



# CURRENT AFFAIRS for UPSC

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DreamIAS



## INTERNATIONAL

### A BRIEF RESPITE

Russian President Vladimir Putin's decision to observe a 36-hour ceasefire on the front line in Ukraine comes at a time when his troops are struggling to cope with a series of battlefield setbacks and mounting casualties. The Kremlin's version is that it ordered the ceasefire, from Friday noon till Saturday midnight, as Orthodox Christians in both countries celebrate Christmas on January 7. Ukraine has questioned Russia's sincerity, saying the Kremlin would use the pause in fighting to replenish and rearm its forces and move more soldiers to the line of contact. Yet, if observed by both sides, this would be the first ceasefire on the entire front line since the war began on February 24 last year. Mr. Putin's move appears more like a sign of weakness than any serious push for peace. On New Year's day, Russia lost at least 89 soldiers when Ukraine targeted the eastern city of Makiivka where hundreds of troops were temporarily stationed. In Bakhmut, the eastern city that has been under attack for six months, Ukraine says its troops pushed back the Russians.

Russia, which made some territorial gains in the early phase of the war, has been struggling to build battlefield momentum ever since Ukraine, armed and bankrolled by the collective West, started its counter-offensive in late August. Ukraine recaptured swathes of territories from Russia, including much of the Kharkiv Oblast in the north-east and Kherson city in the south. Faced with battlefield setbacks, Gen. Sergey Surovikin, the new commander for the war, changed strategy — he redirected the offensive focus towards Donetsk, started building stronger defence lines across the vast front line, and launched a heavy bombardment campaign targeting Ukraine's critical energy infrastructure. The air strikes have partially damaged Ukraine's energy grid and disrupted power and water supplies to millions, but they have not changed the ground reality. If Ukraine survives winter, fighting could pick up pace. The U.S. and Germany have already announced that they would send Patriot missile systems to Ukraine. The U.S., France and Germany would also be sending armoured vehicles, to better prepare Kyiv for the coming land war. Cornered in the war theatre, Mr. Putin might come under enhanced pressure to escalate the conflict. But continuing this war will be costly for all sides. If the ceasefire holds for 36 hours, Mr. Putin should extend it further and seek dialogue, without preconditions, with both Ukraine and its backers in the West. The temporary truce should be the beginning of a lasting one.

### SLOW AND STEADY

The return of Luiz Inácio Lula da Silva to power is an opportunity for Brazil to right the wrongs of the past four years of Jair Bolsonaro and put the country back on the track of equity-oriented growth. Lula, as the leftist Workers' Party leader is known, comes with a record of high performance and high popularity. His previous two administrations, from 2003 to 2011, followed a mixed economic approach — market-friendly policies with high social spending — which helped lift some 25 million Brazilians out of poverty while also ensuring high economic growth. But troublesome years followed. His hand-picked successor, the former revolutionary Dilma Rousseff, was impeached by a hostile Congress. Under Mr. Bolsonaro, the far-right, ultra-nationalist President who is a supporter of Brazil's brutal military dictatorship, the economic growth story disappeared, hunger soared and its healthcare system collapsed. At least 7,00,000 people died due to COVID-19 as the President downplayed the threat of the pandemic and his administration botched up its crisis response. Mr. Bolsonaro's policies also led to faster deforestation of the Amazon rainforests.



The Bolsonaro years saw Brazil's liberal, working class and progressive sections rallying behind Lula, who had been convicted of corruption charges before being acquitted by the Supreme Court. Lula, who left office in 2011 with an 83% approval rating, mobilised the opposition, leading them to a narrow but convincing victory in the presidential run-off. After his inauguration on Sunday, Lula said his focus would be on unity and reconstruction. To his advantage, a new pink tide is sweeping through South America. He will find support for his agenda from leftist leaders in countries such as Venezuela and Chile. Lula has already pushed through a constitutional amendment to put Brazil's spending cap on hold as he is planning to spend an extra \$28 billion this year. Yet, the road will not be smooth. Mr. Bolsonaro refused to concede officially and left Brazil before Lula's inauguration, while his supporters staged violent protests, calling on the military to "shut down the government". If social tensions stay high, the economic challenges will be bigger. The commodity boom that helped fund Lula's social welfare spending in the early 2000s is non-existent today. He has to restore public confidence in the government, rebuild the economy and the healthcare sector, and unite a polarised country. Lula should proceed cautiously, negotiating with the different blocs of Brazil's aristocracy-dominated polity and aiming for gradual yet substantial changes in its wealth structures.

## ON THE LEGALITY OF ISRAEL'S OCCUPATION

### The story so far:

The United Nations General Assembly (UNGA) ended 2022 by passing a resolution that asked the body's highest court, the International Court of Justice (ICJ), to render its opinion on the legal consequences of Israel's prolonged occupation of Palestinian land. The resolution was passed with 87 member countries voting favourably, as opposed to 26 countries, including the U.S. and Israel voted against the resolution while Brazil, Japan, Myanmar and France were among those that abstained. India was one of the 53 countries that abstained from the vote.

Before the vote, Israel's Ambassador to the United Nations Gilad Erdan said the "outrageous resolution" calling for the advisory opinion of the International Court of Justice is a "moral stain on the UN and every country that supports it. No international body can decide that the Jewish people are "occupiers" in their own homeland. Any decision from a judicial body which receives its mandate from the morally bankrupt and politicised UN is completely illegitimate." Following the vote, World Jewish Congress President Ronald S. Lauder said in a statement that the vote at the United Nations exemplifies an ongoing pattern of bias against Israel.

### How has Israel altered its occupation of Palestinian land over the years?

Official Israeli statistics show that Jewish settlers existed in historical Palestine even before the state of Israel was declared in 1948. A UNGA resolution had earlier sought to partition British mandate Palestine. But as the UN partition plan was rejected by the Arabs and the British mandate was coming to an end, Zionists went ahead declaring independence, triggering the first Arab-Israeli war. When the war was over, Israel had captured more territories than what the UN plan had proposed and some 7,00,000 Palestinians were displaced. Historical Palestine was divided into the State of Israel (including West Jerusalem), the West Bank (including East Jerusalem) that was taken over by Jordan and the Gaza Strip (controlled by Egypt). Tensions kept rising between Israel and three countries in the region — Egypt, Jordan, and Syria — which led to the six-day war of 1967. The war resulted in Israel capturing the West Bank, the Gaza Strip and East Jerusalem, along with Syria's Golan Heights and the Sinai Peninsula of Egypt. While the Sinai Peninsula was later returned to Egypt, other captured areas of Palestinian and Syrian territory remain under Israel's



military control. Later, Israel also declared the whole of Jerusalem as its “eternal, undivided capital”. While Israel withdrew from Gaza in 2005, it’s external borders are still controlled by Israel and Egypt. While the UN Security Council passed a resolution in late 1967 stating that Israel must withdraw from the territories it seized in the war, it is yet to happen and the fate of Palestinian self-determination remains uncertain. Palestinians seek the West Bank as the heartland of a future independent State. However, in the decades since the 1967 war, Israel has constructed dozens of Jewish settlements in West Bank, alongside the three million Palestinians living under Israeli military rule. Most of the international community considers Israel’s West Bank settlements illegal and an obstacle to peace. Incidents of violence and killings of Palestinians by Israeli forces have become common over the years.

#### **What does the resolution seek to do?**

The resolution passed by the UNGA on December 30 asked the ICJ to provide its advisory opinion on the legal consequences of Israel’s “occupation, settlement and annexation ... including measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem, and from its adoption of related discriminatory legislation and measures.” While the U.S. rejected the resolution and major European powers abstained, the vote got unanimous support from the Arab nations. There are two possibilities when a referral is made to the ICJ, it can either lead to a settlement with a party withdrawing its case or it can lead to a trial followed by a verdict. While its rulings are binding, the ICJ has no power to enforce them.

