lanka's external debt, China, India, and Japan are the top three bilateral creditors, and play a crucial part in the ongoing negotiations.

Speaking in Parliament on Wednesday, Opposition legislator from the Tamil National Alliance Shanakiyan Rasamanickam accused China of stalling Sri Lanka's IMF deal and "forcing down" unnecessary projects by "paying bribes" to Sri Lankans. "If China is truly Sri Lanka's friend, ask the Chinese to help with the [debt] restructuring and the IMF programme," he said.

Referring to Rajapaksa-era mega infrastructure projects in Hambantota and Colombo, funded by the Chinese, the Batticaloa MP said: "That is not China being Sri Lanka's friend, that is China being Mahinda Rajapaksa's friend."

Bilateral talks

Responding to the TNA legislator on Twitter, the Chinese Embassy said working teams of different Chinese banks had visited the island, and "bilateral negotiations are on". The Embassy contended that his understanding was "incorrect and incomplete."

China will have to play "a major role" in Sri Lanka's debt restructuring process, with \$ 7.4 billion or 19.6 % Sri Lanka's outstanding public debt owed to China at the end of 2021, a recent paper by Sri Lankan Economists Umesh Moramudali and Thilina Panduwawala has noted. "It will be the first time a major Asian Belt and Road Initiative borrower is going through the process... China's approach to Sri Lanka's debt restructuring and the extent of debt relief offered will set a precedent for China's role and behaviour in other countries as well,".

Diplomatic sources in Colombo said they were awaiting more "clarity" on the exact process of debt restructuring, on whether Sri Lanka is adhering to the principle of "comparative and equitable treatment" of all creditors, and the "salutary effect" the process might have on the Sri Lankan economy.



NATION

GANDHI BUST AT UN HEADQUARTERS WILL REINFORCE INDIA'S QUEST FOR PEACE

India's month-long presidency in United Nations Security Council will witness a landmark installation of a bust of Mahatma Gandhi in the north lawn of the UN Headquarters on December 14. External Affairs Minister S Jaishankar and UN Secretary-General Antonio Guterres will be present at the inauguration. The other attendees of the ceremony would include five incoming new Council members — Ecuador, Japan, Malta, Mozambique and Switzerland.

“These five new members, whose two-year tenure at the Council, will begin on January 1, 2023, will replace India, Ireland, Kenya, Mexico and Norway and join the five permanent members China, France, Russia, the UK and the US as well as non-permanent members Albania, Brazil, Gabon, Ghana and the United Arab Emirates,” said sources.

The bust of Gandhi has been sculpted by renowned Indian sculptor Ram Sutar, who has also designed the ‘Statue of Unity’. Gandhi's legacy of peace and non-violence and PM Modi's assertion that this is

“No Era for War” is amongst the factors instrumental in the installation of the Gandhi bust at UNHQ.

Other notable works of art at UNHQ include a section of the Berlin wall donated by Germany, a Soviet sculpture Let Us Beat Swords into Ploughshares, a life-size bronze statue of Nelson Mandela gifted by South Africa, and the ‘Guernica’ tapestry after the painting Guernica by Pablo Picasso.

“The only other gift from India presently on display at the UN Headquarters is a 11th-century black-stone statue of ‘Surya’, the Sun God, that was installed on July 26, 1982. The statue, dating from the late Pala period is currently displayed in the Conference Building. This was presented as a gift by then Prime Minister Indira Gandhi to the United Nations.

Meanwhile, India, on December 1, assumed the monthly rotating presidency of the Security Council, the second after August 2021 that India is presiding over the Council during its two-year tenure as an elected UNSC member.

India's 2021-2022 term on the Council ends on December 31, with Ruchira Kamboj, India's first woman Permanent Representative to the United Nations in New York, sitting in the president's seat at the horseshoe table for the month.

“Our presidency will mark the arrival of Mahatma Gandhi at UN. There would be two signature events that would be chaired by Jaishankar. They are the reformed multilateralism and the counter terrorism,” said Kamboj. Meanwhile, an event organised under India's month-long presidency, will also witness the launch of a “Group of Friends” for accountability of crimes against UN peacekeepers.

“Robust peacekeeping has been one of our priorities of the Security Council,” Kamboj added. Following up on Resolution 2589, which had focussed on the safety and security of peacekeepers, the Group of Friends will bring the spotlight on the task of peacekeepers.



GREAT RESPONSIBILITY

The Government launched its year of the G-20 presidency on December 1 with some pomp, and 100 monuments from Kashmir to Kanyakumari lit up with India's G-20 logo symbolising the motto "Vasudhaiva Kutumbakam, or "one earth, one family, one future". In an editorial essay, Prime Minister Narendra Modi committed to making India's year of chairmanship as one that will focus on "healing our 'One Earth', creating harmony within our 'One Family' and giving hope for our 'One Future'". There are plans for about 200 G-20 meetings across India. The preparatory and ministerial meetings will culminate in grand plans for a G-20 Summit, which will bring leaders of the 'P-5' countries and others to New Delhi next September. India has taken the baton from Indonesia, which had a difficult time in even scheduling meetings and ensuring full participation due to differences over the Ukraine war. There was even uncertainty till the end over whether all major leaders would attend; whether they would agree to a joint photo-opportunity (they did not), and whether there would be a joint statement — which was eventually forged. Like Indonesian President Joko Widodo, Mr. Modi will have to travel abroad to ensure that all G-20 leaders and invitees attend at the highest level. And officials will have to burn more midnight oil to achieve consensus on statements.

Symbolism and logistical coordination aside, the Government has a tough task ahead in conducting substantive negotiations to bring together a comprehensive G-20 agenda, where officials said they would focus on counter-terrorism, supply chain disruptions and global unity. In 2008, the first G-20 summit-level meeting in the U.S. was during a moment of crisis for the world's financial systems. In 2022, the task for Mr. Modi and his team is equally crucial, given the lasting effects of the Russian war in Ukraine, western sanctions on energy that will deepen this month, economic downturns, pandemic worries and climate change issues that are testing the foundations of globalisation and an interconnected global economy. In his editorial, Mr. Modi said India would forge its G-20 agenda through its tradition of "collective decision-making" that, like India's national consensus, would be made "... by blending millions of free voices into one harmonious melody". At a time India itself faces economic distress and social and communal tensions, the Government should be prepared for more scrutiny on upholding such ideals. Having raised the pitch on India's global prominence as G-20 President, and its power to shape the global narrative, the Government may find that with great power comes great responsibility, and a greater spotlight on its ability to translate its global dreams into the domestic landscape as well.

INDIA IS THE LONE ABSENTEE AT CHINA'S INDIAN OCEAN FORUM OF 19 COUNTRIES

The forum, held in Kunming in southwestern Yunnan province on November 21, brought together representatives from 19 countries including Indonesia, Pakistan, Myanmar, Sri Lanka, Bangladesh, Maldives, Nepal, Afghanistan, Iran, Oman, South Africa, Kenya, Mozambique, Tanzania, Seychelles, Madagascar, Mauritius, Djibouti, and Australia, according to a statement from the organisers, the China International Development Cooperation Agency (CIDCA).

India was not invited. The CIDCA is China's new development aid agency, and is currently headed by former Vice Foreign Minister Luo Zhaohui, who also earlier served as envoy to India and Pakistan.

The forum underlined China's stepped up diplomacy in the Indian Ocean Region (IOR). Earlier this year, during a visit to Sri Lanka, Foreign Minister Wang Yi proposed creating another forum "on



the development of Indian Ocean island countries” to “build consensus and synergy, and promote common development”. He called on Sri Lanka to “play an important role” in the initiative.

At CIDCA’s Kunming forum, China “proposed to establish a marine disaster prevention and mitigation cooperation mechanism between China and countries in the Indian Ocean region, and stood ready to provide necessary financial, material, and technical support to countries in need”, a statement from CIDCA said.

China also “proposed the establishment of a blue economy think tank network for China and countries in the Indian Ocean region with the support of Yunnan.”

The participating countries, the statement said, agreed to cooperate to “strengthen policy coordination, deepen development cooperation, increase resilience to shocks and disasters, and enhance relevant countries’ capacity to obtain economic benefits through use of marine resources such as fisheries, renewable energy, tourism, and shipping in a sustainable way.” China, which has set up a China-Africa Satellite Remote Sensing Application Centre, also called for countries “to jointly address non-traditional security challenges and participate in global development cooperation.”

EGYPTIAN PRESIDENT SISI TO BE CHIEF GUEST AT REPUBLIC DAY CELEBRATIONS

Egyptian President Abdel Fateh el-Sisi will be the chief guest at the Republic Day celebrations in January 2023, the Ministry of External Affairs (MEA) announced on Sunday.

Both countries are celebrating the 75th anniversary of establishment of diplomatic relations this year,” an official press release from the Ministry pointed out.

Egypt and India were founding members of the movement for non-alignment in international affairs during the 1950s and Egyptian leaders have traditionally maintained cordial ties with New Delhi. Mr. Sisi attended the India Africa Forum Summit along with other heads of states and governments of Africa from October 26 to 29 in 2015.

The two countries are reinventing a trusted bilateral relationship through newer initiatives such as green energy. In July this year, Egypt signed a Memorandum of Understanding with India’s ReNew Power for \$8 billion to build a clean hydrogen facility in the Suez Canal Economic Zone.

The Indian entity, backed by the Abu Dhabi Investment Authority and Goldman Sachs, is expected to produce 2,20,000 tonnes of clean fuel annually at the Egyptian facility.

Egypt, along with Bangladesh, the United Arab Emirates, Mauritius, the Netherlands, Nigeria, Oman, Singapore and Spain, is among the guest countries invited to attend next year’s G-20 summit that will be conducted under India’s presidency.

“This is the first time that the President of the Arab Republic of Egypt will be the Chief Guest at our Republic Day,” the MEA said in its announcement. The late Egyptian President Hosni Mubarak had visited India in 2008 when the UPA Government had awarded him the Jawaharlal Nehru Award for International Understanding.



INDIA AND BANGLADESH ESTABLISH CONTACT AS MORE KUKI-CHIN REFUGEES ARE EXPECTED TO ENTER MIZORAM

Ten days after the first batch of over 270 Kuki-Chin refugees crossed over to India fearing an attack from Bangladesh security forces, government officials estimate that 150 more refugees are expected to seek shelter in Mizoram in the *next* few days. A source said India and Bangladesh are aware of the unique seriousness of the issue and are in contact with each other.

A senior government official told *The Hindu* that 21 Kuki-Chin members had entered Mizoram on November 27, taking the total number of refugees to 293 so far.

While civil society groups and the State government have made arrangements for the stay of refugees in schools in Mizoram, the Union Home Ministry is yet to take a concrete decision on their repatriation.

A government official said that since India is not a signatory to the United Nations Refugee Convention of 1951 and its 1967 Protocol and does not recognise refugees, undocumented migrants are liable to be prosecuted for violating the Foreigners Act.

The members of the community from the Chittagong Hill Tract Area in Bangladesh fled the country after the Rapid Action Battalion (RAB) began a crackdown against the Kuki-Chin fighters, an armed wing of the Kuki-Chin National Front, a political body that seeks various safeguards, and protection, for the community.

Fighters of the Kuki-Chin National Front had received financial support from Jama'atul Ansar Fil Hindal Sharqiya (JAFHS), a fundamentalist organisation of Bangladesh, informed sources have shared with *The Hindu*. Dhaka believes that the Kuki-Chin fighters had arms training but were short of financial resources, which was supplied to them by the JAFHS.

"We believe the religious fundamentalist group had access to finances that it has extended to the Kuki-Chin groups. This fact was revealed by some of the members of the group during interrogation by the anti-terror forces of the Government of Bangladesh," a source familiar with the financial network between various such groups active in the region said. Bangladesh carried out the special armed campaign in October to nab the cadre of the KCNF from the Chittagong Hill Tracts.

LAYING THE GROUND TO DELEGITIMISE THE SUPREME COURT

A change of guard at the office of the Chief Justice of India (CJI) on November 9 seems to have triggered a reorientation of the Union government's strategy towards the Supreme Court. Justice D.Y. Chandrachud, the new CJI, carries a reputation of being a liberal judge with a strong and independent voice, notwithstanding his role in the 2019 Ayodhya-Babri Masjid case judgment that handed the Bharatiya Janata Party its biggest legal and political victory. The Union Minister of Law and Justice, Kiren Rijiju, seems to have discovered his voice to coincide with the new CJI's appointment. In the last few weeks, he has displayed a keen sense of urgency in his attempts to set right the democratic deficit that has for three decades plagued the process of appointments to the higher judiciary.

In parallel, the Supreme Court has taken up the question of inaction on the part of the Union government in notifying recommendations made by the collegium, which is a flagrant violation of



the law settled by the court in two cases in the 1990s. On Monday, after the Bench expressed displeasure at some of the comments Mr. Rijju had made about the appointments, news emerged that the Union government had returned 19 recommendations to the collegium hours before the proceedings.

It is a fact that the Supreme Court remains obstinately committed to the collegium system of appointing judges with little regard for criticism from within and outside the legal fraternity. In interviews to the media after his retirement, the former CJI, Justice U.U. Lalit, categorised the collegium as the “perfect” system to protect the independence of the judiciary. Given such statements, it is hard to fathom an immediate change in the court’s position.

These developments have to be seen not just as attempts to reform a flawed system of appointments, but also as a strategy by the government to continue exercising the informal veto it has usurped in recent times by stalling collegium recommendations or forcing modifications in them. This plan is in anticipation of a reversal in the cozy relationship the Union government has had with preceding Chief Justices.

A sustained diatribe against the court from a Union Minister, who has been appointed by a government with a big majority and popular support, will erode confidence in the appointed judges and delegitimise the institution. The court must tackle this threat head on.

Blame on both sides

In 2015, a Constitution Bench of the Supreme Court struck down constitutional amendments that Parliament had effected to create the National Judicial Appointments Commission (NJAC). The court’s central argument was that by removing the primacy of the judiciary in the new appointment process, the NJAC subverted the independence of the judiciary, a key component of the court’s conception of the basic structure of the Constitution.

At the same time, the court acknowledged that there were problems with the collegium system that required intervention. This led to separate proceedings by the same Bench in which the court appointed a two-member committee of senior lawyers, one of whom was a government law officer, to compile suggestions received from the legal community. The government also put its suggestions in writing. After deliberations, viable inputs were to be incorporated into a new Memorandum of Procedure (MoP) for judicial appointments.

However, the Union government, through the Attorney General Mukul Rohatgi, took the position before the Bench that the right and power to frame the MoP was squarely in its field, going by the court’s judgments that created the collegium system. The court accepted this position and closed the proceedings, providing the Union government broad guidelines on what the MoP may focus on: eligibility, transparency, formation of a secretariat, and complaints redressal during the process. What happened to the 11,500 pages of suggestions received by the committee is anybody’s guess. Media reports indicate that the court and the government could not find a common ground over these reforms to the MoP. Thus, the process went into cold storage.

In the meantime, the government’s response to the striking down of the NJAC was inaction — it began to stall appointments. While Mr. Rijju took exception last week to criticism from the court that the government was sitting on recommendations, this is exactly what the government did. It belligerently opposed names it did not like and even ignored reiterations by the collegium, which, as per the law, are binding on the government. An important case was that of Justice K.M. Joseph in 2018. When he was eventually appointed, he lost the seniority he would have got with the



original recommendation as the names were split by the government for appointments. On the other hand, the Union government made no attempts to revive the NJAC through Parliament by filling the gaps that the Supreme Court had pointed out in its 2015 judgment.

The tendency of recent CJs to not agitate the government over these omissions, despite the deleterious effects on the institution, aided the continuation of a delicate calmness in the court-government relationship. The change of guard at the office of the CJ seems to have brewed a storm that threatens to disrupt this calm.

Undermining legitimacy

In many countries, the judiciary has been the first target of regimes that seek to strengthen their hold over power. In Hungary and Poland, in recent times, there have been overt attacks on these institutions. Such attacks have changed the powers and composition of these institutions and turned them into courts conducive to the executive's policies. The process of appointments to the higher judiciary remains a highly contested field. Frontal attacks on the process serve as indicators of democratic backsliding.

In India, the court has tried to resist this process, albeit through the flawed method of the collegium system. The process, initiated through a much-criticised reinterpretation of the appointment provisions in the Constitution, fails to fulfil basic demands of transparency and accountability and remains prone to charges of nepotism. There is also a serious lack of social diversity in the appointments.

However, Mr. Rijju's comments are setting the stage for a new normal that could eventually lead to the delegitimisation of the court. The question that it leads to is this: can judges appointed through an opaque, democratically deficient process deliver judgments that can be legitimately accepted in a democracy? Coming from a government seeking control of judicial appointments, this is a dangerous road to embark on.

The antidote to this problem would be for the court to voluntarily take up reforms to the collegium system and expedite the creation of a new MoP by incorporating the legitimate concerns of the government and stakeholders at large. This is the only way to remove the sting out of the attacks.

SHIFTS UNEXPLAINED

The common criticism that the functioning of the Collegium system of judicial appointments is opaque, and sometimes arbitrary, seems to hold greater validity in the matter of transfers of judges from one High Court to another. A recent round of transfers — among the dozens that have been effected in the last few years — has brought the controversial issue to the fore again. The list included three judges from the Telangana High Court, and two each from the Madras and Andhra Pradesh High Courts. Conspicuously absent was the name of Justice Nikhil S. Kariel, a Gujarat High Court judge whose proposed transfer was strongly opposed by the bar in that State. Lawyers took up the issue in support of Justice Kariel, as well as Justice A. Abhishek Reddy of the Telangana High Court, and the Chief Justice of India met with representatives of the Bar from both States. Yet, the transfer of Justice Kariel alone did not materialise, while the transfers of other judges were notified. If reports that the Gujarat High Court Chief Justice was unaware of the impending transfer of Justice Kariel are correct, it bodes ill for the legitimacy of transfer proposals. No good message is being sent if it is perceived that the Collegium heeds the demand made by one set of lawyers, but ignores that of another group.



Transfer of judges may be needed for exchange of talent across the country and to prevent the emergence of local cliques in the judiciary. However, the power of transfer has always been seen as a possible threat to judicial independence. Even under the Collegium system, it seems it is difficult to dispel the impression that the threat of transfer hangs over every judge's head. The Memorandum of Procedure is clear that a judge's consent is not necessary to effect a transfer. The current norm is that all transfers ought to be in public interest, that is, for better administration of justice throughout the country. It also says the personal factors of the judge, including his preference of places, should invariably be taken into account. No one knows if these requirements are fulfilled in each case. Why a puisne judge should be shifted to another State without being made a Chief Justice is seldom explained. Usually, it sets off speculation that the reasons are either allegations against the judge or the discomfiture that his judicial orders are causing to the government. Disclosure of the actual reason may not always be possible. However, it hardly needs to be stressed that transfer cannot be used as a punitive step. The time may have come for a complete review of the provisions for transfer of High Court judges.

DOUBLING COURT STRENGTH WON'T END PENDENCY: SC

The Supreme Court on Tuesday said that increasing the number of judges will not demolish the perennial problem of pendency, noting that it is already difficult finding good lawyers to accept the call to the Bench in High Courts. The court said that a public interest litigation (PIL) petition seeking to "double" the number of judges in the High Courts and the district judiciary was a rather "simplistic" solution to arrears.

At one point, Chief Justice of India D.Y. Chandrachud asked petitioner-advocate Ashwini Kumar Upadhyay whether he wanted the Supreme Court to increase its judicial strength to 70 from the current 34. Mr. Upadhyay said that the judge-population ratio in developed countries was 50 for every million. Mr. Upadhyay said that there were at least 10 crore cases pending in the district judiciary alone.

"Then let me tell you something. This kind of petition will not be heard by the American Supreme Court. That is also the reality of our judicial system... that we have widened access to the Supreme Court to a point that is becoming dysfunctional. This petition will not be entertained by the U.S. or the U.K. Supreme Courts," Chief Justice Chandrachud reacted. The Chief Justice said that the judiciary was "overburdened because of the system". He added, "If we apply the brakes, we will be absolutely clear of arrears." "The American Supreme Court does not hear lawyers on whether you should admit a case for hearing. The U.K. Supreme Court decides which 180 cases they have to hear," the CJI observed orally.

The Chief Justice said that it was difficult to get good lawyers to fill up the existing judicial positions itself. "Try getting judges to fill up the existing positions... then you will know how difficult it is," he said. He said the reality on the ground concerning High Courts ought to be appreciated. "We can't just appoint anybody... Ask the Chief Justice of the Bombay High Court as to how many good lawyers are willing to accept judgeships today," CJI Chandrachud said.

On Monday, Justice Sanjay Kishan Kaul voiced similar concerns about finding good legal talent to join the Bench after he and the CJI had met with the Chief Justices of the High Courts. Justice Kaul had said that 20% of the judicial posts in the High Courts were vacant. Justice Kaul, the second senior-most Supreme Court judge and a Collegium member, had said that the Chief Justices of several High Courts had complained about lawyers being unwilling to accept invitations to the Bench because of the uncertainty posed by the government's inaction.



THE PRESIDENT'S CAUTION ON OVERCROWDING OF PRISONS IS A WAKE-UP CALL TO THE EXECUTIVE AND JUDICIARY

President Draupadi Murmu's call to the government and the judiciary to address the issue of overcrowding of prisons is significant and a very welcome intervention. "I hear these days that we will have to make new prisons because prisons are overcrowded. If we are moving towards progress as a society, then why do we need new jails. We should be closing down existing ones," President Murmu said Saturday at the National Law Day celebrations organised by the Supreme Court. "I am leaving this issue to the judges here and the law minister. I am not saying anything more. I hope you understand what I have said and what I refrained from saying," she added. President Murmu's remark comes in the backdrop of the sharp exchange on this issue last week between Union law minister Kiren Rijju and the Chief Justice of India D Y Chandrachud. Rijju had made a case against the higher judiciary's intervention in granting bail and said only trial courts ought to decide granting of bails. In response, the CJI said that higher courts are flooded with bail cases because of a "sense of fear" in the lower judiciary.

The crisis at hand is this: According to the Prison Statistics India 2021, a report published by the Ministry of Home Affairs, between 2016-2021, the number of convicts in jails have decreased by 9.5 per cent whereas the number of undertrial inmates has increased by 45.8 per cent. With three out of four prisoners being undertrials, the problem of overcrowding of prisons is essentially an undertrial issue. As of December 31, 2021, around 80 per cent of prisoners were confined for periods up to a year. The report states that an overwhelming 95 per cent of undertrials released in 2021 were granted bail by courts while a mere 1.6 per cent were released on acquittal by court. It shows that the sluggish pace at which trial courts work to reach a final decision cannot keep up with the increasing number of undertrials.

The Dickensian idea of building more prisons is not the solution, as President Murmu rightly said. The Supreme Court recently asked the government to think "out of the box" and consider a one-time measure to release prisoners in certain cases on the occasion of the 75th year of Independence. While it is imperative for the top court to ensure that its liberal stance on bail percolates to the trial courts, it is also disingenuous to characterise the undertrial crisis as a mere bail issue. The real solution lies in tackling the cause, which is indiscriminate arrest of individuals. From bringing special criminal legislations as populist measures to opposing bail as part of a tougher stance on crime, there are several issues for the government to address. Identifying those who cannot afford bail, even when available, is also crucial. The lawmakers too must urgently respond to this crisis.

TOWARD LEGALISING SAME-SEX MARRIAGE

The story so far:

A Supreme Court Bench led by Chief Justice of India D.Y. Chandrachud on November 25, issued notices to the Centre and the Attorney General of India, seeking their response to two petitions filed by gay couples to allow solemnisation of same-sex marriage under the Special Marriage Act, (SMA) 1954.



What do the petitions say?

The SMA provides a civil form of marriage for couples who cannot marry under their personal law, and both the recent pleas seek to recognise same-sex marriage in relation to this Act and not personal laws.

The first petition was filed by two men, Supriyo Chakraborty and Abhay Dang, who have been a couple for 10 years. Their petition argued that the SMA was “ultra vires” the Constitution “to the extent it discriminates between same-sex couples and opposite-sex couples”. It stated that the Act denied same-sex couples both “legal rights as well as the social recognition and status” that came from marriage. Senior Advocates Niraj Kishan Kaul and Menaka Guruswamy for the petitioners said that about 15 legislations which guaranteed the rights of wages, gratuity, adoption, surrogacy and so on were not available to LGBTQ+ citizens. The petitioners emphasised that the SMA “ought to apply to a marriage between any two persons, regardless of their gender identity and sexual orientation”.

The other petition was filed by a same-sex couple of 17 years — Parth Phiroze Mehrotra and Uday Raj Anand. Their counsel, Senior Advocate Mukul Rohatgi, argued that the recognition of same-sex marriage was only a “sequel” or a continuation of the *Navtej Singh Johar* judgment of 2018 (decriminalising homosexuality) and the *Puttaswamy* judgment of 2017 (affirming the Right to Privacy as a fundamental right). Mr. Rohatgi said the petition did not touch on personal laws but only sought to make the 1954 Act “gender-neutral”. Their plea pointed out that while Section 4 of the SMA permitted the solemnisation of marriage between any two persons, a subsequent section placed restrictions. It said: “The use, in Section 4(c) of the words ‘male’ and ‘female’, as well as the use of gendered language such as the terms ‘husband/wife’ and ‘bride/bridegroom’ in other sections of the Act, limit the access to marriage to a couple comprising one ‘male’ and one ‘female.’”

Have similar petitions been filed?

There are currently a total of nine petitions pending before the High Court of Delhi and Kerala, seeking to recognise same-sex marriages under Acts such as the SMA, the Foreign Marriage Act and codified personal laws. On Friday, the Supreme Court Bench of CJI Chandrachud and Justice Hima Koli transferred the various pending issues before High Courts to itself.

One of the new petitions also placed emphasis on another important judgement of the apex court. In the *NALSA vs Union of India* judgment (2014), the Court had said that non-binary individuals were protected under the Constitution and fundamental rights such as equality, non-discrimination, life, freedom and so on could not be restricted to those who were biologically male or female.

What is the government’s stand?

Late last year, while responding to the pleas seeking recognition of same-sex marriages in the Delhi High Court, Solicitor General Tushar Mehta for the Centre had said that as per the law, marriage was permissible between a “biological man” and “biological woman”. In its affidavit opposing the pleas, the Centre had said: “The acceptance of the institution of marriage between two individuals of the same gender is neither recognised nor accepted in any uncodified personal laws or any codified statutory laws”. It also argued against the urgency of the pleas by saying nobody was “dying” in the absence of a marriage certificate.



What about other countries?

A total of 32 countries around the world have legalised same-sex marriages, some through legislation while others through judicial pronouncements. Many countries first recognised same-sex civil unions as the escalatory step to recognise homosexual marriage. Civil unions or partnerships are similar arrangements as marriages which provide legal recognition of unmarried couples of the same or opposite sex in order to grant them some of the rights that come with marriage — such as inheritance, medical benefits, employee benefits to spouses, managing joint taxes and finances, and in some cases even adoption. The Netherlands was the first country in 2001 to legalise same-sex marriage by amending one line in its civil marriage law. In some countries, the decriminalisation of homosexuality was not followed for years by the recognition of same-sex marriage, for instance, in the U.S. the former happened in 2003 while the latter in 2015.

SC SET TO LOOK INTO BILKIS BANO'S PETITIONS AGAINST EARLY RELEASE OF 11 CONVICTS

Making an oral mentioning before the CJI's Bench, advocate Shobha Gupta, for Ms. Bano, said her client had filed a review petition against a Supreme Court decision in May 2022 to allow the Gujarat government to consider the plea for early release of the convicts under the State's Premature Release Policy of 1992. Ms. Gupta said the remission policy of the State of Maharashtra, where the trial happened, and not that of Gujarat would have governed the case.

The Supreme Court in May 2022 held that remission would be considered as per the policy which was in vogue at the time of conviction. The court's judgment had come on a plea filed by one of the 11 convicts, Radheshyam Bhagwandas Shah. The court had even directed Gujarat to consider the application of Shah within two months. Ms. Bano has challenged the release in a separate writ petition, arguing that the release affected her fundamental right to life.

Ms. Gupta said connected petitions filed by CPI (M) leader Subhashini Ali and others were listed before a Bench led by Justice Ajay Rastogi on Tuesday, but was not taken up as the judge was part of a Constitution Bench hearing the Jallikattu case. She said the case needed to be heard urgently.

The CJI said the review petition may have to be listed first. When Ms. Gupta sought an open court hearing, as review petitions are usually heard in chambers by circulation, the CJI said that would be for the judges concerned to decide.

The petitions filed by Ms. Ali and others like Trinamool leader Mahua Moitra were last heard by Justice Rastogi's Bench on October 18. The court had given the petitioners time to respond to a Gujarat government affidavit which showed that the Special Judge and the CBI in Mumbai had opposed the premature release of the 11 convicts.

ON THE ENTRY OF WOMEN IN MASJIDS

The story so far:

Last week, the Jama Masjid in Delhi prohibited the entry of single women or women in groups inside the mosque premises. The authorities reasoned that some women fail to respect the sanctity of the place of worship, making videos there. "When women come alone, they indulge in improper acts, shoot videos. The ban is to stop this," reasoned the Masjid's spokesman. The



decision led to an uproar on social media. By early evening, the mosque management clarified that the ban excluded those women coming for worship, or those accompanied by their husband or families. However, many continued to question the unilateral decision of the authorities, forcing Delhi Lieutenant-Governor V.K. Saxena to step in to douse the ire. Following a meeting with the Lieutenant-Governor, the mosque authorities withdrew the ban. Imam Ahmed Bukhari clarified, "The masjid administration does not want to prevent anyone from worshipping inside." Incidentally, the Jama Masjid is otherwise one of the few mosques to allow women worshippers to offer regular prayers.

What is the Islamic law on women's entry?

While there is a clear difference of opinion among Islamic scholars on the right of women to visit a dargah or a cemetery, there is lesser disagreement on a woman's right to offer prayers inside a masjid. Most Islamic scholars agree that a prayer can be offered at home but can only be established in a group, hence the importance of going to a mosque. Most also agree that women have been exempted, not prohibited from going to the mosque, keeping in mind their child-rearing and other domestic responsibilities. In fact, the Quran at no place prohibits women from going to mosques for prayers. For instance, verse 71 of Surah Taubah, says, "The believing men and women are protectors and helpers of each other. They (collaborate) to promote all that is good and oppose all that is evil; establish prayers and give charity, and obey Allah and His Messenger." Wherever the Quran talks of establishing prayer, it talks in gender neutral terms. Before the five daily prayers, a prayer call or azaan is pronounced. The azaan is a general invitation to both men and women for prayers, reminding the faithful, 'Come for prayer, come for success'.

Incidentally, when Muslims go to Mecca and Medina for Hajj and Umrah (lesser pilgrimage), both men and women pray at Haram Sharief in Mecca and Masjid-e-Nabavi in Medina. Both places have separate halls earmarked for men and women. Also, across West Asia there is no ban on women coming to the masjid for prayers. In the U.S. and Canada too, women access mosques for prayers, and even gather there for special Taraweeh prayers in Ramzan and lessons on religion. The denial of access to mosques for women worshippers is a largely subcontinental phenomenon. In India, only a handful of mosques maintained or owned by Jamaat-e-Islami and the Ahl-e-Hadith sect have provisions for women worshippers. Most mosques while not expressly forbidding women's entry in masjids, have no provision for women to do ablutions for prayer or a separate prayer zone for them. They are built keeping only men in mind. Under the circumstances, they are reduced to a 'men only' zone.

Have there been similar bans before?

The short-lived order of the Jama Masjid administration drew parallels with the much more prolonged ban on entry of women inside the sanctum sanctorum of the Haji Ali Dargah in Mumbai. Back in 2011, a grill was put up on the premises of the vastly popular 15th century dargah, prohibiting women from going beyond it. Following the 'this much and no further' order, some women approached the dargah management for redress. However, with the requests having been denied, they started a campaign, 'Haji Ali for All', winning over more women in the process. Led by the Bharatiya Muslim Mahila Andolan, the women approached the Bombay High Court which ruled in their favour in 2016.

What is the legal issue?

According to the Constitution, there is complete equality between men and women. In the Haji Ali Dargah case too, the High Court quoted Articles 15, 16 and 25 of the Constitution to grant women



the desired access to the dargah. There are petitions filed before the Supreme Court wherein access has been sought for women in all mosques across the country. The apex court has clubbed them with the Sabarimala case.