#### **How does the new Israeli government look at the conflict with Palestine?**

The UN resolution coincides with the return of Benjamin Netanyahu as Israel’s Prime Minister for a sixth time, with the most far-right coalition in the history of Israel taking charge of the administration. The current six-party right-wing coalition has five ultra-orthodox and far-right Jewish nationalist parties. There are fears that the new hard-line regime will bring damaging impacts for Palestinians as several of Mr. Netanyahu’s key allies, including most of the Religious Zionism party, are ultranationalist West Bank settlers. The new government’s coalition agreement, a policy document enlisting its agendas, states that its top priority will be the expansion of Israeli settlements in the West Bank and the legalisation of dozens of illegally built outposts. “The Jewish people have an exclusive and unquestionable right to all areas of the Land of Israel,” the document states, also citing the coalition’s commitment to “advance and develop settlements in all parts of the land of Israel,” including “Judea and Samaria,” the biblical names for the West Bank. The agreement also promises to annex the West Bank “while choosing the timing and considering the national and international interests of the state of Israel.”

### **WHY IS JAPAN OFFERING MONEY TO MOVE OUT OF TOKYO?**

#### **The story so far:**

According to local media reports, Japan will pay up to one million yen (approximately ₹6 lakh) per child to families if they move out of the Tokyo metropolitan area. This amount was previously set at 3,00,000 yen and has been raised to reduce population concentration in the capital area. The new rule will be implemented starting April, the report added.

#### **Why does Japan want people to move out of the metropolitan area?**

In 2019, Japan released a revised version of a policy for revitalising its towns, people, and jobs. It included the current and future state of the country’s population and aspirations. According to the



policy document, the total population of Japan will decrease to around 90 million in 2060 (Worldometer estimates it to be over 125 million currently).

The impact of emigration has been felt sharply in rural areas the most, where the number of local community members have decreased, leading to a shrinkage in local and small-scale economic opportunities. This sets off an adverse chain reaction, the policy document notes. Once people move out and local economies decline, it becomes difficult to maintain essential life services in these areas, and the region loses its charm and functionality.

Japan's two-pronged solution to this problem includes achieving the goal of a vibrant local community and correcting the overconcentration in the Tokyo metropolitan area. Tokyo is also prone to earthquakes, and the overconcentration of the population and economy makes the nation vulnerable to loss. To strengthen its efforts of reducing overconcentration in Tokyo, the government plans to promote immigration and settlements in rural areas through policies like offering a lucrative sum of money. Other plans on the list include improving ties with local communities, creating a profitable economy, and promoting a work-life balance focused on peace of mind.

#### MYANMAR MILITARY RULERS' FARCE OF A FREE AND FAIR ELECTION

In their latest gambit, Myanmar's military rulers have announced they will hold "free and fair" elections, expected to be held later this year. Under the 2008 Constitution, an emergency may be imposed for a year, and thereafter extended for six months twice. The two years are now nearly up. The plan for an election has come weeks before the second anniversary of the February 1, 2021 coup. Though the military can do pretty much what it wants, the show of going by the Constitution is in line with every dictatorship's yearning to appear lawful while cementing its grip. The coup came after the National League for Democracy's landslide win in the December 2020 elections. If an NLD victory in the polls is what the junta fears most, there can be no doubt about the results of a "free and fair election" under Senior General Min Aung Hlaing, the military president of the junta, or the State Administration Council, the name by which it prefers to be known. The election will be held under the 2008 Constitution, which has written in a large role for the military. The military's proxy political party fared poorly in the last election, and NLD leader Aung San Suu Kyi had hoped that her party's huge win would help her government rewrite the Constitution. The military could not countenance that thought then, and there is no reason to believe that it has changed in the last two years.

The continuing imprisonment of 77-year-old Suu Kyi, sentenced for a total of 33 years on clearly trumped up charges, is hardly a good start to any talk about a free and fair election. Over 15,000 other political workers are also in prison for opposing military rule. The junta is still leaving nothing to chance. It is reported to be toying with the idea of dropping the first-past-the-post system, which it believes gives the NLD an edge, and replacing it with the proportional representation system, which will give its proxies better prospects.

The people of Myanmar have been trampled upon brutally, time and again, by the military, their aspirations for freedom crushed. They have been deprived of much of the advances that the world has made in every sphere over the last six decades. In an otherwise vibrant region, it stands out as a tragic exception. As the chair of the G20, India must use its leadership to convey to the junta that it must first release all prisoners before any talk of an election, or it risks turning Myanmar into an Afghanistan of the east.



## NATION

### SC TRANSFERS TO ITSELF ALL PLEAS RELATED TO SAME-SEX MARRIAGE

Multiple petitions are pending in Delhi, Kerala and Gujarat High Courts; Bench directs the Centre to file its response on or before February 15

The Supreme Court on Friday transferred to itself petitions pending in various High Courts seeking legal recognition of same-sex marriage.

A three-judge Bench led by Chief Justice of India D.Y. Chandrachud said there was broad consensus among the petitioners to shift the cases to the Supreme Court for an authoritative ruling on the issue, especially on the question whether same-sex marriage should be brought within the ambit of the Special Marriage Act of 1954.

Batches of petitions were pending before the Delhi, Kerala and Gujarat High Courts. The Bench, also comprising Justices P.S. Narasimha and J.B. Pardiwala, directed the Centre to file its response to the petitions on or before February 15.

The court listed the case for directions on March 13.

The Bench asked the parties to submit common compilations of arguments and judgments they want to place before the court during arguments for speedy and efficient adjudication. It appointed advocates Arundhati Katju, for the petitioners, and advocate Kanu Agarwal, for the Union, as nodal counsel to coordinate the preparations for the court hearing.

One of the petitions filed by Supriya Chakraborty and Abhay Dang said the non-recognition of same-sex marriage amounted to discrimination that struck at the root of dignity and self-fulfilment of LGBTQ+ couples. A separate petition was also filed by Parth Phiroze Mehrotra and Uday Raj Anand.

The court issued notice in a separate petition filed by Utkarsh Saxena and Ananya Kotia challenging the mandatory requirement to issue public notice and objection to marriage contemplated under the Special Marriage Act and the Foreign Marriage Act. They argued that the provisions expose same-sex couples to the risks of ostracism, persecution, and violence.

The petitioners had argued that the case was a sequel to the 2018 Constitution Bench judgment in the Navtej Johar case in which homosexuality was de-criminalised. The petitioners said the 1954 Act should be made gender-neutral.

The petitioners argued that 15 legislations that guaranteed the rights of wages, gratuity, adoption, surrogacy, etc., were not available to the LGBTQ+ citizens.

### TWO VIEWS ON SIX ISSUES: WHAT THE SUPREME COURT'S DEMONETISATION VERDICT SAYS

In the Supreme Court's majority opinion upholding the government's demonetisation order of November 8, 2016, Justice B R Gavai — writing for himself and Justices S Abdul Nazeer, A S Bopanna, and V Ramasubramanian — reframed the questions referred to the Constitution Bench into six issues. In her dissenting judgment, Justice B V Nagarathna disagreed with the reasoning and conclusions in the majority opinion.



1. Whether the power available to the Central Government under sub-section (2) of Section 26 of the RBI Act can be restricted to mean that it can be exercised only for “one” or “some” series of bank notes and not “all” series in view of the word “any” appearing before the word “series” in the said sub-section, specifically so, when on earlier two occasions, the demonetisation exercise was done through the plenary legislation?

Majority view: Section 26(2) of the RBI Act states that “on recommendation of the Central Board (of the RBI) the Central Government may, by notification in the Gazette of India, declare that, with effect from such date as may be specified in the notification, any series of bank notes of any denomination shall cease to be legal tender.”

The petitioners argued that the word “any” would have to be given a restricted meaning to mean “some” and not “all” legal tender of a given denomination. Senior Advocate P Chidambaram argued that RBI has power only to recommend “a particular series” of notes, but to demonetise “all series” of a particular denomination, it was considered necessary to do so by way of a separate enactment of Parliament.