KHULA TIES THE MUSLIM CLERICS IN KNOTS

A formidable section of Muslim clerics is once again leading the community to the cliff with their loud and lopsided pronouncements on Khula, a Muslim woman's inalienable right to divorce. In a step that reeks of patriarchy, the ulema feel a Muslim woman, once she enters into a nikah with a man, has no way to dissolve the contract unless the man divorces her or agrees to her proposal for Khula. The third way is faskh or judicial divorce. Even if the man inflicts violence, tortures her for dowry, and stops her from meeting her parents or fulfilling her professional dreams, she cannot end the marriage unless he consents to Khula.

Monopoly of men over Islam

The ulema's interpretation of women's right is questionable, even provocative, just as it was with instant triple talaq, before the Supreme Court stepped in to restore paramountcy of the Quran over the perceived decision of Caliph Umar. In the talaq case too, the maulanas had insisted on the right of men to end a marriage with the pronouncement of triple talaq at one go. That dozens of Muslim countries did not approve of this method of divorce did not matter to many Indian clerics. And that the Quran, which talks of divorce options and procedure through select verses of Surah Al-Baqarah and Surah At-Talaq, does not mention instant triple talaq anywhere was cast aside as a matter of interpretation. It was left to the court to invalidate instant triple talaq in 2017. The judges quoted verses from the Quran and works of Islamic scholars to buttress their point. The ulema squirmed, but fell in line.

The judiciary may have to draw the ulema's attention to the Quran and Hadith all over again as the wise scholars seek to resume their hold over religion with their take on Khula. Virtually turning Islam into a monopoly of men, where every action, right and privilege of women is dissected and scrutinised by the ulema, the All-India Muslim Personal Law Board (AIMPLB) recently opposed the Kerala High Court's verdict on Khula. On a review petition, the court said, "In the absence of any mechanism... to recognise the termination of marriage at the instance of the wife when the husband refuses to give consent, the court can simply hold that Khula can be invoked without the conjunction of the husband... This is a typical review portraying that Muslim women are subordinate to the will of their male counterparts... [it] appears to have been fashioned... by clergies and the hegemonic masculinity of the Muslim community who are unable to digest the declaration of the right of Muslim women to resort to... Khula, unilaterally." This verdict was reminiscent of an essay, 'Extra-Judicial Khul Divorce in India's Muslim Personal Law', in which Sylvia Vatuk wrote, "The 1917 Ottoman Law of Family Rights was the first to enable women, under certain circumstances, to obtain divorce in a court of law. Since then, most countries that apply a version of Hanafi law... have loosened, modified, or struck down those provisions that require a wife to obtain her husband's permission to divorce him. India did this in 1939 with the passage of Dissolution of Muslim Marriage Act which allows a Muslim woman to divorce an unwilling or unavailable husband in a court of law."

To the AIMPLB, the Kerala High Court judgment amounted to the court exceeding its brief of merely being an interpreter of the Muslim Personal Law (Shariat) Application Act, 1937. The man, the AIMPLB reiterated, reserves the right to accept or reject a Khula proposal mooted by his wife.



In other words, a woman cannot leave an unhappy or abusive marriage unless the man lets her go.

This reasoning is removed from the ground reality in India. Here, most Khula cases are moved when the woman has either been asked to leave her matrimonial home or moves in with her natal family to avoid the harassment that comes with living with an estranged spouse. In both cases, the man has little incentive to give his consent to Khula as he can simply marry another woman. If denied release through Khula, such women could simply be abandoned.

A clear divorce procedure

It is precisely to put an end to unhappy or violent marriages that the Quran outlines a clear divorce procedure, whether initiated by a man or a woman. Through Verse 229 of Surah Al-Baqarah, the Quran gives woman the right to end a marriage if she gives something in lieu of her freedom. In other words, she has to surrender her mehr for divorce through Khula. In Islamic history, there is a well-documented case of a woman, Jameela, seeking the Prophet's advice to end her nikah with Sabit Bin Quais merely because she didn't like his looks. The Prophet asked her to give the man something in return. She surrendered her garden upon which the Prophet asked the man to give his consent. The Prophet did not seek the man's permission or give him the option of saying no. Importantly, while in a case of talaq, the spouses are instructed to live together after the first and second pronouncements so that there is a chance of reconciliation, the woman has to leave her husband's house immediately in the case of Khula. This is done to avoid any assault by the man who is no longer her spouse.

Apart from the AIMPLB, scholars of Imarat Shariah too reiterate the idea of a man's veto over Khula. It is this insistence on male superiority that has driven many woman members of the AIMPLB away from its portals, and left other women of the community in the lurch. The holy book and the Hadiths might offer evidence to the contrary, but the ulema are in no hurry to let women exercise their rights in matrimony and divorce. Khula has tied the Muslim clerics in knots.

WHAT IS THE KARNATAKA VOTER DATA THEFT CASE?

The story so far:

On November 16, Bengaluru's civic body, the Bruhat Bengaluru Mahanagara Palike (BBMP) said in a press release that it had cancelled permissions granted to the Chilume Educational Cultural and Rural Development Trust to conduct house-to-house surveys to help create awareness about the Systematic Voters' Education and Electoral Participation (SVEEP) programme. The NGO has been accused of collecting personal information from the public, under the guise of spreading awareness, by impersonating BBMP officials. The Congress-led Opposition has alleged that this was done in connivance with the ruling BJP government. The BJP has however, denied the allegations and launched a counter-attack alleging that the NGO was first given permission by the previous Congress government.

What is the voter data theft case?

In 2018, the Chilume Educational Cultural and Rural Development Trust was granted permission to carry out house-to-house visits to create awareness on how to access online applications via the voters' helpline mobile app. On November 2, the BBMP revoked this permission after receiving several complaints from residents that the NGO was collecting personal details while conducting door-to-door surveys by deputing field level workers. The BBMP has admitted that the personal



information of the voters, including Aadhaar number, phone number and voter ID number, was uploaded on an app (Digital Sameeksha) developed by the Trust and not on the Election Commission's voter registration app (Garuda) or voter helpline. The Opposition has accused the NGO of large-scale electoral fraud, malpractice and manipulation of voters' lists.

What has been the fallout?

The BBMP has registered two FIRs in Bengaluru against the NGO under sections 406 (criminal breach of trust), 419 (cheating by personation), 420 (cheating) and 468 (forgery) of the Indian Penal Code. On November 20, the police arrested Krishnappa Ravikumar, co-founder of the Chilume Trust, who had been absconding since the scandal broke out. The police has also arrested Kempegowda, one of the directors of the Trust and has detained the main software developer of the Digital Sameeksha app. Furthermore, notices have been issued to Revenue officials, who are in-charge of electoral roll revision and linking of Aadhaar card with electoral rolls. The police are also analysing the app to ascertain what data was collected and for whom it was meant. Electronic devices were recovered from the premises of the offices of the Trust in Malleswaram in west Bengaluru through which the police is attempting to recover the data which has potential for misuse.

What will happen to the data?

Such mass collection of data is violative of the fundamental right to privacy as defined in *Justice K.S. Puttaswamy (retd.) vs Union of India*. The judgment formally recognised the right to privacy as being a fundamental right stemming from the right to life and personal liberty, guaranteed under Article 21 of the Indian Constitution. The data which was collected by the NGO has potential for misuse, according to experts and election-watchers. Activist and electoral rolls analyst P.G. Bhat said that while a probe would act as deterrence, he was sceptical about data recovery. "Any number of copies of the data could be anywhere in the world on the cloud. It is practically impossible to prevent the data from falling into the hands of those who are ready to pay for it. Even before this scandal broke, there have been many improprieties carried out with data from the electoral rolls," he said.

CONTROVERSIAL COMMISSIONER

Arun Goel, a former Punjab-cadre IAS officer of the 1985 batch, was scheduled to retire as Secretary, Ministry of Heavy Industries, on December 31. However, barely six weeks ahead of his superannuation, Mr. Goel sought voluntary retirement from service (VRS) and it was approved on November 18. The next day, he was appointed an Election Commissioner, filling the vacancy that was created by the retirement of Sushil Chandra.

"The President is pleased to appoint Arun Goel, IAS (Retd.) as the Election Commissioner in the Election Commission with effect from the date he assumes the office," announced Kiren Rijiju, the Union Law and Justice Minister, on Twitter.

In line to be CEC

In the Election Commission of India, which conducts the Assembly and Lok Sabha elections, Mr. Goel will be in line to be the next Chief Election Commissioner (CEC) when the incumbent, Rajiv Kumar, retires in February 2025. Mr. Goel will be in office till December 2027.



Before he was moved from the Ministry of Heavy Industries, Mr. Goel served as Secretary, Culture from May 2018 to December 2019. In over a decade at the Centre in various posts, Mr. Goel served as Joint Secretary in the Department of Revenue, a coveted post for any IAS officer, and then as Vice- Chairman of the Delhi Development Authority (DDA) during the United Progressive Alliance (UPA) rule.

However, he was shunted out from the DDA over alleged differences with the Ministry of Urban Affairs, which exercises the administrative control over the authority. According to several officials who worked with him, Mr. Goel is a “nice, soft-spoken and polite” officer who does not let anyone gauge what is going on in his mind. After the BJP government came to power in 2014, he served the Ministry of Labour as Additional Secretary and Financial Adviser and was empanelled as Secretary in the second review.

“By the time he was empanelled as Secretary, many of his batch-mates were already posted as Secretaries in various departments or Ministries because they were empanelled much earlier in the first round,” a retired secretary told *The Hindu*.

Talent spotted

Following his empanelment, he was posted as the Secretary of Culture. It’s during this assignment that he apparently showcased his talent and work in conceptualising *Azadi Ka Amrit Mahotsav*, a Government of India campaign that was planned to celebrate the 75 years of India’s independence.

In fact, as Secretary of Culture, Mr. Goel had extensive meetings and conversations with members of various committees of the Ministry and members closely connected with the RSS and its affiliates. He also pushed the idea of bringing up the contribution of unsung heroes of the Freedom Movement — which found favour with the top minds in the government — in the *Azadi Ka Amrit Mahotsav*. He also worked with the revamping of various museums and other institutions that are under the administrative control of the Ministry of Culture.

From January 1, 2020, Mr. Goel took over as Secretary, Heavy Industries. Here, according to his home page on the Election Commission site, “he catalysed the e-vehicle movement in India to a tipping point. He implemented the PLI [production-linked incentives] scheme for the auto industry in record time, getting investments worth ₹67,690 crore against a target of ₹42,500 crore.”

His appointment to the EC has triggered a bunch of petitions at the Supreme Court’s five-judge Constitution Bench. The judges have questioned the centre about its “tearing hurry” to process Mr. Goel’s file in less than 24 hours and called for the entire file and records regarding the appointment.

However, Justice K.M. Joseph also added: “We are only on the process of selection, not on any individual... In fact we notice that this person who is selected is a gold medallist in mathematics and brilliant academic record he has.”

ELECTORAL BONDS: GOVT PAYS RS 9.53 CRORE AS SBI COMMISSION, PRINTING COSTS

The total amount collected by parties through EBs has gone up to Rs 10,791 crore from various anonymous donors in 22 phases since 2018 when the Electoral Bond Scheme was introduced. As many as 93.67 per cent of EBs are in Rs 1 crore denomination.



The government has shelled out Rs 9.53 crore of taxpayers' money towards commission and printing costs of the Electoral Bonds (EBs) issued to fund political parties.

A total of Rs 7.63 crore, inclusive of GST, has been charged to the government as commission so far, consequent to the sale of Electoral Bonds in 22 phases, Department of Economic Affairs, Ministry of Finance, said in its reply to the RTI application filed by Commodore Lokesh K Batra (Retd). State Bank of India (SBI) is the only bank authorised to issue EBs to political parties.

"An amount of Rs 1.90 crore, inclusive of GST, has been levied to the government so far towards printing of Electoral Bonds," the RTI reply said.

Ahead of the Assembly elections in Himachal Pradesh and Gujarat, political parties received Rs 545 crore in the 22nd sale of anonymous Electoral Bonds (EBs) conducted between October 1 and 10, according to data available from State Bank of India (SBI). Political parties received EBs worth Rs 389.50 crore from donors in the previous sale in July this year.

As many as 738 EBs worth Rs 542.25 crore were redeemed by parties in the latest phase, SBI said in an earlier RTI reply. Significantly, this amount has been collected by the political parties as Assembly elections in HP are scheduled in November 2022 and Gujarat by December.

According to the provisions of the EB Scheme, only the political parties registered under Section 29A of the Representation of the People Act, 1951 (43 of 1951) and have secured not less than one per cent of the votes polled in the last general election to the House of the People or the Legislative Assembly, as the case may be, are eligible to receive electoral bonds. The Supreme Court has adjourned the hearing of a pending plea challenging the EB scheme to December 6. The petitions were filed in 2017 challenging the provisions of Finance Act 2017 which paved the way for these anonymous bonds.

Interestingly, major political parties have not disclosed the amount they received through Electoral Bonds. Further, as the bonds are sold through a public sector bank, the government would come to know who is funding which political party, sources said.

Donors gave Rs 1,056.73 crore in 2018, Rs 5,071.99 crore in 2019 and Rs 363.96 crore in 2020, Rs 1502.29 crore in 2021 and Rs 2,797 crore in 2022, SBI had said.

WHAT IS THE PDS SCAM THAT HAS LED TO A SC LISTING CONTROVERSY?

What is the NAN scam?

The NAN is Chhattisgarh's nodal agency for procuring and distributing food grains under the Public Distribution System (PDS). In 2015, when former Chief Minister and BJP leader Raman Singh was in power, the Opposition alleged that the government was distributing sub-standard quality grains under the PDS and that officials had received kickbacks from rice millers to allow this. The State's Anti-Corruption Bureau (ACB) launched a probe into the matter. While conducting raids at the NAN office, the agency found unaccounted-for cash worth over three crore. It also tested the food samples for their quality, finding many samples of salt and rice unfit for human consumption. It booked 27 persons in the case including two IAS officers, now the main accused, Anil Tuteja and Alok Shukla, (the Chairman and the Managing Director of NAN, respectively) alleging that they had allowed the distribution of sub-standard foodstuffs. The ED also started a money laundering probe into the case.



Charges were pressed against the officers in 2018. In December 2018, Bhupesh Bhagel's Congress government took charge, constituting within days a Special Investigation Team (SIT) to probe the matter again. Notably, Mr. Bhagel's administration appointed the two accused IAS officers to government posts and in 2020, the Chhattisgarh High Court also granted anticipatory bail to the two officers.

Why did the ED want a transfer?

Late last year, the ED moved the Supreme Court seeking a retrial out of Chhattisgarh and a transfer of the case to the CBI. The ED, in its petition, alleged that the judiciary and the current Chhattisgarh government were weakening the investigation and helping the accused in the case and asked the Court to allow proof of the same. The ED alleged that its evidence revealed "the nature of the misuse of power" in Chhattisgarh, saying that evidence was tampered with, witnesses were influenced, and that there could be a "potential conspiracy" involving a "constitutional functionary". It said that the main accused had close ties with the current Chief Minister Mr. Bhagel, and that the SIT formed by the State government made "at least seven unsuccessful attempts" to stall the previous trial. The Chhattisgarh government has called the ED's allegations "baseless".

What was the listing controversy in the Supreme Court?

The retired Chief Justice of India U.U. Lalit, along with Justices Ajay Rastogi and S. Ravindra Bhat, were hearing the ED's plea but dropped the case from the Court roster on October 20, citing paucity of time before the end of his term on November 8. On November 14, the case came up before a new Bench with Justices Shah and Hima Kohli. However, senior advocate Kapil Sibal, appearing for the Chhattisgarh government, objected, saying the convention required the case to be listed before either of the two associate judges on Justice Lalit's Bench. Justice Chandrachud responded that he could have constituted a Bench of himself and Justices Rastogi and Bhat but that would mean breaking up two separate Benches, presently headed by the two Justices. On Monday, however, Justice Chandrachud agreed to constitute a Bench headed by himself with Justices Rastogi and Bhat.

BIHAR'S UNIQUE HAR GHAR GANGAJAL SCHEME FOR PARCHED BUDDHIST HEARTLAND OF GAYA AND RAJGIR

The scheme will harvest the excess water in the Ganga during the monsoon flooding season, to be treated, stored, and piped to Rajgir, Gaya, and Bodhgaya, regions that have for long depended on tankers of drinking water from adjoining districts

Bihar Chief Minister Nitish Kumar will launch the Har Ghar Gangajal project in Rajgir and Gaya over Sunday and Monday, a unique and ambitious initiative to provide Ganga water on tap in parched areas of the state that do not lie along the course of the river.

Har Ghar Gangajal scheme

Har Ghar Gangajal is part of the Bihar government's Jal, Jeevan, Hariyali scheme. In the Rs 4,000-crore first phase of the project — which has been completed and will be launched by the Chief Minister — giant pumps will lift Ganga water from Hathidah near Mokama and supply it to about 7.5 lakh homes in the state's main tourism destinations of Rajgir, Bodhgaya, and Gaya.



The water will be stored in reservoirs in Rajgir and Gaya before being channelled to three treatment-and-purification plants, from where it will be supplied to the public. The water will travel more than 150 km through pipes from Hathidah, and will use a network of existing, renovated, and new connections to reach every beneficiary household.

According to estimates made by the government, the scheme will provide every individual beneficiary with 135 litres — about two large buckets — of Ganga water every day for drinking and domestic use. The scheme is currently limited to the urban areas of Rajgir, Gaya, and Bodhgaya. During the second phase of the project, which is expected to be launched some time next year, Ganga water will be taken to Nawada.

The need for the scheme

The area around Rajgir (in Nalanda district), which was the nucleus of the ancient kingdom of Magadh and is associated with the founders of both Buddhism and Jainism, is rocky and water-deficient. Over the years, unplanned and indiscriminate use of groundwater has depleted subterranean reservoirs, lowered the water table, and affected the quality of the water in Gaya and Rajgir.

The bulk of the urban water supply continues to be through tube wells. A study by the Bihar Public Health Engineering Department (PHED) showed the average groundwater level in Gaya district had plunged from 30.30 feet in July 2021 to 41.50 feet in July 2022. Data from the Central Ground Water Board's Year Book for Bihar show the water table in Gaya and Rajgir fell by between 2 and 4 metres between 2014-15 and 2020-21.

Handpumps have been going dry at many places in the region. The district administrations of Nalanda and Gaya have been arranging for water tankers to supply drinking water in the town areas as the scarcity becomes acute in the summer. This is a short-term and insufficient measure, and there is an urgent need to shift to a more sustainable and reliable source of water.

Projected twin benefits

The government expects the Har Ghar Gangajal scheme to also help alleviate distress from the annual flooding of the banks of the Ganga. Over the years, heavy silting in the riverbed — affecting especially Mokama, Hathidah, Barh, and Lakhisarai — and the release of water from dams upstream in Nepal have resulted in the Ganga spilling over even when the monsoon rainfall over Bihar has not been exceptionally heavy. It is expected that the diversion of Ganga water during the monsoon season will help to reduce the impact of flooding along the banks of the river.

The government has assured that the water for the scheme would be lifted only during the four months of the monsoon when the Ganga has excess water; therefore, the diversion will not lead to depletion of the river, disturbance in its natural flow, or potential changes in its course. The government plans to build 13 more reservoirs in Gaya and Rajgir to store diverted floodwaters in the coming years.

Working of the system

The project has been described as a “lift-store-tame-treat-supply” system. Hyderabad-based Megha Engineering & Infrastructures Limited (MEIL) has been working on the project since 2019, employing about 2,200 people and high-end technology. A 447-metre approach channel has been constructed in Hathidah on the right bank of the Ganga near the Rajendra Bridge, through which water is taken to an intake-well-cum-pumphouse, which is powered by a dedicated electricity



substation with a 7500 KVA transformer, and two smaller 250 KVA transformers. State-of-the-art online filters have been installed near the intake well to ensure silt-free water enters the pump and pipeline, and there is no erosion in the riverbed.

The 151-km pipeline network will use a railway overbridge and four bridges. A water treatment plant with a capacity of 186.5 million litres per day (MLD) at Manpur in Gaya will supply to Gaya and Bodh Gaya. The three storage reservoirs are at Tetar, Rajgir, and Gaya with live capacities of 18.633 million cubic metres (MCM), 9.915 MCM, and 0.938 MCM respectively. Besides Manpur, a smaller water treatment plant of capacity 24 MLD has been built in Rajgir.

THE ASSAM-MEGHALAYA BORDER FIRING

The story so far:

A bid by the Assam police and forest personnel to catch alleged timber smugglers from Meghalaya led to the killing of six people at a place claimed by each State to be within its territory. Apart from heightening tensions along a stretch of the interstate boundary, the incident sparked protests and stray cases of violence in Meghalaya's capital Shillong and a temporary suspension of vehicular movement between the two States. It also led to a delay in the process of resolving the Assam-Meghalaya boundary dispute.

What led to the firing?

Assam Chief Minister Himanta Biswa Sarma agreed with his Meghalaya counterpart Conrad K. Sangma that the firing at about 3 am on November 22 was unprovoked. But the Assam government has insisted the incident had nothing to do with the boundary dispute and was the fallout of its crusade against the smuggling of timber by miscreants who operate on either side of the undefined sections of the 884.9 km boundary between the two States. But the National Human Rights Commission (NHRC), taking note of a memorandum by Mr. Sangma, attributed the firing to the border dispute, "a larger issue pending for long". Had the dispute been settled, such type of incidents would have been averted, the commission said on November 29. The commission further said the incident allegedly happened after the detention of a timber-laden truck, chased by the Assam police and forest personnel, at Mukroh village. The villagers became agitated upon the entry of Assam police and forest personnel and surrounded them, leading to the firing. Five villagers and an Assam Forest guard were killed, the NHRC said.

What was the immediate fallout?

What seemed to be a local incident from far became fodder for pressure groups in poll-bound Meghalaya to rail against the Sangma-led coalition government for failing to protect border residents. Stray cases of arson, vandalism of Assam-registered vehicles, and attacks on security personnel and civilians — mostly non-tribals — marked the protests in Shillong. For six days after the incident, Assam police restricted the movement of vehicles to Shillong and other parts of eastern Meghalaya for security reasons. Assam-based taxi operators also prevented Meghalaya-registered vehicles to enter the State. Tourism in Meghalaya was hit hard in a year it had recorded the highest number of footfalls with many tourists cancelling their trips and some cutting short their stay to get out of uncertainty. The complications arising out of the Mukroh incident also delayed the process of resolving the boundary dispute between the two States in the remaining six of the 12 sectors. "We may not be able to go for talks immediately," Mr. Sangma said on



November 29. The dispute in the other six sectors was resolved through an agreement on March 29.

How is the boundary dispute linked to the incident?

Although the Assam government claims to the contrary, the fact that the two governments refer to the place of the incident by two names makes it apparent that the boundary dispute is intertwined. While Meghalaya says the place is Mukroh in West Jaintia Hills District, Assam claims it is Mukhrow or Moikrang in West Karbi Anglong district. The village is also very close to Block 1, one of the six dispute sectors that remain to be resolved. Whatsoever may be the dispute between the two States, the NHRC said the police have to use restraint in such situations and examine the standard operating procedure for firing by the armed forces in areas of a border dispute. It also asked the Union Home Secretary and the Assam Chief Secretary to examine and evolve mechanisms or suggest measures to prevent such type of incidents.

How did the boundary dispute start?

Meghalaya, carved out of Assam as an autonomous State in 1970, became a full-fledged State in 1972. The creation of the new State was based on the Assam Reorganisation (Meghalaya) Act of 1969, which the Meghalaya government refused to accept. This was because the Act followed the recommendations of a 1951 committee to define the boundary of Meghalaya. On that panel's recommendations, areas of the present-day East Jaintia Hills, Ri-Bhoi and West Khasi Hills districts of Meghalaya were transferred to the Karbi Anglong, Kamrup (metro) and Kamrup districts of Assam. Meghalaya contested these transfers after statehood, claiming that they belonged to its tribal chieftains. Assam said the Meghalaya government could neither provide documents nor archival materials to prove its claim over these areas.

After claims and counter-claims, the dispute was narrowed down to 12 sectors on the basis of an official claim by Meghalaya in 2011.

PREVENTING SUICIDES: WHAT IS THE NEW STRATEGY?

The story so far:

Taking it up as a public health priority, the Union Ministry of Health and Family Welfare last week released the nation's first-ever National Strategy for Suicide Prevention. It posted a copy of the strategy online on its website. Structured closely on the lines of the World Health Organization's guidelines for Suicide Prevention in the South East Asian region, the National Strategy promises to adhere to the cultural and social requirements of India, with specific recognition of its current field-level infrastructure.

What does it hope to achieve?

The overall vision of the document is to "create a society, where people value their lives and are supported when they are in need". It aims at reducing suicide mortality by 10% in the country by 2030.

It provides a framework for multiple stakeholders to implement activities for prevention of suicides in the country. In his introductory note, Health Minister Mansukh Mandaviya said, "Further efforts are now required to prevent suicides as a public health priority. Suicides impact all sections of the society and thus require concerted and collaborative efforts from individuals



and the community at large. The aim is to synthesise stakeholder efforts with the motto of 'energise to synergise'. It is with this mindset that the country's first National Suicide Prevention Strategy has been developed."

The national strategy includes an action framework for key stakeholders, providing a path forward for preventing suicides. This will provide guidance to every stakeholder for setting targets, implementing, monitoring and taking corrective actions, to attain the aim of the strategy.

Why does India need a suicide prevention plan?

According to the WHO data from 2018, globally, close to 8,00,000 people die by suicide every year. Of these, nearly one third of all suicides occur among young people. Suicide is the second leading cause of death among 15-29-year-olds and the second leading cause of death for females aged 15-19 years.

In India, suicide has become the number one cause of death among those aged 15-29 years, exceeding deaths due to road traffic accidents and maternal mortality. India's contribution to global suicides increased from 25.3% in 1990 to 36.6% in 2016 among women, and from 18.7% to 24.3% among men. More than one lakh lives are lost every year to suicide in India. In the past three years, the suicide rate has increased from 10.2 to 11.3 per 1,00,000 population.

This strategy also incorporates a special focus on preventing suicides during disease outbreaks, such as the COVID-19 pandemic. The pandemic, it argues, has brought unprecedented times with various disruptions. These disruptions and uncertainties have an impact on people's mental health, requiring specific interventions.

The document, which was in the works for a long time, also records that the most common reasons for suicide include family problems and illnesses which account for 34% and 18% of all suicide-related deaths in India respectively. Other common reasons include marital conflicts, love affairs, bankruptcy or indebtedness, substance use and dependence. It is also to be noted that in approximately 10% of the suicides, the cause is not documented.

What are the key elements of the strategy?

The strategy has constructed a framework for multiple stakeholders to implement activities for prevention of suicides in the country. It is very significant, Dr. Lakshmi explains, that the government did not merely include a suicide prevention component in the pre-existing Mental Health Act, but has outlined a specific set of strategies involving multiple sectors. In addition to the Centre, the State and regional governance institutions and the voluntary sector too have a role to play. "This sort of cascading effect will be key in ensuring that the rollout of the strategy is effective," she added.

Among the Ministries that are to be involved in implementing the strategy are Agriculture, Home Affairs, Information and Broadcasting, Social Justice and Empowerment, Education, Labour, Women and Child Development, Information Technology, Youth Affairs and Sports. The National Institute of Mental Health and Neuro Sciences (NIMHANS) will also play an anchoring role, offering support to the implementation.

A time-bound action plan has also been laid out by the government. It has offered commitments to establish effective surveillance mechanisms for suicide prevention in the next three years, establish psychiatric OPD that provide suicide prevention services, through the district mental health plan in all the districts within the next five years, and to integrate mental well-being



curriculum in all educational institutes within the next eight years. There is also a huge component for stigma reduction, as stigma is seen as a hurdle in the process of seeking counselling and treatment options.

Dr. Lakshmi says, in addition to the question of stigma, the strategy is sensitive to India-specific issues, including reducing easy access to means of suicide, for instance, pesticides. It also vows to leverage the media in order to spread awareness and de-stigmatise mental health, and promote responsible media reporting of suicide. Strengthening data collection on suicide and attempts to suicide will also be a key part of the strategy. Neither the last nor the least of these initiatives is the effort to develop community resilience and societal support for suicide prevention and reduce suicide behaviour.

What next?

Experts point out that the priority areas would be to reinforce leadership, establish partnerships and institutional capacity, enhance health services to provide suicide prevention, strengthen surveillance and ensure that provisions are made for evidence generation. Strong political will to put out a strategy to prevent suicides must be matched with actual, determined ground-level implementation. Co-opting the various State governments in this massive venture will be essential to ensure success in lowering the suicide rate in the country.

MUMBAI MEASLES OUTBREAK DUE TO LOW VACCINATION COVERAGE

One of the biggest fallouts of the pandemic globally has been the low routine immunisation coverage of children. As per WHO data of November 23, 2022, nearly 40 million children globally had missed a measles vaccine dose last year. As a result, there were an estimated nine million measles cases and 1,28,000 deaths in 2021.

The ongoing measles outbreak in Mumbai is a reflection of the lower immunisation coverage due to disruption in vaccination services and hesitancy by parents to get their children vaccinated. As of November 24, there have been 233 measles infections and 13 deaths in Mumbai. As per recent data, 538 confirmed measles cases have been reported in Maharashtra this year, as of October. There have also been increased number of measles cases in Bihar, Gujarat, Haryana, Jharkhand, and Kerala.

“It is clear that in all such geographies, the affected children are unvaccinated and the average coverage of MRCV [Measles and Rubella containing vaccine] among the eligible beneficiaries is also significantly below the national average,” Health Ministry said in a letter dated November 23. Evidence from elsewhere suggests that unvaccinated children have nearly 70% higher mortality risk compared with vaccinated children.

Ironically, even in 2021 when the COVID-19 pandemic was at the peak in India, measles vaccination coverage in Mumbai was 78%, while in 2022 (till October) when the pandemic has largely been on low burn after the third wave, measles vaccination coverage in the city has been just 41.9%, as per Maharashtra health officials. The level of protection offered by measles vaccination is dependent upon the age of administration. As per scientific evidence, in the case of measles, the persisting maternal antibodies affect the response to vaccination or immune conversion in infants.

“Before nine months, especially before six months, maternal antibodies interfere with immune response to measles vaccine. Therefore, the avidity and affinity of antibodies generated by



vaccination before nine months remain low. It is in this backdrop that nine months of age is considered optimal for measles vaccination in infants,” Dr. Lahariya says about the rationale for administering the vaccine at nine months as part of the routine immunisation programme.

The efficacy of measles vaccination is estimated around 85% when the first dose is administered at nine months. It rises to around 95% when the second dose is administered, Dr. Lahariya says.

Vulnerable to infection

While even one dose provides sufficient protection and two doses provides full protection, a couple of vaccinated children in Mumbai and Mallapuram district in Kerala have still been infected. This could possibly be due to the failure to sero-convert following vaccination. “Levels of antibodies induced by measles vaccination decrease over time. Two doses of the vaccine are thus recommended to ensure immunity and prevent outbreaks, as about 15% of vaccinated children fail to develop immunity from the first dose,” says Dr. Babu.

A FILM’S WORTH, A JUROR’S CONSCIENCE AND A REGIME’S AGENDA: THE KASHMIR FILES CASE

George Orwell famously said all art is propaganda. It is important to distinguish between good and bad propaganda. The novelist and literary critic’s statement became relevant all over again as the 53rd edition of the International Film Festival of India suddenly came alive during its closing ceremony when the head of the international jury Nadav Lapid described *The Kashmir Files*, one of the 15 films in the international competitive section, as a “propaganda, vulgar movie, inappropriate for an artistic competitive section of such a prestigious film festival.” Directed by Vivek Agnihotri, the film starring Anupam Kher, Pallavi Joshi, and Mithun Chakraborty is set against the backdrop of the targeted killings and subsequent exodus of the Kashmiri Pandits in 1990.

The film and the fallout

Mr. Lapid made the remarks in the presence of several dignitaries, including Union Minister of Information and Broadcasting Anurag Thakur who chose not to respond to the statement of the Israeli filmmaker during his address. The Minister perhaps respected that Mr. Lapid also said, “I feel totally comfortable to openly share these feelings here with you on this stage. In the spirit of this festival, can surely also accept a critical discussion, which is essential for art and life.” At the same time, as the Ministry of I&B organises the prestigious Festival and appoints the jury, Mr. Thakur was in no position to counter the views of somebody who was speaking on a stage that was provided to him by the government.

However, the incident led to widespread outrage on social media, with people equating the criticism of the film with disrespect to the pain of Kashmiri Pandits and misuse of freedom of speech. In an open letter to Mr. Lapid on Twitter, Israeli Ambassador Naor Gilon said the filmmaker abused Indian hospitality and that it was “insensitive and presumptuous to speak about historic events before deeply studying them,” and went on to even suggest that his remarks could jeopardise India-Israel relations. There were others who said Mr. Lapid spoke out of turn as *The Kashmir Files* did not win any award at IFFI and that he could have registered his point of view off-stage.