The majority view disagreed, and held that the term has to be given a purposive interpretation and that any other meaning would lead to absurdity. Citing an example, the court said: “If there are 20 series of a particular denomination, and if the argument of the petitioners is to be accepted, the Central Government would be empowered to demonetise 19 series of a particular denomination, leaving one series of the said denomination to continue to be a legal tender, which would lead to a chaotic situation.”

Dissenting view: Justice Nagarathna held that if the word “any” could mean “all”, it would confer excessive and arbitrary powers on the RBI. In her view, “the contention of the Union of India that the Central Government has the power to demonetise “all” series of bank notes of “all” denominations which would mean that every Rs 1/-, Rs 5/-, Rs 10/-, Rs 20/-, Rs 50/-, Rs 100/-, Rs 500/-, Rs 1,000/-, Rs 5,000/-, Rs 10,000/-, could be demonetised. Since the same is possible theoretically, in my view, such an extensive power cannot be exercised by issuance of a simple gazette notification in exercise of an executive power of the Central Government as if it is one under sub-section (2) of Section 26 of the Act. The same can only be through a plenary legislation, by way of an enactment following a meaningful debate in Parliament, on the proposal of the Central Government.”

**2. In the event it is held that the power under sub-section (2) of Section 26 of the RBI Act is construed to mean that it can be exercised in respect of “all” series of bank notes, whether the power vested with the Central Government under the said sub-section would amount to conferring excessive delegation and as such, liable to be struck down?**

Majority view: On the issue of whether the RBI Act delegates excessive power to make law to the Centre, and is therefore unconstitutional, the majority view disagreed with the petitioners. “Insofar as the decision to be taken by the Central Government under sub-section (2) of Section 26 of the RBI Act is concerned, it is to be taken on the recommendation of the Central Board. We, therefore, find that there is an inbuilt safeguard in sub-section (2) of Section 26 of the RBI Act inasmuch as the Central Government is required to take a decision on the recommendation of the RBI,” the court said. It also said that the delegation of power is in any case to the central government, which is answerable to Parliament.



Dissenting view: Since Justice Nagarathna held that Section 26(2) gives excessive powers to the Centre to demonetise currency by just issuing a gazette notification, it follows that the Centre's 2016 decision was unconstitutional.

**3. As to whether the impugned Notification dated 8th November 2016 is liable to be struck down on the ground that the decision making process is flawed in law?**

Majority view: The majority view relied on the government's argument that merely because the process was initiated by the Centre, it could not be struck down. The ruling notes that the minutes of the RBI Central Board meeting that recommended demonetisation on November 8, 2016 itself stated that the RBI and the Centre had discussed the idea for over six months before it was notified.

On the merits and soundness of the decision, the majority stated that the court cannot determine the effectiveness of economic policy. However, it agreed with the Centre's contention that the decision had to be made in secrecy and in haste for it to be effective.

Dissenting view: Justice Nagarathna held that it is in violation of Section 26(2) RBI Act that the recommendation for demonetisation originated from the Centre and not the RBI's Central Board.

"The use of the words/ phrases such as, "as desired" by the Central Government; Government had "recommended" the withdrawal of the legal tender of existing Rs 500/- and Rs 1,000/- notes; recommendation has been "obtained"; etc., are self-explanatory," the dissenting opinion states.

The dissenting view also states that if the Centre indeed initiated the proposal, then it ought to have brought in legislation in Parliament. If urgency and haste were needed, the dissent asks why an Ordinance could not have been brought which could have been subsequently ratified by Parliament. For example, the August 2019 decision to remove the special status of Jammu and Kashmir was done through an Ordinance.

**4. As to whether the impugned notification dated 8th November 2016 is liable to be struck down applying the test of proportionality?**

Majority view: The majority decision applies a four-pronged test of proportionality to the constitutionality of the decision. The four ingredients of the test to be satisfied are: i) legitimate purpose (ii) rational connection with the purpose (iii) necessity (iv) whether the action taken is proportional or balanced.

The majority verdict states that curbing fake currency, black money and terror funding are legitimate interests of the state and have a rational nexus with demonetisation. For the third aspect, the court has to determine if the decision was necessary, and that there were no alternative measures that could have achieved a similar purpose with a lesser degree of harm for citizens.

Here, the court said that it is "exclusively within the domain of the experts", that is the RBI, to answer this question.

On the fourth aspect, the court said "what alternate measure could have been undertaken with a lesser degree of limitation is very difficult to define".

Dissenting view: Justice Nagarathna said that since she had already held the demonetisation decision unlawful, this question need not be answered.





**5. As to whether the period provided for exchange of notes vide the impugned notification dated 8th November 2016 can be said to be unreasonable?**

Majority view: The court cited an earlier instance of demonetisation in 1978 where a three-day period was provided for exchanging the demonetised notes. This was upheld by a Constitution Bench of the court. Relying on this decision, the majority view said, “we fail to understand as to how the said period of 52 days could be construed to be unreasonable, unjust and violative of the petitioners’ fundamental rights.”

Dissenting view: Since the dissent had already held the demonetisation decision unlawful, it did not answer this question.

**6. As to whether the RBI has independent power under sub-section (2) of Section 4 of the 2017 Act in isolation of provisions of Section 3 and Section 4(1) thereof to accept the demonetised notes beyond the period specified in notifications issued under sub-section (1) of Section 4?**

Majority view: The Specified Bank Notes (Cessation of Liabilities) Act, 2017 prohibits and penalises holding, transferring, or receiving demonetised currency. However, some earlier notifications allowed a grace period for certain individuals, like those who were abroad when demonetisation was notified, to exchange their old currency.

The petitioners argued that RBI had no independent powers to allow that when the 2017 Act had been passed by Parliament. The majority view stated that the earlier notifications have to be read as part of the 2017 law, giving it a “contextual and harmonious construction”.

**OVERLY DEFERENTIAL**

It is an oft-repeated judicial view that courts must defer to the elected government’s judgment in matters of economic and social policy. Their interventions are usually limited to instances where executive decisions are palpably arbitrary or patently illegal. In this backdrop, it is no surprise that four of the five judges on a Constitution Bench of the Supreme Court deferred to the government’s wisdom in dramatically announcing the move on November 8, 2016 to demonetise all ₹500 and ₹1,000 notes that were then in circulation. The scope of judicial intervention was only to examine the decision-making process, but the majority has given its uncritical endorsement to the process, terming it to be free of flaws. It has upheld the government’s power to demonetise notes without quantitative restrictions and accepted the claim that there was adequate consultation between the Union government, which initiated the proposal, and the Reserve Bank of India (RBI). What might seem distressing about the majority verdict is that it has made light of the enormous suffering of the people that demonetisation entailed. While there are observations that recognise the possibility of hardship and that demonetisation may have ultimately been a failure, these are limited by context to say neither individual suffering nor errors of judgment can be cited to invalidate the action.

The majority has brushed aside substantial arguments based on proportionality, holding that demonetisation survives every test for proportionality: there was a legitimate purpose (unearthing fake currency and hoarded wealth and combating terror funding), there was a nexus between the action and the objectives, and the court did not have the expertise to suggest a less intrusive way of achieving these objectives. However, it does not properly address the question on whether the adverse consequences could have been limited. It is unfortunate that the court had nothing critical to say about the government failing to anticipate the ruinous effect of extinguishing the value of 86% of available currency on the economy and the immense miseries



it heaped on the population. Justice B.V. Nagarathna's dissent, holding the process to be flawed and the RBI's approach to be without application of mind, is a consolation for those who want the courts to hold those in power to account. In a larger sense, of course, a judicial rap on policy questions matters little. But it might give governments cause for pause before implementing decisions with far-reaching consequences for the people.

#### CASH WITH PUBLIC ZOOMS 74% TO TOUCH RECORD HIGH

Nearly six years and two months after the government announced demonetisation on November 8, 2016, currency with the public is at a new high. With cash remaining the preferred mode of payment, currency with public for the fortnight ended December 16, 2022 stood at a record high of Rs 31.27 lakh crore — up 74 per cent from Rs 17.97 lakh crore on November 4, 2016, days before the demonetisation was announced.

In fact, the currency with public is up 243 per cent from Rs 9.11 lakh crore that was recorded on November 25, 2016, two weeks after Rs 500 and Rs 1,000 notes were withdrawn from the system. The year-on-year rise in cash with the public has been Rs 232,986 crore as on December 16, 2022.

After Rs 500 and Rs 1,000 notes were withdrawn from the system in November 2016, currency with the public, which stood at Rs 17.97 lakh crore on November 4, 2016, declined to Rs 7.8 lakh crore in January 2017. Many say that the sudden withdrawal of notes roiled the economy — with demand falling, businesses facing a crisis and gross domestic product (GDP) growth declining nearly 1.5 per cent. Many small units were hit hard and downed shutters after the note ban as it created liquidity shortage.

Currency with the public is arrived at after deducting cash with banks from total currency in circulation (CIC). Currency in circulation refers to cash or currency within a country that is physically used to conduct transactions between consumers and businesses.

Cash in the system has been steadily rising, even though the government and the Reserve Bank of India (RBI) pushed for a "less cash society", digitisation of payments and slapped restrictions on the use of cash in various transactions. The jump was primarily driven by a rush for cash by the public in 2020 as the government announced a stringent lockdown to tackle the spread of the Covid pandemic. As nations around the world announced lockdowns in February, people began accumulating cash to meet their grocery and other essential needs.

Economists, however, say that currency with public should not be seen in absolute terms. "It should be seen as a percent of GDP and that has remains constant at around 12-13 per cent. Had the UPI, wallet and other digital transactions not grown over the last five years, that ratio to GDP would have been much higher," said DK Pank, chief economist at India Ratings. A look at data shows that while currency with public to GDP ratio pre-demonetisation was around 11.8 per cent, at the end of the December 2022, it is marginally higher at 12.1 per cent. The rise in currency in circulation in absolute numbers is not the reflection of reality. "What needs to be taken into account is the currency to GDP ratio, which had come down after demonetisation," said a banker.

The cash in circulation to GDP ratio has been 10-12 per cent till about FY20. CIC in India increased to a high of 14.4 per cent of GDP in 2020-21 from 10.7 per cent of GDP in 2017-18. However, post the covid-19 pandemic and due to the growth of cash in the ecosystem, CIC to GDP is expected to inch up further.



## FREEDOM IN AUTHORITY

In a recent verdict, the Supreme Court has shown sound restraint while examining the issue of misuse of free speech, especially by political functionaries holding public office. It is to the credit of the Constitution Bench that it did not make any adventurous attempt to expand the scope of the restrictions already spelt out in the Constitution. The context being some rash and intemperate remarks by two ministers, one while serving in the Uttar Pradesh Cabinet and another in Kerala, there was some expectation that the court should carve out an additional restriction on public servants either by making the state vicariously liable for their remarks or by evolving a code of conduct enforceable by law. The four judges who signed off on the main opinion, as well as the fifth judge who wrote a separate one, correctly concluded that the specified grounds for reasonable restrictions in Article 19(2) are “exhaustive” and nothing further can be added by judicial fiat. The majority also declined to expand the notion of ‘collective responsibility’ to fix liability on the state for such remarks. Justice B.V. Nagarathna, writing a separate opinion, differed on this point, saying it is possible to attribute vicarious responsibility to the government if a minister’s view represents that of the government and is related to the affairs of the state. While the issue is largely academic, there have indeed been instances of courts taking note of individual ministers’ public remarks to transfer sensitive investigations to other agencies based on an apprehension of injustice if a police probe remained with the State concerned. Political leaders do need an occasional reminder that they should show utmost restraint, as their public utterances tend to get circulated and also influence their followers.

In the course of the discussion, the court has restated and clarified several principles, including that of constitutional tort, or a civil wrong that is actionable. The main opinion concludes that a mere statement by a minister that goes against an individual’s fundamental rights may not be actionable, but becomes actionable if it results in actual harm or loss. Justice Nagarathna, on the other hand, holds the view that there should be a proper legal framework to define acts and omissions that amount to ‘constitutional tort’. The court’s overall view that fundamental rights are enforceable even against private actors is indeed a welcome one. This largely settles the question of whether these rights are only ‘vertical’, that is, enforceable only against the state, or ‘horizontal’ too, that is enforceable by one person against another.

## SUPREME COURT EXPANDS ARTICLE 19 AMBIT: NOT JUST STATE, EVEN PVT CITIZENS CAN FACE CHALLENGE

By ruling that a citizen can seek enforcement of the fundamental rights to freedom of speech not just against the state, the Supreme Court has, effectively, extended the ground for seeking these rights against other citizens. “A fundamental right under Article 19/21 can be enforced even against persons other than the State or its instrumentalities,” said the 4-1 majority ruling by the Constitution Bench Tuesday.

The court took this view while ruling that the right of free speech and expression guaranteed under the Article 19(1)(a) cannot be curbed by any additional grounds other than those already laid down in Article 19(2).

One of the questions before the court was whether “a fundamental right under Article 19 or 21 of the Constitution of India be claimed other than against the ‘State’ or its instrumentalities?”

Article 19 which guarantees freedom of speech and expression is a right invoked against the state. Some fundamental rights such as those prohibiting untouchability, trafficking and bonded labour



are explicitly against both the state and other individuals. The court, extending free speech against private citizens, opens up a range of possibilities in Constitutional law.

This interpretation could also bring an obligation on the state to ensure private entities also abide by Constitutional norms. These questions could hypothetically range from seeking enforcement of privacy rights against a private doctor to seeking the right to free speech against a private social media entity.

“The original thinking of this court that these rights can be enforced only against the State, changed over a period of time. The transformation was from ‘State’ to ‘Authorities’ to ‘instrumentalities of State’ to ‘agency of the Government’ to ‘impregnation with Governmental character’ to ‘enjoyment of monopoly status conferred by State’ to “deep and pervasive control” to the “nature of the duties/functions performed,” the majority view by Justice V Ramasubramanian stated.

The Court relied on the 2017 verdict in Puttaswamy where a nine-judge bench unanimously upheld privacy as a fundamental right. One of the key arguments by the government was that privacy is a right enforceable against other citizens and, therefore, cannot be elevated to the status of a fundamental right against the state.

The Court also referred to several foreign jurisdictions, contrasting the American approach with the European Courts. Referring to the landmark *New York Times vs. Sullivan*, in which the US Supreme Court found that defamation law, as applied by the state against *The New York Times*, was inconsistent with the Constitutional guarantee of the freedom of speech and expression, the SC noted a shift in US law from a “purely vertical approach” to a “horizontal approach.”

“No jurisdiction in the world appears to be adopting, at least as on date, a purely vertical approach or a wholly horizontal approach. A vertical approach provides weightage to individual autonomy, choice and privacy, while the horizontal approach seeks to imbibe

Constitutional values in all individuals. These approaches which appear to be bipolar opposites, raise the age-old question of ‘individual vs. society,’” the Court said. A vertical application of rights would mean it can be enforced only against the state while a horizontal approach would mean it is enforceable against other citizens.

For example, a horizontal application of the right to life would enable a citizen to bring a case against a private entity for causing pollution, which would be a violation of the right to a clean environment.

#### HALDWANI CASE: HOW DID THE UTTARAKHAND HIGH COURT ARRIVE AT ITS RULING?

The Supreme Court Thursday stayed the Uttarakhand High Court decision to evict over 4,000 families from land claimed by the Railways in Haldwani, saying they could not be moved within a week and without rehabilitation plans. What was the earlier Uttarakhand HC order and how did it arrive at it?