Beyond the emotional outbursts, if we look at Nadav’s statement, it was not against the sufferings of Kashmiri Pandits who are still being targeted in the Valley. It was directed against a film that



he felt didn't do justice to the subject. And, as a jury head, he was entitled to his opinion. He is not the first one. Many Indian critics while accepting that the film takes on the issue head-on have noted that the film consciously steers clear of ambiguities and complexities of a problem that has no single truth and that it lacks intellectual and technical rigour which is usually expected of a festival film. Moreover, it was not a comment on the quality of Indian cinema either as there were two more films from the host country vying for the coveted Golden Peacock. He specifically questioned the entry of *The Kashmir Files* in the list of 15 nominees in a competitive section. He didn't question the screening of the film as part of the Indian Panorama often showcases one film with popular appeal.

Cinematic/diplomatic parallels

Like the film in question, perhaps, the festival organisers oversimplified things. They thought a jury head from a friendly country that emerged out of the pain of the Holocaust would understand the plight of Hindus in Kashmir. But cinematic language is as complex and nuanced if not more than the language of diplomacy and the Indian and Israeli mandarins faltered by mixing the two.

Coming from a country that has a record of using soft power for political gains on the world stage, Nadav perhaps saw the presence of *The Kashmir Files* in the shortlist in a government-backed festival as a soft move to buttress the current Indian government's hard policy on Kashmir. The fact that the top leadership of the BJP openly backed the film when it was released earlier this year, provided him with a reason to be "shocked and disturbed." That also explains why he used the stage to put his point across. A simple background check on Nadav would reveal that his remarks were consistent with his work and action. In his films, the acclaimed Paris-based director has probed his relationship with Israel and his Jewish identity. It is not much different from Mr. Kher exploring his Kashmiri Pandit identity.

Nadav Lapid is one of the top 250 Israeli filmmakers who signed an open letter in September this year, saying that they will not seek funding from, nor cooperate with the recently established Shomron (Samaria/West Bank) Film Fund. The goal of the Fund, write the filmmakers, is "to invite Israeli filmmakers to actively participate in whitewashing the Occupation in exchange for financial support and prizes." After the Goa episode, he told an Israeli media house that he couldn't help but imagine an Israeli film like this in another year and a half or two.

In India, we have yet to see such a fund and the selection of films in IFFI was not in the government's control. In fact, *Siya*, one of the films showcased in the Indian Panorama section at the IFFI, is based on the Unnao rape case where a representative of the ruling party was convicted. However, it is also being observed that a series of films are in the works which are produced by people who show allegiance to the Sangh Parivar's ideology and are keen on using cinema as a medium to propagate it.

There is nothing wrong in pushing the agenda of a democratically-elected government for all art is political in the sense that it serves someone's politics. But as Nadav suggested in an interview it should not be too transparent that even a foreign filmmaker could see through it. That perhaps makes it vulgar.

Platforms for dissent

Also, be it some Academy members urging their fellow delegates to look at the torture-endorsing agenda of Kathryn Bigelow's *Zero Dark Thirty* before voting for it or Michael Moore's anti-Bush



documentary *Fahrenheit 9/11* winning the top prize at the Cannes in the election year, film festivals and award ceremonies have always been platforms for celebrating dissent.

The Kashmir Files notes that the government has changed but the ecosystem remains the same. The makers and supporters of the film should not hold a grudge and understand that artistic space doesn't shift overnight with the pressing of the EVM and that jury heads also love to share their man ki baat in public. Once this journalist questioned Vishal Bhardwaj who also made a film on Kashmir called *Haider* about his leftist leanings and he said: "if I am not a leftist, I am not an artist." In an ideal world, both Vishal and Vivek can coexist and critique each other's work.

HOW DO PERSONALITY RIGHTS PROTECT CELEBRITIES?

The story so far:

The Delhi High Court recently passed an interim order to prevent the unlawful use of Bollywood star Amitabh Bachchan's name, image and voice. The court, through its order, restrained persons at large from infringing the personality rights of the actor.

What are personality rights?

Personality rights refer to the right of a person to protect his/her personality under the right to privacy or property. These rights are important to celebrities as their names, photographs or even voices can easily be misused in various advertisements by different companies to boost their sales. Therefore, it is necessary for renowned personalities/celebrities to register their names to save their personality rights.

A large list of unique personal attribute's contribute to the making of a celebrity. All of these attributes need to be protected, such as name, nickname, stage name, picture, likeness, image and any identifiable personal property, such as a distinctive race car.

Are personality rights different from publicity rights?

Personality rights are different from publicity rights. Personality rights consist of two types of rights — firstly, the right of publicity, or the right to keep one's image and likeness from being commercially exploited without permission or contractual compensation, which is similar (but not identical) to the use of a trademark; and secondly, the right to privacy or the right to not have one's personality represented publicly without permission. However, under common law jurisdictions, publicity rights fall into the realm of the 'tort of passing off'. Passing off takes place when someone intentionally or unintentionally passes off their goods or services as those belonging to another party. Often, this type of misrepresentation damages the goodwill of a person or business, resulting in financial or reputational damage. Publicity rights are governed by statutes like the Trade marks Act 1999 and the Copyright Act 1957.

Does the use of a name on the internet affect personality rights?

The Delhi High Court in 2011 made an observation in the case of *Arun Jaitley vs Network Solutions Private Limited and Ors.*, in which Mr. Jaitley filed a suit seeking permanent injunction against the defendants from misuse and immediate transfer of the domain name www.arunjaitley.com. The



Court stated that “the popularity or fame of individual will be no different on the internet than in reality.” The Court decided in the favour of Mr. Arun Jaitley, stating that the “name also falls in the category wherein it besides being a personal name has attained distinctive indicia of its own. Therefore, the said name due its peculiar nature/distinctive character coupled with the gained popularity in several fields whether being in politics, or in advocacy, ...has become a well-known personal name/mark under the trade mark law which enures him the benefit to refrain others from using this name unjustifiably in addition to his personal right to sue them for the misuse of his name.”

What about consumer rights?

While celebrities are protected from commercial misuse of their name and personality, there have also been instances where the consumers are misled owing to false advertisements or endorsements by such personalities. Due to such cases, the Ministry of Consumer Affairs has made a notification in 2022 to keep a check on misleading adverts and endorsements of consumer products by imposing a penalty on the endorser.

SAFE FLYING: NEW SOP SOON ON 5G AIRWAVE INFRA AROUND AIRPORTS

The aviation and telecom departments will shortly roll out a plan to ensure safe flight operations around airports with 5G airwave infrastructure. The plan includes telecom companies setting up infrastructure powering 5G networks in the country away from the flight path around airports, carrying low power signals in such areas and a plan to upgrade the altimeter of all aircraft operating in the country by August 2023, top sources told The Indian Express.

These are expected to be part of an operational guidelines that the Department of Telecommunications (DoT) is currently preparing, after India’s aviation regulator flagged concerns about interference that 5G signals could cause, potentially posing a challenge to safe airline operations.

In June, the US Federal Aviation Authority (FAA) announced a plan that involved these aspects to ensure safe airline operations.

In September, the Indian Directorate General of Civil Aviation (DGCA) wrote to the telecom department flagging concerns over the likely interference of 5G C-Band spectrum with aircraft radio altimeters, The Indian Express had reported. A radio altimeter is an instrument that provides direct height-above-terrain information to various aircraft systems.

The primary concern of the Directorate General of Civil Aviation (DGCA) emerges from the fact that these altimeters as well as a part of the 5G telecom services operate in the mid C-Band frequency range. Earlier this year, the 6,000-pilot-strong Federation of Indian Pilots had also written to the Civil Aviation Ministry raising similar concerns.

While the 5G network in India is still in its early days, US aviation authorities have reported about 85 cases of 5G waves impacting flight operations near the airport.

For telecom service providers, the C-Band presents a sweet spot for rolling out 5G services, ensuring coverage as well as high bandwidth, resulting in faster internet speeds. For aircraft operations, the use of altimeters in this band ensures highly precise measurements of the plane’s altitude. 5G terrestrial signals typically operate at a very heavy power level compared to flight altimeters.



Queries sent to the DoT did not elicit a response until publication.

The DGCA's issues were in line with concerns raised by the US FAA over the last one year since telecom operators in the US, such as AT&T, Verizon and T-Mobile etc, began rolling out 5G services. In the US, an agreement between the FAA and the telecom operators resulted in a delay in rollout of 5G services in the C-Band near airports that were assessed to be difficult for pilots to make visual approaches.

Earlier this year, Air India had to cancel some of its flights to the US as airlines globally scrambled to reschedule flights amid concerns that the rollout of 5G mobile services in the US could potentially interfere with aircraft navigation systems. Since then, the FAA has issued several directives to airlines to install certain filters or modify their equipment to ensure that 5G airwaves do not interfere with their navigation systems.

The issue of interference with other services has been raised by other industries as well. With the guard band between the 5G telecom and broadcast services narrowing sharply, broadcasters have cited multiple incidents of "disruptions" amid concerns over possible interference and potential outages once full-scale 5G services are launched across the country.

Earlier this month, The Indian Express had reported that the broadcasting industry has sent in representations to the government in this regard, citing earlier reports of service disruptions by operators in places, such as Tamil Nadu and parts of West Bengal.

PSLV-C54 SUCCESSFULLY PLACES NINE SATELLITES IN MULTIPLE ORBITS

In one of its longest missions, the Indian Space Research Organisation (ISRO) successfully placed nine satellites, including an Earth Observation Satellite (EOS-06) in multiple orbits with the help of the space agency's Polar Satellite Launch Vehicle (PSLV-C54). The vehicle took off precisely at 11.56 a.m. on Saturday from the first launch pad (FLP) at the Satish Dhawan Space Centre (SDSC), SHAR.

The eight nano satellites include ISRO Nano Satellite-2 for Bhutan (INS-2B), Anand, Astrocast (four satellites), and two Thybolt satellites. Notably, EOS-6 is the Oceansat series' third-generation satellite. This is the 56th flight of the Polar Satellite Launch Vehicle (PSLV) and the 24th flight of the PSLV-XL version with 6 PSOM-XLs.

Collaborative mission

EOS-06 is envisaged to observe ocean colour data, sea surface temperature and wind vector data to use in oceanography, climatic and meteorological applications. The satellite also supports value added products such as potential fishing zone using chlorophyll, SST and wind speed, and land based geophysical parameters.

ISRO Chairman S. Somanath said that the mission is accomplished and all the satellites have been injected into their intended orbits. "For us, the India-Bhutan satellite is an important milestone in the history of collaboration of Indian and Bhutanese scientists."

A collaborative mission between India and Bhutan, the INS-2B satellite has two payloads namely NanoMx, developed by SAC, and APRS-Digipeater, which is jointly developed by DITT-Bhutan and URSC.



ISRO SCIENTIST FRAME-UP: SC QUASHES OFFICIALS' BAIL

The Supreme Court on Friday quashed the anticipatory bail granted by the Kerala High Court to former police and intelligence officers, including retired Kerala Director General of Police Siby Mathews, accused of being part of a conspiracy to frame ISRO scientist Nambi Narayanan in an espionage case in 1994.

A Bench led by Justice M.R. Shah remitted the anticipatory bail applications of the accused to the High Court for fresh consideration. The top court, in its judgment, directed the High Court Registry to list the case before the High Court Bench concerned within a week from December 2. The High Court was asked to hear and finally decide the case at the earliest but not outside four weeks' time.

Justice Shah, accompanied by Justice C.T. Ravikumar on the Bench, protected the accused, provided they cooperate with the investigation and without prejudice to the probe agencies, from arrest for the next five weeks till the High Court finally decided their anticipatory bail pleas. The Bench asked the High Court to decide their pleas without being influenced by the interim arrangement.

The Bench said it has not commented on the merits of the case. It was left to the HC to pass an appropriate order on the anticipatory bail pleas in accordance with the law after considering the merits.

The CBI had challenged the bail given by Kerala HC to the accused including Mr. Mathews, PS Jayaprakash, Thampi S. Durga Dutt, Vijayan and R.B Sreekumar. The CBI, which had appealed the bail in the top court, claimed the possibility of a "larger conspiracy involving foreign powers" which had stalled the technology to develop the cryogenic engine by decades. The agency had challenged the bail granted to the accused at the very "threshold" of its investigation.

'No evidence'

The High Court, while granting anticipatory bail, had observed that there was "not even a scintilla of evidence" to suggest that the former police officers and intelligence officials were influenced by any foreign power so as to induce them to hatch a conspiracy to falsely implicate the scientists with the intention to stall the activities of the ISRO regarding the development of cryogenic engine.

The CBI had arraigned 18 people as accused in the case after the Supreme Court-appointed Justice D.K. Jain Committee found fault with them for booking cases against the scientists.

The committee had also found that some of the accused were involved in the deliberate leakage of information to the media to create a narrative implicating the scientists and to arrest them without any material on record to show their involvement in the alleged espionage.

Narayanan 'happy'

Mr. Narayanan expressed happiness over the Supreme Court order. "I am happy to hear about the Supreme Court order. Now that the matter has been reverted to the High Court, I hope that it will come out with a proper judgment," he told PTI.

Mr. Narayanan, who was given a clean chit by the CBI, had earlier alleged that the Kerala police had "fabricated" the case and the technology he was accused to have stolen and sold in the 1994 case did not even exist at that time.



WHAT IS BLUEBUGGING, AND HOW IS IT USED TO HACK BLUETOOTH-ENABLED DEVICES?

The story so far:

Cybersecurity experts note that apps that let users connect smartphones or laptops to wireless earplugs can record conversations, and are vulnerable to hacks. Even the most secure smartphones like iPhones are vulnerable to such attacks. Any app with access to Bluetooth can record users' conversations with Siri and audio from the iOS keyboard dictation feature when using AirPods or Beats headsets, some app developers say. Through a process called bluebugging, a hacker can gain unauthorised access to these apps and devices and control them as per their wish.

What is bluebugging?

It is a form of hacking that lets attackers access a device through its discoverable Bluetooth connection. Once a device or phone is bluebugged, a hacker can listen to the calls, read and send messages and steal and modify contacts. It started out as a threat for laptops with Bluetooth capability. Later hackers used the technique to target mobile phones and other devices.

Independent security researcher Martin Herfurt blogged about the threat of bluebugging as early as 2004. He noted that the bug exploited a loophole in Bluetooth protocol, enabling it to download phone books and call lists from the attacked user's phone.

How does bluebugging hack devices?

Bluebugging attacks work by exploiting Bluetooth-enabled devices. The device's Bluetooth must be in discoverable mode, which is the default setting on most devices. The hacker then tries to pair with the device via Bluetooth. Once a connection is established, hackers can use brute force attacks to bypass authentication. They can install malware in the compromised device to gain unauthorised access to it. Bluebugging can happen whenever a Bluetooth enabled device is within a 10-metre radius of the hacker. However, according to a blog by VPN service provider NordVPN, hackers can use booster antennas to widen the attack range.

How can one prevent bluebugging ?

Turning off Bluetooth and disconnecting paired Bluetooth devices when not in use, updating the device's system software to the latest version, limited use of public Wi-Fi and using VPN as an additional security measure are some of the ways to prevent bluebugging, Shubho Pramanik, senior vice president, Applied Cloud Computing, a Thane based cloud service provider, said to *The Hindu*.

Most devices make Bluetooth discoverable by default, leaving your devices susceptible to unsolicited connections. So, the first step would be to make your Bluetooth devices undiscoverable from Bluetooth settings. This will keep them invisible to hackers, thereby not letting them pair with the device, NordVPN said in the blog.

Users must also watch out for suspicious activities on their devices, NordVPN suggested. "If your phone is suddenly disconnecting and reconnecting calls, or if you notice messages that haven't been sent by you, it could indicate that someone is controlling your device. Reset the device to its factory settings or uninstall any apps you don't recognise." One should also monitor sudden spikes



in data usage. If the amount of data used suddenly spikes beyond reason, someone could be controlling the device as part of a botnet that eats up data, NordVPN said.

Modern anti-virus softwares can also help thwart such attacks. The new-age antivirus softwares are helping users to detect strange and spam-like content by filtering, blocking and consistently reminding people to be alert, Manoj Kumar Shastrula, CEO and Founder, SOCLY.io, a cybersecurity company told *The Hindu*.

ARE RANSOMWARE ATTACKS INCREASING IN INDIA?