##### **What was the HC decision?**

On December 20 last year, the Uttarakhand High Court directed the Railways to evict those living in Haldwani’s Gafoor Basti, land adjoining the Haldwani railway station. The decision by Justices Sharad Kumar Sharma and Justice Ramesh Chandra Khulbe came in a public interest litigation



(PIL) filed in 2013. The petitioner had moved court against illegal mining in the area after a bridge collapse, but the HC expanded the scope of the petition.

While the residents claimed ownership of the land through lease and sale deeds, the HC declared that the land belongs to the Railways and directed “to use the forces to any extent determining upon need, to evict forthwith the unauthorised occupants after giving them a week’s time to vacate the premises...”

#### **What is the land dispute?**

The land dispute essentially revolves around a 1907 government record, based on which Gafour Basti residents claim ownership. The document, they claim, declared the area as “nazul land” or government land used for non-agricultural but public purposes. Some residents claimed in the HC that their ancestors had purchased plots from the Custodian Department of Government of India, which was entrusted with properties of those who left India after partition.

However, the High Court held that the 1907 document was a mere ‘Office Memorandum’ and therefore invalid for the purposes of determining the classification of land. This would essentially mean that every transaction, sale, lease that flows from the document is now deemed invalid.

The court instead relied on a 1959 notification of the vesting of land with the Railways.

The Court had first ordered Railways to remove encroachment in the area in 2016. The state had sought a review of that ruling, but that was dismissed in 2017. Subsequently, the Supreme Court, hearing an appeal against the HC decisions, directed affected parties to file their objections before the High Court immediately.

Dismissing the claim by residents that the 1907 record established the area as nazul land, the HC said the document is only “an official communication, it will not have a statutory force”.

#### **What is the claim by the residents?**

Several affected residents have claimed that they have been in possession of the land for over 50 years. However, the Court said that “merely being in uninterrupted possession for last 50 years will not in itself mature their legal rights to continue with possession” since the 1907 document itself does not classify the land as nazul land.

Another resident moved the court claiming that “his grandmother Smt. Abida, was a purchaser from one Mr. Sardar Hukam Singh, by virtue of the sale deed dated 3rd May, 1960. The devolvement of right to the predecessors seller of his grandmother was flowing from the right given to Sardar Harnam Singh by the Custodian Department of Government of India, through a sale deed dated 12th December, 1959.”

The HC dismissed this claim stating that the inclusion of a name in municipal records does not “confer a right.”

Another resident, Rehmat Khan, argued that the assessment committee of the municipality through its Resolution No. 18 dated April 18, 1976 had accepted the transfer of the land, made in his favour by the sale deed in 1966. The Court dismissed this argument expressing doubts on the sale deed itself.



On giving the residents a fair hearing, the High Court said that apart from “advertisements in newspapers inviting objections to the proceedings,” the news articles on the proceedings themselves will be treated as adequate notice.

#### **How did the HC decide in favour of Railways?**

The HC records that “a railway line was laid down by a Company in the year 1884, and it was later on transferred to Government of India in 1943.”

“This fact has already been dealt by this Court, that in view of the notification of vesting of land with the Railways, as issued way back in 1959, it has also been a case of one of the interveners, that the railway lines in Haldwani stood established as back as on 1834, and at point of time, it was being operated by a private Railway Agency, and it was later on subsequently to the enforcement of the Railways Act, the management, control and establishment of the Railways of the North Eastern Region was vested with the Government of India,” the court stated.

During the proceedings, the Railways also submitted to the court a report stating that 4,365 occupants of the state and Railways land were found to be ‘unauthorised’ and eviction process was immediately required to be initiated against them.

#### **SC THWARTS EVICTION FROM RAILWAY LAND IN HALDWANI**

The Supreme Court on Thursday stayed a December 20 direction of the Uttarakhand High Court to the Indian Railways and the district administration to use paramilitary forces to evict thousands of poor families occupying Railway land in Haldwani district within a week.

A Bench of Justices Sanjay Kishan Kaul and A.S. Oka remarked that some of these people have been living on the land for 50 to 70 years and could not be evicted within a week.

#### **‘Human angle’**

The court said the issue has a “human angle”. Many proceedings under the Public Premises Act were instituted ex parte against the families during the COVID-19 pandemic. A balance had to be struck between the Railways’ need to develop the land and the families’ right to live with dignity. The rights of the families on the land had to be examined. Even those who have no rights, but have been living there for years, need to be rehabilitated.

#### **A PERSON STOPS EVEN IF POLYTHENE IS STUCK IN CAR, ANJALI SINGH DEATH AN EXAMPLE OF EXTREME CRUELTY: MANISH SISODIA**

Delhi Deputy Chief Minister Manish Sisodia Wednesday said the Kanjhawala hit-and-run case, in which 20-year-old Anjali Singh was knocked down from her scooter by a Baleno car, which dragged her on the road for 10-12 kilometres after the impact, was an example of “extreme cruelty”.

“Even if a polyethene or a piece of paper gets stuck in a car, the driver finds out. They stop the car and check. This accident is an example of extreme cruelty. They kept dragging the body for 12 kilometres. To think that the drivers did not realise that a woman was stuck under the car is nothing but cruelty and ignorance,” said Sisodia, who went to meet Anjali Singh’s family Wednesday and extend all possible support.



When asked about an incident in Adarsh Nagar where a 21-year-old was stabbed by her friend after she had ended their friendship, Sisodia held the BJP responsible for the “poor law and order situation in the city”.

In Delhi, which is a Union Territory with special powers and not a full state, law and order and police come under the Centre through the Lieutenant Governor and not the state government.

#### ACID ATTACK VICTIMS FAILED BY LACK OF A COHESIVE LAW, LEGAL PROCESS

National Crime Records Bureau (NCRB) data reveal that there has been no let-up in the number of this gender-based crime — in 2011, there were 83 acid attacks; in 2021, it grew to 176 (though down from 249 in 2019).

West Bengal and Uttar Pradesh consistently record the highest numbers of acid attacks, generally accounting for nearly 50% of all cases in the country year on year. In 2021, 153 men were charge-sheeted. Merely seven have been convicted.

Many activists say the lack of cohesive legislation in regulating the sale of acids and in ensuring punishment for perpetrators is probably the chief reason for their misuse.

They give the example of Bangladesh, where acid attacks came down drastically after the government brought in two laws dedicated to the control and prevention of this crime. The Bangladesh Acid Control Act, 2002 and the first and second Acid Crime Prevention Acts, 2002 restrict the import and sale of acid in open markets. Once known as a country with the highest number of recorded acid attacks (496 in 2002), the number dropped to 70 in 10 years after the laws came into being, according to the non-profit Acid Survivors Trust International.

In India, the National Commission for Women floated a draft Prevention of Offences (by Acid) Bill in 2008, but it failed to see the light of the day.

However, following the Nirbhaya gang-rape case and the Justice Verma Commission report in 2013, the Union government amended the Indian Penal Code, recognising acid attacks as a separate offence with a minimum punishment of 10 years and a maximum of life imprisonment.

In the same year, following directives from the Supreme Court, the sale and procurement of acid in India was sought to be regulated under the Poison Act, 1919. Additionally, the court instructed governments to issue acid sale licences to select retailers. These authorised outlets were to ask for address and photo identity proof from the buyer. However, across the country and especially in rural India, there is little awareness of the laws and guidelines that regulate the sale and procurement of acid.

#### More rural cases

Alok Dixit, founder of Sheroes Hangout, an organisation working with acid attack survivors, says most attacks take place in rural or semi-rural areas, though those that get highlighted in the media are almost always from the cities, he said.

According to information shared by the NGO Chhanv Foundation, of which Mr. Dixit is the founder-director, of the 130 cases it was working on, 100 are from rural areas.

A study by Nalanda University in 2019 showed that in a majority of cases, acid attack victims are women who have resisted persistent declarations of “love” or proposals of marriage.



There is a need for a blanket ban on the use of acids except for industrial use, says senior Supreme Court advocate Colin Gonsalves.

Mr. Gonsalves cautions against any new law that can reduce either the punishment to the perpetrator or the compensation to the victim. "The Supreme Court has repeatedly awarded high compensations to acid attack victims, sometimes in the range of ₹30 lakh to ₹40 lakh, for their medical needs and rehabilitation," he said.

Over the years, there have been many Private Members' Bills introduced by MPs. However, the government has made no effort to adopt them.

Supreme Court advocate Vrinda Grover says it's simplistic to say that a standalone law can help acid attack victims secure justice and stop the easy availability of the chemicals.

"Post-Nirbhaya, we have recognised acid attacks as a crime and have Supreme Court-mandated guidelines for the sale and procurement of acids. However, the question here is to see how many State governments have actually formulated the rules for the same," Ms. Grover said.

## WOMEN IN DRIVER'S SEAT, BUT AWAIT 'PARIVARTAN' IN MINDSET

In August last year, Sharmila was among eleven women — nine from Haryana and one each from Rajasthan and Delhi — who joined the Delhi Transport Corporation (DTC) fleet of bus drivers.

They made headlines as the first batch under 'Mission Parivartan' — a joint venture of the Delhi government and automaker Ashok Leyland to induct women drivers for promoting women's safety.

But nothing could brace them for the pitfalls that awaited them in a male-dominated field.

### Harassed day and night

"Some men don't know how to respect women, it's very difficult to tackle them," said Ms. Sharmila, 35. A former government school cook in Haryana, Ms. Sharmila said she takes the morning route due to safety issues. "Even though we possess powers, we are still women. [Men] look at us in a way we feel uncomfortable." "At night, most men board the bus inebriated and they raise their voices if I try to say something."

Neetu Devi, 25 faces this problem even in the daytime. "Not only do the male drivers make us feel uncomfortable, but so do passengers." Ms. Neetu, who had a teaching job in Hisar, said pickpockets are another menace.

### Taunts by male peers

The harassment extends to not just leers and threats, but sexist comments too. Seema Devi, 36, said that if their vehicle breaks down at any point, men usually taunt them by saying "If you don't know how to drive, why did you even become a driver?"

According to Ms. Neetu, the women currently work under a one-year contract, and the Transport Department pays them on a per kilometre basis.

Fighting old mindsets and harassment is part of the job for these female drivers. Yet, Ms. Sharmila stresses that no woman should feel unsafe when she boards the bus.





## FOR BJP, THE FOCUS IN KARNATAKA: 'LOVE JIHAD' OVER GOVERNANCE

In recent times, the BJP in Karnataka has struck increasingly strident Hindutva postures ahead of the Assembly elections scheduled in May. The party has drawn a hardening line on issues such as hijab, inter-faith marriages and halal meat and attempted to turn them into fuel for political campaigns. Karnataka BJP chief Nalin Kumar Kateel's remark at a party meet in Mangaluru on Tuesday that people should prioritise the issue of "love jihad" over "road, gutter, drain and other small issues" in the Assembly elections has to be seen in the backdrop of this build-up. Kateel may have taken a cue from Union Home Minister Amit Shah, who, in Mandya last week, said the people need to choose between Prime Minister Narendra Modi who built the Ram Temple at Ayodhya and developed Kashi, Kedarnath and Badrinath, and "those who glorify Tipu Sultan", between those who are with the "tukde-tukde gang" and those who are "with patriots".

The preference for agendas and issues that polarise the electorate could be said to be a part of the BJP's electoral pitch in other states. However, this strategy was largely untested in Karnataka, where the BJP, primarily under BS Yediyurappa, had sought to win elections through patronage and management of Hindu sects, seers and mutts as well as by privileging promises of better governance. The state has had its share of communal tensions in the past, of course. But these were viewed more as local issues and handled by both party and the government as such. For instance, Hindu-Muslim clashes in the Mangaluru region were seen more as local phenomena whereas the crackdown more recently on Islamist groups such as the Popular Front of India are projected on a pan-state scale. The BJP is now seeking to subsume the regional divisions and caste alignments in state politics within an overarching Hindu identity.

The BJP evidently counts on other contentious issues — from the border dispute with Maharashtra to corruption in government — slipping into the background if the poll campaign emphasises identity issues. But it must know that this strategy diminishes its own government and chief minister, apart from unsettling the calm in a state that has a good track record on governance.

## BOMBSHELL FOUND NEAR PUNJAB CM HOUSE: WHAT IS UNEXPLODED ORDNANCE, HOW DOES IT FALL INTO CIVILIAN HANDS

An unexploded artillery shell was found near the official residence of Punjab Chief Minister Bhagwant Mann in Chandigarh on January 2. Explained here is what kind of artillery shell it was and how this military ammunition found its way into a high-security civilian area.

### **What is an Unexploded Ordnance (UXO)?**

A military ammunition or explosive device that remains unexploded even after it has been primed and fired is known as Unexploded Ordnance (UXO) in military parlance. Such UXO can be left-overs from a war, a military battle inoculation exercise, field firing exercises or even be part of military scrap that is often exported from one country to another to extract metal.

### **Are such unexploded munitions dangerous?**

Yes. All unexploded munitions are treated as potentially dangerous and capable of detonating till proven otherwise by professional assessment by military ammunition experts.



Whenever such unexploded munition is found by civilians, it is always advised to maintain a safe distance and inform the nearest police or district administration official. The civilian administration is expected to get in touch with the nearest Army station, which will then despatch Army Ordnance Corps personnel, who are ammunition experts and can identify the ordnance and the safest way of disposing it.

#### **How do such unexploded munitions reach civilian hands?**

In most cases in India, unexploded ordnance from military field firing ranges across the country are picked up by locals who wish to make a quick buck by selling them to scrap dealers. The dealers extract metal like copper from them, which is dangerous. There have been instances of scrap pickers and scrap dealers dying when such ammunition explodes.

#### **What if unexploded ammunition falls in the wrong hands?**

Unexploded ordnance such as the artillery shell found near the Punjab CM's residence can always be used as an Improvised Explosive Device by connecting it to an explosive circuit. This is a common use to which such shells are put even in war zones. Since the shell already contains explosives, all that needs to be done is to make it explode.

#### **How are such exploded ammunitions disposed off safely?**

The Army ammunition experts examine the ammunition and make a decision as to whether it will be safe to take the unexploded ordnance to a distant place like a firing range and explode it, or whether it will be better is exploded in situ, with all safety measures in place. This decision is taken considering the volatility of the ammunition and if it can be transported safely.

### **KUKI-CHIN REFUGEES FROM BANGLADESH 'PUSHED BACK' FROM MIZORAM, SAYS MP**

As another round of refugee crisis brews on the Mizoram-Bangladesh border, several members of the Kuki-Chin community were "pushed back" by the Border Security Force (BSF) on Friday, according to K. Vanlalvena, a Rajya Sabha member from Mizoram.

He said not allowing the "ethnic Mizo" from Bangladesh to enter India would amount to "discrimination on ethnic grounds" as in the 1970s thousands of displaced Chakmas (mostly Buddhists) from Bangladesh were allowed to enter India and settle in Mizoram and Arunachal Pradesh. The MP shared a video with The Hindu that shows around 150 refugees, including infants, sitting in a field near Parva village.

A senior government official said it was "not a case of push-back" and a BSF team stopped them on coming to know that a group was headed towards Mizoram. An official said the BSF had no instructions to let the refugees enter India and they returned on their own once explained that they would be treated as "illegal migrants", if they continued to stay put in the Indian territory.