The story so far:

On November 23, e-services at the All-India Institute of Medical Sciences (AIIMS) were crippled by what is being suspected to be a ransomware attack. The Delhi Police's Intelligence Fusion & Strategic Operations have registered a case and launched investigations to identify the perpetrators, while cyber security experts are employing software tools for data recovery. They have been able to retrieve a significant number of files. However, pending sanitisation of the entire network and its nodes, all hospital services are currently being executed manually. AIIMS has a Local Area Network comprising more than 6,500 computers supporting the institute, its hospital, centres and other departments. While a probe is underway to determine if essential safety protocols were in place, measures are being taken to thwart any such attack in the future.

What is ransomware?

Ransomware is a type of malicious software, used by cyber criminals, to infect a computer system by blocking access to the stored data by encrypting the files. A ransom is then demanded from the owner in exchange for the decryption key.

While it is not yet clear as to how exactly the AIIMS computer systems were targeted, the malware may usually be injected remotely by tricking the user into downloading it upon clicking an ostensibly safe web link sent via email or other means, including hacking. It can spread throughout the network by exploiting existing vulnerabilities. Ransomware attacks can also be accompanied by theft of sensitive data for other sinister motives.

How serious are ransomware attacks?

Preliminary findings by cyber experts have indicated that at least five of the AIIMS' servers that hosted data related to more than three crore patients were compromised. In India, several cases of ransomware attacks targeting commercial and critical infrastructure have been reported in the recent past. In May, Spicejet had faced such a threat, while Public Sector Undertaking Oil India was targeted on April 10. Cybersecurity firm Trellix, in its third-quarter global report, has identified 25 major ransoms in circulation. According to the Interpol's first-ever Global Crime Trend report presented at its 90th General Assembly meeting in Delhi this October, ransomware was the second highest-ranking threat after money laundering, at 66%. It is also expected to increase the most (72%).

Which agencies in India deal with cyber-attacks?

Set up in 2004, the Indian Computer Emergency Response Team (CERT-In) is the national nodal agency that collects, analyses and circulates inputs on cyber-attacks; issues guidelines, advisories for preventive measures, forecasts and issues alerts; and takes measures to handle any significant



cyber security event. It also imparts training to computer system managers. The National Cyber Security Coordinator, under the National Security Council Secretariat, coordinates with different agencies at the national level on cybersecurity issues, while the National Critical Information Infrastructure Protection Centre has been set up for the protection of national critical information infrastructure. According to the government, the Cyber Swachhta Kendra (Botnet Cleaning and Malware Analysis Centre) has been launched for detection of malicious software programmes and to provide free tools to remove the same, while the National Cyber Coordination Centre works on creating awareness about existing and potential threats.

HOW FIFA IS USING SAOT FOR OFFSIDE DECISIONS

The story so far:

In the opening match of the FIFA World Cup 2022 between host Qatar and Ecuador, just three minutes' of action had passed before the first goal of the tournament was ruled out for offside. Ecuador forward Enner Valencia's headed strike was disallowed because the lower half of his right leg was in an offside position. While such close calls being settled with the help of Video Assistant Referee (VAR) technology is largely commonplace in modern-day football, what surprised fans was the speed with which it was adjudicated. One three-dimensional animation of the incident was displayed for a fleeting second or two before play restarted. FIFA's brand new Semi-Automated Offside Technology (SAOT) was responsible for the quick decision.

What is SAOT?

There are two parts to the technology — a sensor inside the match ball (Adidas's Al Rihla) that is held using suspension technology, and existing tracking tools that are part of the VAR system as we know. Kinexon, a German company that specialises in providing sensor networks and computing solutions, has designed a small in-ball device which gives precise positional data and also detects ball movement in a three-dimensional space. Every time the ball is hit, data is sent in real time (at a whopping 500 frames per second) to a network of antennae installed around the playing field. Additionally, there are 12 Hawk-Eye cameras set up around the turf that shadow both the ball and the players, with as many as 29 separate points in the human body tracked. The coming together of the ball sensor and the Hawk-Eye cameras is in effect SAOT, which FIFA says allows for decisions that are highly accurate and quick. These two data sets are run through artificial intelligence software which generates automated alerts about offsides to the match officials. This replaces the manual effort taken in poring over replays for minutes on end.

Is there no human intervention?

FIFA has made it clear that SAOT is only a confirmatory tool. Speaking ahead of the World Cup, referees chief Pierluigi Collina underlined that the final decision "always belongs to the match official — on the VAR, the video assistant referee, on the field of play, to the referee." In addition, the differentiation that exists between normal offside — where a player is flagged because of active involvement irrespective of whether he touches the ball — and 'passive offside' — where a player will not be flagged despite being in an offside position if he does not touch the ball — is expected to retain some subjectivity. A case in point was the goal scored by Ecuador against the Netherlands that was eventually disallowed; the player was in an offside position and did not touch the ball but was deemed offside for being in the goalkeeper's line of sight and thus actively involved.



BOOKS ON PATNA: A FADING CITY ONCE LOVED BY AGE-OLD RULERS AND TRAVELLERS

Many centuries before Patna came to be identified with identity politics, it was the good old Pataliputra, an ancient city founded at the confluence of the Sone and Ganga rivers. Originally founded by the Magadhan ruler Ajatshatru, Pataliputra was what Delhi was to become more than a millennium later — capital of a succession of dynasties which took pride in its fort, culture, language, law and order and even local self-government. The Greek traveler Megasthenes who came as an ambassador to the court of the Mauryas, praised Pataliputra's local self-government and the sense of honesty among locals. His book *Indika* is all but lost, but it has been quoted by several historians, including the illustrious Romila Thapar in *A History of India* (Penguin).

A city of dynasties

Her pen forms the early images of Pataliputra, an important city during the time of the Magadhan rulers, which then became the capital of the Nandas and later the Mauryas, the Guptas and the Palas. Chandragupta Maurya was born here, Asoka ruled from here, as did Chandragupta I, II and Samudragupta. Much later, it was a place of prime importance for Aurangzeb who briefly named it Azimabad after his grandson Mohammed Azim. With such pedigree, Pataliputra could as well have been the capital of modern India. After all, in the 16th century its fortunes were revived under the Afghan king Sher Shah Suri when the city came to be christened as Patna. Almost 500 years later, the city is still called by that name, and has in its own way inspired historians, non-fiction writers and novelists to trace the vicissitudes on its timeline. Yet, its story is best related by a succession of foreign travelers in ancient and medieval India, each of whom found something amazing about the city which grew out of a village called Pataligram.

A favourite of travellers

If the account by Megasthenes in *Indika* wherein he is said to have written that people in Pataliputra left their doors and gates unlocked can instantly be recalled by students of history, then those of Fa-Hien and Hiuen Tsang in the 4th and 7th century respectively, draw a picture of Pataliputra as being one among the very best cities in the world. There was political power and the attendant pelf but uniquely, there was an element of culture, a literary magnet that drew many. The universally respected Nalanda University was but a few kilometres from it. Famous Chinese monk Hiuen Tsang spent six years here. His account is probably the best memory of the rule of Harsha Vardhan in the first half of the 7th century. Before Hiuen Tsang, there was Fa-Hien, another Chinese traveler who graced the city in the fourth century. Fa-Hien wrote about it in *A Record of Buddhist Kingdoms* wherein he called Patna, 'the city of flowers', or as well-respected author Amitava Kumar wrote in his engaging book, *A Matter of Rats* (Aleph), "It is the Indian Florence".

A few centuries later came the Afghan ruler Sher Shah Suri, originally called Farid Khan. He is said to have been a brave man who killed a tiger with his bare hands. Thus named, Sher Shah, he built a fort in Patna and a mosque. The fort has crumbled and the mosque reminds us of the times that were. Talking of times, Patna did not always enjoy the best of moments in history. Or at least, some travelers didn't. While British traveler Ralph Fitch came to Patna in 1586 and described it as "a very long and great Town with a flourishing trade in cotton, sugar and opium", Scottish physician Francis Buchanan described it in unflattering expression, "difficult to imagine a more disgusting place".



160-200 MN INDIANS COULD BE EXPOSED TO LETHAL HEAT WAVES ANNUALLY: WORLD BANK REPORT

From 2030, 160 million to 200 million people can be exposed to lethal heatwaves in India every year, and nearly 34 million Indians will face job losses due to heat stress-related productivity decline. By 2037, the demand for cooling is likely to be eight times more than the current level, the World Bank has said in a report.

In this scenario, it is imperative for India to deploy alternative and innovative energy efficient technologies for keeping spaces cool. According to the report, "Climate investment opportunities in India's cooling sector", this could open an investment opportunity of \$1.6 trillion by 2040, besides reducing greenhouse gas emissions significantly and creating 3.7 million jobs.

With the demand for cooling shooting up, there will be a demand for a new air-conditioner every 15 seconds, the report said, leading to an expected rise of 435% in annual greenhouse gas emissions over the next two decades. Thus, there is a need to shift to a more energy-efficient pathway which could lead to a reduction in expected CO2 levels.

The report proposes a road map to support New Delhi's India Cooling Action Plan (ICAP), 2019, through new investments in three major sectors: building construction, cold chains and refrigerants.

Adopting climate-responsive cooling techniques as a norm in both private and government-funded constructions can ensure that those at the bottom of the economic ladder are not disproportionately affected by rising temperatures. The report suggests that India's affordable housing programme for the poor, the Pradhan Mantri Awas Yojana (PMAY), can adopt such changes on scale.

It proposed enacting a policy for "district cooling", which could lead to the consumption of 20-30% less power than the most efficient conventional cooling solutions. District cooling technologies generate chilled water in a central plant which is then distributed to buildings via underground insulated pipes. This brings down the cost for providing cooling to individual buildings. Apart from this, guidelines for implementation of local and city-wide urban cooling measures such as cool-roofs should also be considered. "India's cooling strategy can help save lives and livelihoods and reduce carbon emissions.

WHY IS THE DARJEELING TEA INDUSTRY IN CRISIS?

The story so far:

Early this month, during the annual general meeting of the Indian Tea Association (ITA) in Kolkata, the Tea Board of India said it had sought a special financial package of ₹1,000 crore from the Centre for the tea Industry over five years. Tea Board officials admitted that Indian tea had not been able to establish itself globally, and that one of its key brands, Darjeeling Tea, was under acute stress.

Why is it important to save Darjeeling Tea?

Darjeeling Tea, called the 'Champagne of Teas', was the first Indian product to get the GI (Geographical Identification) tag in 2004 for its distinctive aroma and flavour. About 87 gardens in Darjeeling which employ about 55,000 workers produce approximately 7 million kg of tea, most



of which is exported. According to insiders, over the past few months a lot of gardens in the hills have changed hands because the owners were reeling under higher costs of production and other issues. ITA chairperson Nayantara Palchoudhuri said the financial problems of the Darjeeling Tea industry were acute, and the Government's help was needed.

What is the threat from Nepal's gardens?

A report by the Parliamentary Standing Committee of the Ministry of Commerce, tabled in Parliament in June, said "unhampered and easy influx of substandard tea from neighbouring countries, especially Nepal" is jeopardising the tea industry of India. The document pointed out that inferior quality tea from Nepal was being imported, and then sold and re-exported as premium Darjeeling Tea. Under the Revised Treaty of Trade between the Governments of India and Nepal in October 2009, both parties had agreed to exempt from basic customs duty, as well as from quantitative restrictions, the import of mutually agreed primary products. Data from the Tea Association of India show that the total tea imported from Nepal in 2020-21 was 10.74 million kg; during the same period, the total tea import of India was pegged at 27.75 million kg. Industry experts said Nepal, which shares similar climatic conditions and terrain, produces tea at a lower price because of less input costs, particularly labour, and fewer quality checks. Even though the quality is no match, yet the tea from Nepal posed a serious challenge to Darjeeling Tea, officials said.

What are the other points of stress?

The influx of tea from Nepal picked up pace in 2017, when the 107-day agitation and shutdown in the Darjeeling hills brought tea production to a halt. From June to September 2017, tea bushes in Darjeeling lay unattended during the agitation called by the Gorkha Janmukti Morcha over demand of a separate State of Gorkhaland. In 2017, the production of Darjeeling Tea hit a low of 3.21 million kg. Since a substantial market of Darjeeling Tea is exported, exporters switched to cheaper varieties of tea, including the imported variety from Nepal. Tea planters and industry experts admit that the tea industry in Darjeeling has not recovered from the damage it incurred in 2017.

Is climate change impacting production?

The reduction in production and rise of input costs is another worry. Tea production in Darjeeling which used to be around 10-12 million kg a decade back now stands at 6.87 mkg (2021). Industry experts say the decline in production is due to multiple factors, which include climate change, declining yields and high absenteeism among workers. Because of the hilly terrain of Darjeeling there is no land left for expansion of tea gardens. The tea bushes are older than other parts of the country. Uprooting and planting them is both time and cost intensive.

Industry experts point out that an average tea garden in Darjeeling is about 150 hectares whereas those in the foothills vary from 400 to 500 hectares. The average yield per hectare of Darjeeling Tea, according to ITA, is about 350 kg at present which was about 542 kg in 2000. The yield per hectare in the foothills, particularly the Dooars region, is about four times higher than the Darjeeling tea gardens.

Planters have also been complaining about the stagnant prices of auction of Darjeeling Tea, which in 2021 was on average pegged at ₹365.45 per kg. According to the ITA, prices of Darjeeling Tea in the last six years have grown at a CAGR (cumulative annual growth rate) of only 1.7% against an increasing cost of input between 10% and 12% CAGR.



In November 2021, the Tea Board of India issued a notification to restrict the import and distribution of cheap quality tea. It asked those who were packaging Darjeeling Tea to indicate on the package if the tea was blended with imported tea, and also give the source of origin of the tea. Packeteers have brought down their purchase of Darjeeling Tea after the notification impacted prices. Some global factors like the decline in demand from European markets in the wake of the Russia-Ukraine war have compounded the problem.

What is the way forward?

Planters in Darjeeling say unless the Government restricts the influx of tea from Nepal, Darjeeling Tea cannot be saved. The Standing Committee of Parliament has recommended that the Government “review and revisit the Indo-Nepal Treaty for incorporating stringent requirements for certificate of origin on tea imports from Nepal.” The committee suggested that Small Tea Growers (STGs) should also be recognised as GI-registered producers on a par with the 87 tea estates which produce Darjeeling Tea to ensure better price premium. According to available data, about 52% of tea in the country is produced by STGs. Industry experts called for raising the domestic consumption of tea in India, particularly when exports are not picking up. The per capita tea consumption in the country remains at 850 grams and is less than neighbouring countries.

WHERE DOES WASTE ORIGINATE AND GO?

A recent report titled ‘EnviStats India 2022’, published by the Ministry of Statistics and Programme Implementation, has highlighted the herculean challenge of disposing of the solid waste generated by the States without harming the environment. By taking Delhi as an example, the report has calculated the “physical supply and use tables” to capture the source and destination of all types of solid waste in the capital city. Data were collected from all the five Urban Local Bodies and the Delhi Pollution Control Committee pertaining to 2020-21.

Delhi data

Over 40 lakh tonnes of Municipal Solid Waste (MSW) were generated in 2020-21. Municipal solid waste includes garbage (highly decomposable material such as food), trash (bulky items such as tree branches or old appliances), and rubbish (slowly decomposing items such as paper, glass, or metal). According to the report, about 85% of MSW in Delhi was generated by households and 15% by shops and restaurants.

That year, over 13 lakh tonnes of construction and demolition waste were also generated in the city along with over 5.4 lakh tonnes of plastic waste, about 11 thousand tonnes of bio-medical waste, and 610 tonnes of e-waste. Delhi also generated 3,239 tonnes of hazardous waste. Hazardous waste is typically sludge from factories, industrial manufacturing process wastes and batteries.

Half the municipal solid waste went to landfills and the other half was recycled and reused. About 35% of bio-medical waste was incinerated, while the entire share of construction and demolition waste was recycled. While bio-medical waste is incinerated, the ash generated after the process is sent to the landfills.

It is not known how e-waste is disposed of as there is no treatment and disposal facility available in Delhi for e-waste. According to the report, of the 610 tonnes of e-waste generated in 2020-21, refurbishers collected 28.6 tonnes and bulk consumers collected the rest. Notably, about 22% of plastic waste is converted into energy, while 37% is taken to landfills.



Other States

As the 2020-21 numbers were only available for Delhi, figures from 2019-20 were considered to assess the other States on the share of different types of waste processed.