The official said BSF doctors also provided medical assistance to a pregnant woman, part of the group, who went into labour on the border. "The women gave birth to a healthy baby with the assistance of BSF doctors; she returned to Bangladesh with the group the next day," said the official. Mr. Vanlalvena said around 1,000 refugees were waiting to enter India.

Kuki-Chin, the Christian community from Bangladesh's Chittagong Hill Tracts, share close ethnic ties with people in Mizoram. The first tranche of around 300 refugees came in November 2022. The Mizoram government has approved setting up of temporary shelters for the community.



Mr. Vanlalvena said he had written to Home Minister Amit Shah and Union Home Secretary Ajay Kumar Bhalla to give necessary instructions to the BSF so that the displaced persons might be allowed to enter Mizoram. The January 4 letter stated that heavy fighting has erupted and is ongoing between Bangladesh Rifles troops and cadres of Kuki-Chin insurgent groups in Bangladesh. "Due to these clashes, the civilian tribal people of neighbouring Chittagong Hill Tracts who are our ethnic brothers and sisters have fled in large numbers into our State seeking refuge," the letter said.

He said the State government, in collaboration with local community-based organisations and NGOs, was doing its best to provide relief to these displaced people. "In addition to these displaced people who have already entered Mizoram, there are several more of our ethnic brethren, including infants and women, who are also waiting to enter our State ... However, these displaced people are currently being prevented from entering our State," the letter said.

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

## UNHAPPY NEW YEAR

Six civilians, including two children, were killed in brutal acts of terrorism in Dangri in Jammu and Kashmir's Rajouri in the first week of the new year. The police and authorities in Srinagar and New Delhi remain tight-lipped about the incidents. It is evident that the perpetrators intended to spread maximum terror among the Hindus in the area. They barged into houses on January 1 and fired indiscriminately, killing four civilians and injuring 10 others. Just within 15 hours, an improvised explosive device went off outside the house of one of the victims, leaving two minors dead and five others injured. The Jammu region has been relatively insulated from the conflict in recent years, but the recent incidents portend the return of a grim past. Rajouri had turned peaceful, and the last major targeting of Hindus was 16 years ago. It has a long penetrable Line of Control with Pakistan-occupied Kashmir and remained an active route for militants to cross over to the Kashmir Valley. In 2022, there were clear signs that the district was becoming a new theatre of violence, with at least four grenade attacks, and multiple encounters between security forces and militants. There were also indications of local involvement.

J&K parties in one voice condemned the attack on minorities and targeted the Lieutenant Governor (LG)'s administration for its failure to secure civilians. LG Manoj Sinha has promised strict action to curb terrorism and address the security needs of the region. There is fresh demand to revive Village Defence Committees, which were constituted in 1995 in 10 districts of the Jammu region to fight militants in remote places where security presence is thin. These were disbanded following allegations of high-handedness by armed volunteers. While the Centre is eager to portray its strong-arm policy in Kashmir that has shunned political dialogue as a success, new trends in terrorism, including frequent targeting of migrant workers in the Union Territory, act as grim reminders of the volatility. At least 29 civilians were killed in J&K in 2022, most of them migrant workers or local Hindus. While new experiments may yield different results in J&K, the old approach to allow multiple processes of engagement to address issues in a democratic way might still work. In the absence of an elected government in J&K since 2018, even the mainstream of the region is drifting away from New Delhi. A continuing political process is not a sufficient guarantee against Pakistan-backed terrorism, but it is a necessary condition in any resolution of the Kashmir conflict.



## OVER THE BORDERLINE

The Government of India is paying special attention to the development of border villages, especially from a security perspective. Union Home Minister Amit Shah said on December 29 that borders could be permanently secured only when border villages are populated by patriotic citizens who are concerned for the country. Mr. Shah asked the Border Security Force (BSF) to effectively use the Vibrant Village Programme (VVP), announced by the Centre in the 2022 Budget, to promote development and communication in border villages. The scheme is for funding development of “border villages with sparse population, limited connectivity and infrastructure (that) often get left out from the development gains,” Finance Minister Nirmala Sitharaman had said in her Budget speech in 2022. Prime Minister Narendra Modi had said the scheme signified the government’s “holistic approach” to ensure that these villages have all facilities. The Ministry of Home Affairs (MHA) informed Parliament on March 29, 2022 that plans were afoot for the convergence of existing schemes into the new one; and an implementation framework, fund requirements and other modalities were being finalised. The existing Border Area Development Plan of the MHA covers development of all border regions, and it is unclear how VVP will be different from that.

One year after it was announced, there is little clarity on the details of VVP, including on the question of whether it will cover all border areas or only the northern border with China as mentioned in the Budget. The government has said VVP would cover construction of village infrastructure, housing, tourist centres, road connectivity, provisioning of decentralised renewable energy, direct-to-home access for Doordarshan and educational channels, and support for livelihood generation. There were also plans to open the villages along the China border in Himachal Pradesh, Uttarakhand, Sikkim, Arunachal Pradesh and the Union Territory of Ladakh for tourists. The MHA recently informed a Parliamentary Standing Committee that the budget provisions for the programme have been sent to the Expenditure Finance Committee for its approval. Holding border areas close to the rest of the country is a dynamic challenge and requires a sensitive approach. Borders divide people of shared ethnic and cultural heritage, who are unmoved by rivalries of nations that animate strategists. They should not be challenged to be the vanguards of patriotism.

## WHY HAS A HIGH-POWER LADAKH COMMITTEE BEEN FORMED?

### The story so far:

On January 2, the Ministry of Home Affairs (MHA) constituted a high-powered committee chaired by Minister of State for Home Nityanand Rai for the Union Territory of Ladakh. The committee will discuss measures to protect the region's unique culture and language taking into consideration its geographical location and strategic importance; ensure protection of land and employment for the people of Ladakh; strategise inclusive development and discuss issues related to the empowerment of the Ladakh Autonomous Hill District Councils of Leh and Kargil.

### Why was the committee formed?

Civil society groups in Ladakh have been demanding protection of land, resources and employment for the past three years after the special status of the erstwhile State of Jammu and Kashmir under Article 370 of the Constitution was read down by Parliament on August 5, 2019. The fear of big businesses and conglomerates taking away land and jobs from the local people have contributed to this demand.



### **What is the sixth schedule?**

The sixth schedule under Article 244 of the Constitution protects the autonomy of tribal populations through creation of autonomous development councils which can frame laws on land, public health and agriculture. As of now ten autonomous councils exist in Assam, Meghalaya, Tripura and Mizoram. As per the 2011 Census, the total population of Ladakh was 2,74,289, and nearly 80% of them are tribals.

### **What is the background?**

In 2020, the Peoples Movement for Constitutional safeguard under the sixth schedule or the Apex Body, Leh was formed. They announced that they would boycott the upcoming district autonomous council elections if their demands were not met. The representatives which included former BJP MP Thupstan Chhewang and Skyabje Thiksey Khampo Rinpochey were called to Delhi for a meeting with Home Minister Amit Shah following which they called off the boycott call. They were assured that discussions would commence after 15 days of the culmination of elections. In the same year, the Apex Body and the Kargil Democratic Alliance (KDA) from the two districts of Leh and Kargil in Ladakh came together to jointly fight for constitutional safeguards for the region. On August 2, 2022, the two bodies renewed their demand to seek full Statehood for Ladakh. The UT has shut down at least twice and protested several occasions in the past three years over these demands.

However, members of the new committee state that the MHA order instituting the committee is not clear as it avoids any mention of the primary demand for inclusion under the sixth schedule of the Constitution. Moreover, even before the committee was announced, the Apex Body and KDA had scheduled a meeting in Jammu on January 7 to chart the future course of action.

### **What is the government's stand?**

Not keen to give any special status to Ladakh, the MHA informed a parliamentary standing committee recently that the objective for inclusion of tribal population under the sixth schedule is to ensure their overall socio-economic development, which, the UT administration has already been taking care of and that sufficient funds are being provided to Ladakh to meet its overall developmental requirements. A report tabled in Rajya Sabha on December 13, 2022, quoted MHA officials, that the Ladakh administration recently increased the reservation for the Scheduled Tribes in direct recruitment from 10% to 45% which will significantly help the tribal population in their development.