Across India, 68% of the MSW generated is processed. Himachal Pradesh leads the list with 98% of MSW getting processed, followed by Chhattisgarh at 93%. In contrast, West Bengal processed only 9%. These data were of November 2020. In 2018-19, an average of 2.5 tonnes of plastic was generated per 1,000 population in India.

Across India, 87% of biomedical waste was treated. Seventeen States and five Union Territories have already achieved 100% bio-medical waste treatment, while in Bihar and Chhattisgarh just 29% of it got treated, respectively. These data pertain to 2018. Close to 614 tonnes of biomedical waste was generated per day in India in 2018.

Across India, only 45% of the hazardous waste generated was recycled/utilised. Most States lag in this indicator. Of the 30 States analysed, in 13, less than 50% was recycled/utilised; and in 22 of them, less than 75% was recycled/utilised. These data pertain to the 2018-19 period. The hazardous waste generated in the country per 1,000 population was 8.09 metric tonnes in 2018.

HIMALAYAN YAK GETS FOOD ANIMAL TAG; MILK AND MEAT TO BE USED

The categorisation is expected to help check the decline in the population of the high-altitude bovine by making it a part of the conventional milk and meat industry.

Mihir Sarkar, Director of the National Research Centre on Yak (NRC-Y) based in Dirang in Arunachal Pradesh, said his institution had submitted a proposal to the FSSAI in 2021 for considering the yak as a food animal.

The FSSAI responded with an official approval a few days ago after a recommendation from the Department of Animal Husbandry and Dairying.

“The yak plays a multidimensional socio-cultural-economic role for the pastoral nomads who rear it mainly for earning their nutritional and livelihood security due to the lack of other agricultural activity in the higher reaches of the region where it is difficult for animals except the yak to survive,” Mr. Sarkar said.

According to a census carried out in 2019, India has some 58,000 yaks – a drop of about 25% from the livestock census of 2012. The drastic decline could be attributed to less remuneration from the bovid and discouraging the younger generations from continuing with nomadic yak rearing. The sale of yak milk and meat is limited to local consumers.

NRC-Y scientists believe the commercialisation of yak milk and meat products will lead to entrepreneurship development. “The recognition will help farmers rear the yak economically and open up several vistas of economic benefits for both farmers and food processors,” Mr. Sarkar said.



BUSINESS & ECONOMICS

MIXED BAG

The latest official GDP estimates show the economy's expansion decelerated in the July-September period, dragged down by year-on-year and sequential contractions in manufacturing and mining and a broad slowdown in private consumption expenditure and government spending. Gross domestic product is projected to have grown by 6.3% from the year-earlier period, a sharp deceleration from the 13.5% expansion posted in the first quarter and July-September 2021's 8.4% pace. On the Gross Value Added (GVA) side, only three of the eight sectors — agriculture; the omnibus contact-intensive services sector of trade, hotels, transport and communications; and financial, realty and professional services — posted year-on-year accelerations in growth. And five sectors, including agriculture; electricity, gas, water supply and other utility services; and construction posted sequential contractions reflecting the heightened uncertainty that the global slowdown, the war in Ukraine and the persistently high domestic inflation have together engendered. On the expenditure front, growth in both the bulwark private consumption spending and government expenditure slowed appreciably, with the former logging a 9.7% year-on-year expansion, compared with the first-quarter growth of 25.9%, and the latter shrinking by 4.4% after expanding 1.3% in the April-June period. However, sequentially, private consumption signalled some festival-led rebound as it registered a tentative 1% growth, and a 3.4% quarter-on-quarter growth in gross fixed capital formation pointed to a growing willingness to invest on the part of private businesses.

Chief Economic Adviser V. Anantha Nageswaran was emphatic that the economy's recovery from the disruption caused by the COVID-19 pandemic was well underway and, notwithstanding the global headwinds, put the country on track to achieve 6.8% to 7% growth this fiscal. Still, the challenge posed by data variability and revisions, which a top RBI policymaker recently flagged, is a crucial element that cannot be ignored and is best underscored by the fact that the 'Discrepancies' entry in the latest GDP estimates hit a nine-quarter high of 2.9%. Also, the official core sector data for October, showing combined output across the eight key industries that include cement, coal, fertilizers, electricity and refinery products, struggled to inch its way up. Policymakers can ill-afford to drop their guard as they battle to rein in growth-sapping inflation and must ensure that credit conditions remain supportive of the real economy.

HOW INDIA CAN BOOST MILLETS CULTIVATION

The United Nations has, at India's initiative, declared 2023 as the International Year of Millets. This, even as India's own production of these "nutri cereals" — jowar, bajra and ragi and minor millets such as kodo, kutki, kakun, sanwa, cheena and kuttu — has fallen from 23-24 million to 19-20 million tonnes over the last 4-5 decades. The reason: Millets aren't the first choice either of consumers or producers. Kneading dough and rolling rotis is much easier with wheat than with millet flour. Wheat has gluten proteins that make the dough more cohesive and elastic. The resultant breads come out soft, unlike with millets that are gluten-free. The public distribution system (PDS) has made rice and wheat accessible even to the rural poor, for whom these were previous aspirational cereals. For farmers, too, millets are orphan crops. With access to irrigation, they will immediately switch to growing wheat and rice that yield 3-4 times more than jowar or bajra.



That said, cultivation of millets deserves a special push, given their nutritional superiority over wheat and rice — whether in terms of amino acid profile or vitamins, minerals and crude fibre content. They are also hardier and drought-resistant crops, which has to do with their short growing season (70-100 days, as against 120-150 days for paddy and wheat) and lower water requirement (350-500 mm versus 600-1,200 mm). The right strategy would be to promote their cultivation in those regions — rain-fed semi-arid and hilly terrains — where they have been well-adapted. One cannot expect farmers in Punjab or coastal Andhra Pradesh to grow bajra and ragi; the yield sacrifices and opportunity costs of diverting irrigated land for these would be far too high. A more realistic approach is to incentivise farmers in western Rajasthan, southern Karnataka or eastern Madhya Pradesh — who are already cultivating bajra, ragi and minor millets — to not shift to rice and wheat. These districts/regions can, in turn, be developed as clusters for particular millets — like Dindori in MP for kodo and kutki.

The same region-specific strategy could be adopted even for boosting consumption. India, according to data for 2021-22, has 14.89 lakh schools with 26.52 crore students. These, plus another 14 lakh pre-school anganwadi centres, constitute a large potential market for millets. The PDS can continue supplying rice and wheat, which are more amenable to nationwide procurement, stocking and distribution. But the schools and anganwadis can serve khichdi, dosas, energy bars and puddings made from locally-sourced millets, along with a daily glass of milk and egg for every child. The need for such wholesome nutrition would be more for children in the very regions that are suited for millet cultivation.

WHY DBT SCHEMES NEED TO FIX THE PROBLEM OF TENANT FARMERS

While direct income support makes more economic sense than farm subsidies, its benefits don't reach tenant farmers. The experience of Andhra Pradesh, probably India's most DBT-advanced state, holds lessons — and raises questions.

Most economists advocate the conversion of all agricultural subsidies — whether on inputs (supplying fertiliser, power, water at below cost) or outputs (procuring crops at above market prices) — into direct income support to farmers.

Such support, in the form of direct benefit transfers (DBT) on a per-acre or per-farmer basis, is seen as transparent and simple to administer. Moreover, it is crop-neutral (only rice, wheat and sugarcane farmers effectively get minimum support prices now) and does not cause distortions in input/output markets.

However, there is one limitation with the present agri-DBT schemes, such as the Centre's Pradhan Mantri Kisan Samman Nidhi (PM-Kisan), the Telangana government's Rythu Bandhu and Andhra Pradesh's YSR Rythu Bharosa — they do not reach tenant farmers, i.e. those who undertake cultivation on leased land.

Left-out beneficiaries

PM-Kisan provides an annual income support of Rs 6,000 to all landholding farmer families in India. Rythu Bandhu extends financial assistance of Rs 10,000 per acre, again to all farmers owning land and without any size limit. Under YSR Rythu Bharosa, farmer families are paid ₹13,500 per year, which includes ₹6,000 through PM-Kisan and the AP government's top-up of ₹7,500.



The exclusion of tenant farmers — from income support and also zero/low-interest loans, crop insurance, disaster compensation and other agri-related schemes — is significant, given the rising trend of owners no longer directly cultivating their lands.

According to the National Statistical Office's (NSO) 'Situation Assessment of Agricultural Households' survey for 2018-19, 17.3 per cent out of the total estimated 101.98 million operational holdings (i.e. farms) in rural India were on leased lands. The share of such leased-in lands in the total area used for agricultural production was 13 per cent. The NSO's previous surveys for 2012-13 and 2002-03 revealed the shares of leased-in holdings at only 13.7 per cent (11.3 per cent of area) and 9.9 per cent (6.5 per cent), respectively.

State-wise tenancy

The incidence of non-owners cultivating agricultural lands to be the highest for Andhra Pradesh (AP) (42.4 per cent) and Odisha (39 per cent). In Haryana and Punjab, the share of leased-in area is higher than the percentage of tenant holdings. It means that the tenant farmers there operate relatively large holdings, even though they don't own these lands.

While the NSO surveys point to a steady increase in tenant farmers — who typically pay fixed cash rents or share of produce to owners — these would, perhaps, be underestimates: farm tenancy agreements are largely oral, unwritten contracts and seldom recorded leases.

The NSO data for Telangana, for instance, shows 17.5 per cent of holdings in the state to be cultivated under lease. But a survey of 7,744 farmers across 34 village gram panchayats in 20 districts reckons the figure close to 35.6 per cent. "One can safely assume that at least 30 per cent of Telangana's farmers today are tenants," said Kiran Kumar Vissa, co-founder of Rythu Swarajya Vedika (RSV), a Hyderabad-based sustainable agriculture organisation that conducted the survey during May-June 2022.

Agriculture in India is increasingly seeing both "tenancy" (landless/marginal farmers leasing in land to cultivate) and "reverse tenancy" (small landowners leasing out to better-off farmers keen to reap economies of scale). This is natural, as not everyone – including those owning land – may be good at or wants to farm. Farming might ultimately become a specialised enterprise. Leasing can help both tenant and reverse-tenant farmers operate consolidated holdings, while allowing owners to take up non-agricultural employment without risking loss of their lands.

The Narendra Modi government, assuming it returns for a third term at the Centre in 2024, may well seek to expand PM-Kisan's scale and scope. That would even mean subsuming all existing input and output subsidies under it. But DBT schemes, be it PM-Kisan or Rythu Bandhu, need to find an answer to the tenant problem before that.

WHAT DOES DRAFT ON ONLINE REVIEWS ENTAIL?

On Monday, the Department of Consumer Affairs issued guidelines to curtail fake and deceptive product and service reviews on e-commerce websites. Work on the framework titled, 'Online Consumer Reviews – Principles and Requirements for their Collection, Moderation and Publication', began in June, when a committee was set up comprising industry stakeholders and consumer organisations. The standards were enforced on November 25 and apply to any platform which publishes consumer reviews online.



Why are guidelines necessary?

LocalCircles, a community research platform and part of the committee that drafted the guidelines, had 64% respondents in its survey acknowledging they consult reviews at all times, 26% occasionally, 7% only for expensive products with the remainder refraining.

Of late however, there have concerns about the integrity of these reviews. There are complaints ranging from manufactured positive reviews by sellers or negative reviews by a competitor, engagement of “online reputation management” companies for improving reviews to a trust deficit in websites allegedly exercising bias for certain products by filtering out either negative or positive reviews.

Moreover, companies have both penalised and incentivised consumers for writing negative and positive reviews respectively. The trust deficit was also affirmed in the same survey that had 80% respondents stating they purchased a product seeing higher reviews only to be left disappointed – at least once.

How do the guidelines deal with ‘fake’ reviewers?

The crackdown on ‘fake’ reviews will have to begin by establishing the credentials of the author and their experience. This is also in the context of how consumers with their newfound status as ‘public critic’ advance positive reviews for certain returns. The guidelines state that user authentication is to be done either through email, telephone call, SMS, single sign-on and/or captcha system among other methods.

Without acknowledging the terms and conditions of the website, and providing an email or telephone number, users will not be able to write reviews. The website has to make certain that all systems have anti-fraud mechanisms in place to protect personal data from internal and external fraud.

How will reviews be moderated?

The central idea is to ensure that the experiences are genuine. This would be ascertained through authors’ activities such as frequency of writing reviews, history of contributions, location and use of language. The text must not contain profanity, illicit content, unintelligible content and reveal the author’s identity, especially because the review could also be done anonymously. Reviews must also mention the date of publishing so that readers are able to identify the more recent reviews irrespective of the website’s default filter.

All reviews whether positive or negative are to be dealt with similar standards and operandi. This would particularly tackle negative reviews from being filtered out. The filtering particularly bothers consumers who do not have any space to share grievances because their complaints with the product arose after the return window had closed. Thus, the ‘experience’ criterion would have to consider this aspect too for soliciting reviews. Overall, violations would not only result in the particular review being removed. Other reviews on the site will be marked for scrutiny and they may be disallowed from carrying reviews on the platform again.

Will it make reviews and ratings reliable?

The reliability and consistency of the moderation process can be assessed using random sampling and survey methods (through interviews or written surveys), other than planting ‘pretend reviews’ for testing purposes on their platform.



Finally, for platforms such as Google and Meta, the validation guidelines would, over time, erase accounts created solely for fake reviews.

ADANI'S 'OPEN OFFER' ROUTE TO TAKE CONTROL OF NDTV: WHAT IS IT, AND HOW DOES IT WORK?

Under the Adani Group's open offer, 39.35 lakh shares of NDTV have already been tendered. What happens after the open offer ends? Is there scope for a counter offer by promoters Prannoy Roy and Radhika Roy?

On August 23, Gautam Adani-led Adani Group, a conglomerate with diverse business interests, acquired 29.18 per cent stake in television channel NDTV Ltd, and said it would launch an open offer as required by the Securities and Exchange Board of India (SEBI) to buy another 26 per cent in the company. On November 22, the Adani Group launched its open offer to acquire an additional 26 per cent stake in NDTV. The offer will remain open until December 5, 2022.

What is an open offer?

According to the SEBI (Substantial Acquisition of Shares and Takeovers) Rules, an open offer is an offer made by the acquirer to the shareholders of the target company inviting them to tender their shares in the target company at a particular price. The primary purpose of an open offer is to provide an exit option to the shareholders of the target company on account of the change in control or substantial acquisition of shares, occurring in the target company.

So, in the case of NDTV, as Adani Group has emerged as a large shareholder with 29.18 per cent shareholding and is likely to change the control structure of the company, it has to make an open offer to buy another 26 per cent stake so that minority shareholders willing to exit the company may tender their shares.

When is an open offer triggered?

An open offer is triggered if an acquirer holds more than 25 per cent of the public shareholding in the company. Prior to 2011, when the new takeover norms kicked in, an open offer got triggered if an acquirer owned more than 15 per cent of the public shareholding in a company.

In August, Adani entities had acquired Vishvapradhan Commercial Pvt Ltd (VCPL) which had lent over Rs 403 crore to NDTV founders led by Prannoy Roy. VPCL had lent the amount in 2009-10 in exchange for warrants that allowed it to acquire a stake of 29.18 per cent in NDTV, triggering the open offer.

Why is the open offer price of Adani lower than the market price?

Adani is offering Rs 294 per share for the acquisition of shares tendered under the open offer, whereas the shares of NDTV closed at Rs 386.8 per share on Friday. While questions are being raised over why the open offer price is lower than the market price, SEBI rules say that the open offer price for acquisition of shares under the minimum open offer shall be 1) the highest negotiated price under the share purchase agreement triggering the offer; 2) the volume-weighted average price of shares acquired by the acquirer during 52-weeks preceding the public announcement; 3) the highest price paid for any acquisition by the acquirer during 26 weeks immediately preceding the PA; and 4) the volume weighted average market price for sixty trading days preceding the PA.



Since the price was lower prior to the acquisition of 29.18 per cent shares of the company, the open offer price has been set in accordance with the SEBI SAST regulations.

In fact, between January 1, 2022 and August 1, 2022, the shares of NDTV traded between Rs 115 and Rs 272. The share prices started rising in August and went on to hit a high of Rs 567 on September 6, post Adani's acquisition of 29.18 per cent stake in the company.

How many shares have been tendered?

Till Friday, 39.35 lakh shares of NDTV had already been tendered under the open offer. That represents 6.1 per cent of the 6.44 crore shares of the company.

Who are the biggest shareholders in NDTV?

The single-largest shareholder of NDTV, besides promoters Prannoy Roy and Radhika Roy (32.26%) and the Adani Group (29.18%), is Mauritius-registered foreign portfolio investor (FPI) LTS Investment Fund Ltd with a 9.75% stake. It bought this stake in the quarter ending September 2016.

An analysis of LTS Investment Fund Ltd portfolio reveals that of the Rs 20,710.2 crore value of its shareholding as on June-end 2022 — the most recent quarter for which data is available — 97.78 per cent comes from Adani Group companies.

The next big FPI shareholder in NDTV is Mauritius-based Vikasa India EIF I Fund with a 4.42% stake in NDTV it acquired in the quarter ending September 2021. Other major shareholders include GRD Securities (2.82%), Adesh Broking House (1.5%), Drolia Agencies (1.48%) and Confirm Realbuild (1.33%).

In fact, these four investors have director linkages with each other.

What happens after the open offer?

If the Adanis manage to get the required 26 per cent stake, the group's total stake will go up to 55.18 per cent, enabling it to take management control of the target company (NDTV). The acquirer will be able to bring in their own key management persons. If the Adanis fail to get a 50 per cent stake, they have the option to buy shares from other institutional investors. The Adanis may have to raise the offer price to get the required majority.

Is there scope for a counteroffer by the Roys?

The Roys have the option to launch a counter offer to the open offer made by the Adanis at a higher price. Such an option depends on the financial muscle of the Roys. However, as they were unable to repay the loan taken from VCPL, it remains to be seen whether they will launch a counter offer. In any case, Adani can revise its original offer at a higher price and again counter the Roys.

HOW WILL GLOBAL LAYOFFS IMPACT INDIA?

The story so far:

Over the past two months, a slew of U.S. multinational companies including tech giants Amazon, Meta, Intel, Twitter and financial behemoths like Citi and Morgan Stanley, announced massive layoffs. According to a global placement and coaching firm, the layoffs crossed 60,000 in



September and October. These developments are bound to have an impact, on India's export prospects, especially in the information technology (IT) sector.

Why are layoffs becoming common?

Alphabet CEO Sundar Pichai had warned of a coming winter in the tech sector earlier this year. In an all-hands meeting in September this year, one of his responses to staff queries on budget cuts was: "We don't get to choose the macroeconomic conditions always." A potential economic recession is a big red flag. With inflation soaring in most parts of the world, central banks have been scrambling since March this year to rein it in by increasing rates so as to make it more costly to borrow and consume. This will eventually affect economic growth and jobs. The International Monetary Fund (IMF) has cited forecasts for global GDP growth in both 2022 and 2023 as gloomy, given the pandemic and ongoing Russia-Ukraine war. Setting aside the 2008 crisis numbers, estimates for this calendar and the next by the IMF are the weakest since 2001.

What do U.S. CEOs saying feel about the coming months?

The Conference Board measure of CEO confidence showed top honchos in the West haven't been this downbeat since the 2007-2009 recession. The survey asked 136 CEOs what economic conditions they are preparing to face over the next 12-18 months. An overwhelming majority—98% — said they were preparing for a U.S. recession; while 99% said they were preparing for an EU recession.

What is the outlook for the Indian IT industry?

The Indian IT services firms are among the largest employers in the organised sector and any global economic trend is bound to have an impact on their growth projections. Managements look at headcount numbers critically when they want to cut costs and protect profit margins as they are accountable to investors. Though there isn't a discernible trend yet, there are a few signs which may signal what is to be expected in the next few months. All top companies except Wipro saw a rise in revenue and net profit. Wipro's net profit slid 9% from a year earlier for the quarter ended September.

The attrition rates, or the number of employees per 100 quitting on their own, of the top two firms, TCS and Infosys, show that these rates are still high, which means that there is enough business for the sector for competitors to draw away employees with promise of higher salaries. At Infosys, the attrition rate declined marginally to 27.1% in July-September 2022 from 28.4% in the previous April to June quarter; at TCS, the attrition rate crept up to 21.5% in the July-September quarter from 19.7% between April and June. As for operating profit margins (OPM), Infosys saw its OPM improve to 21.5% in July-September from 20% in April-June, but both 3-month and 6-month OPMs had dipped compared to a year earlier; TCS saw its OPM rates rise to 24% in the three months ended September compared to the last quarter (23.1%).

Media reports have said that Infosys aims to pay out 65% of the variable pay to employees for the July-September quarter, compared with 70% in the April-June quarter, because of 'pressure on margins'.

What about start-ups?

News of layoffs in the Indian start-up front is predominantly in EDtech, or the educational technology front. A lesser share of internet users visiting educational websites since the decline of the pandemic is cited as one reason. The Indian start-up layoff tracker by Inc42 showed that



more than 15,700 employees had been laid off in 2022 given tightening funding conditions. Byju's, Chargebee, Cars24, Ola, Innovaccer, Udaan, Unacademy and Vedantu are names that have been in the news for layoffs, according to Inc42.

What happened in India during earlier global recessions?

During earlier global recessions, while companies seldom publicly announced layoffs, they would all look to ease out staff who were lower down the performance ladder. Companies that were in a particularly bad patch cut bench strength. Then again, if a person was about a month old on the bench (i.e., without projects), he or she may have been asked to sign up for some training courses etc. If the professional spent more than three months on the bench and had not landed a project, the system itself would ease him or her out. What happened in the aftermath of the 2008 recession that stretched well beyond 2-3 years is that companies would start slowing down headcount addition.



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LIFE & SCIENCE

WHY WAS GOOGLE SUED FOR ITS LOCATION TRACKING PRACTICES?

The story so far:

On November 14, Google reached an agreement with the Attorney-Generals of 40 U.S. States to pay a historic \$391.5 million settlement, over its location tracking practices, *Associated Press* reported. The multi-million dollar settlement, which was led by Oregon AG Ellen Rosenblum and Nebraska AG Doug Peterson, is the largest attorney general-led consumer privacy settlement.

What is the lawsuit about?

Google was found to violate state consumer protection laws by misleading its users about its location tracking practices since at least 2014. The company misled consumers into thinking they had turned off location tracking, when, in fact, the company continued to collect their location information and use that for advertising. "They have been crafty and deceptive," Oregon Attorney-General Rosenblum said in a release. "For years Google has prioritised profit over their users' privacy," she added. Location data is a key part of Google's digital advertising business. The company uses the personal and behavioural data it collects to build detailed user profiles and target them with ads. In fact, location data is among the most sensitive and valuable personal information Google collects. Even a limited amount of location data can expose a person's identity, routines, and can be used to infer personal details, the release noted.

When was it sued?

The states' investigation was triggered by an *Associated Press* story in 2018, which found that Google continued to track people's location data even after they turned off location tracking by disabling a feature called "location history." Arizona Attorney-General Mark Brnovich filed the first state action against Google in May 2020 when he slammed the company for misleading its users. Google settled the case with Arizona for \$85 million last month. Yet by then, Attorney-Generals of other states and the District of Columbia filed their individual lawsuits against the search giant for deceiving users.

What does this mean for Google?

As part of the settlement, Google has agreed to significantly improve its location tracking disclosures and user controls starting next year. The company has also been asked to be more transparent about its practices. Google must show additional information to users whenever they turn a location-related account setting 'on' or 'off'. The company is not allowed to hide any key information about location tracking to its users and it must give them details about the types of location data it collects and how it is used, at an enhanced "Location Technologies" webpage.

Will Google make any changes?

The company is creating a single, comprehensive information hub to highlight key location settings and help people make informed choices about their data. Google will put additional disclosures on their Activity controls and Data & Privacy pages. "We will be making updates in the coming months to provide even greater controls and transparency over location data," Google said in a blog post. The search giant will also allow its users to easily turn off their Location History and Web & App Activity settings and delete their past data. The company will continue to delete



Location History data for users who have not recently contributed new Location History data to their account. For users setting up new accounts, the company will provide a more detailed explanation of what Web & App Activity is, what information it includes, and how it helps their Google experience, the company said in the blog.

SCIENTISTS DISCOVER NEW SPECIES OF BLACK CORALS NEAR AUSTRALIA

Using a remote-controlled submarine, researchers at Smithsonian Institution, Washington, discovered five new species of black corals living as deep as 2,500 feet (760 metres) below the surface in the Great Barrier Reef and Coral Sea off the coast of Australia.

Black corals can be found growing both in shallow waters and down to depths of over 26,000 feet (8,000 metres), and some individual corals can live for over 4,000 years.

Many of these corals are branched and look like feathers, fans or bushes, while others are straight like a whip. Unlike their colourful, shallow-water cousins that rely on the sun and photosynthesis for energy, black corals are filter feeders and eat tiny zooplankton that are abundant in deep waters.

In the past, corals from the deep parts of this region were collected using dredging and trawling methods that would often destroy the corals.

The researchers first sent a robot down to these particular deep-water ecosystems, allowing the team to actually see and safely collect deep sea corals in their natural habitats. Over the course of 31 dives, the researchers collected 60 black coral specimens.

They then removed the corals from the sandy floor or coral wall using the rover's robotic claws, placed the corals in a pressurised, temperature-controlled storage box and then brought them up to the surface.

The researchers then examined the physical features of the corals and sequenced their DNA.

Among the many interesting specimens were five new species – including one that was found growing on the shell of a nautilus more than 2,500 feet (760 metres) below the ocean's surface.

Similarly to shallow-water corals that build colourful reefs full of fish, black corals act as important habitats where fish and invertebrates feed and hide from predators in what is otherwise a mostly barren sea floor.

For example, a single black coral colony researchers collected in 2005 off the coast of California, United States, was home to 2,554 individual invertebrates.

LEAP SECONDS TO BE REMOVED FROM OFFICIAL CLOCKS FROM 2035

Metrologists have agreed to stop adding 'leap seconds' to official clocks to keep them in sync with variations in Earth's rotation. Leap seconds can disrupt systems based on precise time keeping because there is no set way to integrate them. Earth's rotation has sped up since 2020 — normally over the long term, Earth's rotation slows because of Moon's pull. So, for the first time, a leap second might need to be removed rather than added. The practice of adding leap seconds will be put on hold from 2035.



WHY IS SLEEP IMPORTANT?

We would come back home by 6 p.m. after school and play, do our homework, listen to radio/television, glance through the newspapers, have dinner and hit the bed by 8 p.m. and go to sleep. But alas, things have changed nowadays.

There are coaching classes for professional schools (e.g., IITs or ISBs) run by former professors, which are held early in the morning (usually around 4 or 5 a.m.) for aspiring students, thus cutting the amount of sleep that they need to have.

Required sleep

The American Academy of Sleep Medicine has recommended that children aged 6-12 years should regularly sleep for 9-12 hours per 24 hours and teenagers aged 13-18 years should sleep for 8-10 hours per 24 hours.

As it turns out, this is not happening in today's children, particularly since they attend classes (and a bit of relaxation) all day. And neither do their 'coaches' who are usually in the age range 40-70, who themselves need seven hours of sleep for a healthy life.

In a recent commentary in the journal *Nature*, Dr. J. Allan Hobson writes with the catchy Lincolnian title: "Sleep is of the brain, by the brain and for the brain", and points out that our sleep has two stages, called one with a rapid eye movement (REM) and the other a non-REM stage. REM sleep accounts for about 20% and has dreams, while non-REM sleep is for about 80% of the time and is known to improve consolidation and to bring about improvement in strengthening memories and learning new things.

Nutrition and sleep

The site, Medicine Plus from the U.S. National Library of Medicine, states that nutrition is about eating a healthy and balanced diet. Food and drink provide the energy and nutrients you need to be healthy. Understanding these nutrition terms may make it easier for you to make better food choices.

Sleep Foundation in the U.S. suggests that diet and nutrition can influence the quality of your sleep, and certain fruits and drinks can make it harder to get the sleep that you need. Lack of key nutrients such as calcium, vitamins A, C, D, E and K would cause sleep problems.

High carbohydrate meals with high glycemic index during night meals (e.g., rice or wheat), alcohol as well as tobacco at night will make a person drowsy, increase awakening and reduce the amount of the required sleep.

Sleep Foundation further suggests that we adopt the mediterranean diet, which is plant-based, lean meats (no pork, beef or chicken), eggs and high fibre foods. Such a diet not only improves the health of a person's heart but also improves the sleep quality.

Happily, enough, most Indian meals are variants of the mediterranean diet. And we are also advised to eat sparingly sufficient dinners, in order to sleep well. So, let us wish each other a healthy and 'sound' sleep.



HUMAN LIVER

Leprosy is one of the world's oldest and most persistent diseases but the bacteria that causes it may also have the surprising ability to grow and regenerate a vital organ. Scientists have discovered that parasites associated with leprosy can reprogramme cells to increase the size of a liver in adult animals without causing damage, scarring or tumours, as per a release.

The findings (*Cell Reports Medicine*) suggest the possibility of adapting this natural process to renew ageing livers and increase health span — the length of time living disease-free — in humans. The scientists found that the infected animals developed enlarged — yet healthy and unharmed — livers with the same vital components, such as blood vessels, and functional units known as lobules, as the uninfected and resistant armadillos.

The team believes the bacteria 'hijacked' the inherent regenerative ability of the liver to increase the organ's size and, therefore, to provide it with more cells within which to increase.

MORE VACCINE CHOICES

Nearly three months after Bharat Biotech's intranasal COVID-19 vaccine was granted emergency use approval for primary vaccination of adults, the vaccine has now been given emergency use approval as a heterologous booster in adults over 18 years. Unlike Covaxin, an inactivated vaccine, the intranasal vaccine uses a viral vector platform that utilises a recombinant adenovirus as a vector. As a heterologous booster, the intranasal vaccine was tested on around 875 participants, immunised earlier with two doses of either Covaxin or Covishield. Among the advantages intranasal vaccines have over vaccines is that they can potentially prevent SARS-CoV-2 infection at the point of viral entry in the respiratory tract. They are also far easier to administer. As in the case of the intranasal vaccine for primary vaccination, the booster dose too was tested only for safety and immunogenicity, but not efficacy. Unlike the vaccines tested early in the pandemic, evaluating the efficacy of a new vaccine for primary vaccination and heterologous booster at this stage of the pandemic might be very challenging as a vast population has been already vaccinated and/or naturally infected, especially with the Omicron variant.

However, even higher immunogenicity need not necessarily translate into higher efficacy, particularly the ability of the vaccine to prevent infection. The SARS-CoV-2 virus has now acquired an even greater ability to evade existing immunity and cause an infection. Since the intranasal vaccine does not have the virus spike protein with newer mutations, it is important to study within a defined time period the effectiveness of the intranasal vaccine to prevent infection and severe disease and death when used as the primary vaccination and as a booster dose. Alternatively, the vaccine's effectiveness can be tested in human challenge studies. Studying this becomes important as the results of an intranasal vaccine in the phase-1 trial using the Oxford vaccine — an adenovirus-vector vaccine — originally developed for intramuscular administration, elicited antigen-specific mucosal antibody responses only in a "minority" of participants, and the antibody levels were far lower than from a natural infection. The Oxford vaccine, as an intranasal vaccine, did not elicit "consistent mucosal antibody response nor a strong systemic response". The demand for vaccines for primary vaccination has been reducing since the third wave peaked in end-January while those for boosters has been low even when available for free for 75 days beginning mid-July. Yet, the development of an intranasal vaccine, a new vaccine platform for India, is welcome, and having a safe and effective vaccine that can prevent infection remains a high priority.



INDONESIA'S MOUNT SEMERU ERUPTED

Indonesia's Mount Semeru erupted on December 4 spewing hot ash clouds a mile into the sky and sending rivers of lava down its side, sparking the evacuation of nearly 2,000 people exactly one year after its last major eruption killed dozens.

The eruption of the highest mountain on Indonesia's main island of Java, around 800 kilometres (500 miles) southeast of capital Jakarta, prompted authorities to raise the alert status to the highest level.

"Hot avalanches" caused by piles of lava at the tip of the 3,676-metre (12,000 feet) volcano slid down after the eruption, National Disaster Mitigation Agency (BNPB) spokesperson Abdul Muhari said in a statement.

The increased threat level "means the danger has threatened the people's settlement and the volcano's activity has escalated", Volcanology and Geological Disaster Mitigation Center (PVMBG) spokesperson Hendra Gunawan told broadcaster Kompas TV.

No casualties or injuries were reported immediately after the eruption but Gunawan warned nearby residents not to travel within eight kilometres (five miles) of the crater after the threat level was raised to four.



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