## **WHAT IS THE NEW DELIMITATION EXERCISE BY ASSAM?**

### **The story so far:**

Assam remerged four districts with the ones they were carved out of four days after the Election Commission of India (ECI) notified the initiation of the delimitation of Assembly and Parliamentary constituencies in the State on December 27, 2022. Many welcomed the ECI decision but questioned the use of the 2001 Census figures for the readjustment of the constituencies and an alleged bid to make Muslims less politically relevant.



### **What is delimitation?**

Delimitation is the process of redrawing boundaries of Lok Sabha and State Assembly constituencies based on a recent census to ensure each seat has an almost equal number of voters. It is ideally carried out every few years after a Census by an independent Delimitation Commission formed under the provisions of the Delimitation Commission Act.

### **Why was it put on hold in Assam?**

Delimitation panels were set up thrice (1952, 1962 and 1972) regularly before the exercise was suspended in 1976 in view of the family planning programmes in the States. The last Commission was set up in 2002 but before its exercise was completed in 2008, the delimitation of four north-eastern States was deferred due to “security risks” through separate presidential orders. Apart from law-and-order, various organisations in Assam, including the BJP, were opposed to delimitation in 2008 as they wanted it to be done only after the updating of the National Register of Citizens (NRC) to weed out “illegal immigrants”.

### **What do the parties have to say?**

The Central government reconstituted the Delimitation Commission for the four north-eastern States and the Union Territory of Jammu and Kashmir on March 6, 2020. The exercise was imminent but Section 8A of the Representation of People Act, 1950, cited by the ECI for initiating delimitation and the use of the 2001 Census data have raised hackles. Section 8A only allows reorientation and rules out any change in the total number of parliamentary and Assembly constituencies. “What’s the point if Assembly seats are not increased?” asked Rajgor Dal MLA Akhil Gogoi. Airing a similar view, Congress leader Debabrata Saikia said basing the delimitation on the 2001 Census would be unjust, specifically after the ECI used the 2011 Census for completing the exercise in Jammu and Kashmir, where the number of constituencies increased. All India United Democratic Front MLA Aminul Islam sniffed a political agenda behind using the 2001 Census as the 2021 Census could reveal a few reserved Assembly seats now have Muslims in a majority, necessitating their de-reservation. Assam has 16 Assembly seats reserved for the Scheduled Tribes and eight for the Scheduled Castes.

### **What is the government’s take?**

Assam Chief Minister Himanta Biswa Sarma said delimitation can provide the safeguards that the NRC and the Assam Accord of 1985 envisaged to but failed. He said this in the context of a “demographic invasion” that the BJP and its regional allies think would eventually see Assam being taken over by Bengali-speaking or Bengal-origin Muslims. The BJP and some NGOs believe the NRC draft list included too many “non-citizens” by leaving out “only” 19.06 lakh out of 3.3 crore applicants. The Chief Minister also asserted that political leaders not worry about losing out if more seats are ‘reserved for SCs and STs after the delimitation’, indicating at a rearrangement of seats from where Muslims have been a deciding factor. Three of the districts – Bajali, Biswanath and Hojai – merged with their parent districts have a sizeable Muslim population.



## WILL MIGRANTS BE ABLE TO VOTE REMOTELY?

### The story so far:

The Election Commission of India (ECI) said on December 28 that it was ready to pilot remote voting for domestic migrants through newly devised remote electronic voting machines (RVMs) so that the voter does not have to travel to their home State or district to cast their vote. The EC will demonstrate an RVM prototype to political parties on January 16, and has asked for their suggestions by January 31.

### How significant is the migrant vote?

In a concept note, the EC has admitted that the absence of a central database for migrants poses a problem on the issue of remote voting. However, the EC recognises that “migration-based disenfranchisement is indeed not an option in the age of technological advancement.” As per the 2011 census, 45.36 crore Indians (37% of the population) were internal migrants, settled in a place different from that of their registered residence. Expressing concerns about a stagnating electoral participation, the EC says that while 67.4% of the eligible 91.2 crore Indians voted in the 2019 Lok Sabha election, about one-third or close to 30 crore voters did not cast their vote. “Inability to vote due to internal migration (domestic migrants) is one of the prominent reasons to be addressed to improve voter turnout and ensure participative elections,” the EC stated. Going by the 2017 Economic Survey, there are around 14 crore internal migrants in the country, and they have to cross many hurdles to be able to vote.

### What is the EC’s proposal for RVMs?

In its 2015 order on a plea seeking voting opportunities for domestic migrants, the Supreme Court directed the EC to explore remote voting options. A committee of the poll panel had considered remote voting options such as proxy voting, postal ballots, Internet voting, and early voting but did not recommend any of these methods citing various reasons. The EC has come up with a prototype for a Multi-Constituency Remote Electronic Voting Machine (RVM) for migrant voting, a modified version of the existing EVM model.

The EC says the RVM can handle multiple constituencies (up to 72) from a single remote polling booth. The voter will have to register (online/offline) for a remote voting facility within a pre-notified time with the concerned Returning Officer (RO) of their home constituency. Once the voter is verified and marked eligible for remote voting, a multi-constituency remote polling station will be set up in the area of their current residence. The RVMs will have the same security system and voting experience as the EVM, with the modification of an electronic ballot display with candidates and symbols instead of a fixed ballot paper sheet. When the voter scans his/her constituency card in the presence of the Presiding Officer at the station, their respective constituency and candidate list will appear on the RVM display. As for counting the votes, the electronic system will also count and store the votes for each candidate in a constituency.

### What are the hurdles?

Multiple Opposition parties have already expressed their concerns. The Congress has said that the use of the proposed remote voting mechanism could “seriously undermine the trust in the electoral system,” urging the EC to first restore it through “transparency and via honest engagement with the Opposition’s concerns.”



The party pointed out that fears of the misuse of EVMs have not been “systematically addressed.” DMK member P. Wilson has said that the EC has no “locus standi” to come up with a prototype without the required amendments to current electoral laws.

The EC itself has mentioned some procedural challenges that it is seeking stakeholder suggestions on, like how to define a migrant voter with respect to retaining registration at the original place, whether they are staying away for a longer duration at their “ordinary residence” and or are temporarily absent. Other issues include that of placing remote voting in the electoral concept of territorial constituencies or demarcated areas in States for equal representation of voters. Other issues include the implementation of the Model Code of Conduct (MCC) in remote areas, ensuring secrecy of voting and appointing polling agents at remote voting booths.

#### **What next?**

Sources in EC told The Hindu that the idea is to implement RVMs as a pilot project in the upcoming Assembly elections in nine States in 2023, and if successful, it could be fully implemented in the 2024 general elections. However, upcoming deliberations with parties and the possibility of amending election laws will determine if remote voting will materialise.

#### **Comment**

Anything that advances their rights must be welcomed. But a hurried move will only do more damage to the integrity of the electoral process, which many fear is eroding, and for valid reasons. The ECI’s recent conduct, including in the 2022 Gujarat Assembly elections, has been less than reassuring.

The ECI proposes to have remote voting for migrants as early as this year. While there is no technical basis for allegations of fraud in the current, single-constituency, non-networked EVMs, public trust in them has never been lower than it is today. Public trust is the only strength of any electoral process. With EVMs, the voter has no way to see whether the vote is recorded as it is cast. The ECI’s ambitious plan comes against this backdrop of public scepticism about its own impartiality and, less justifiably, about the reliability of the EVMs. The proposed plan will add more questions to the mix, including some fundamental ones such as about the correlation between citizenship and territoriality. In an era of unprecedented human mobility, the idea of portable voting rights is worth considering, but it will have far-reaching ramifications that should be accounted for.

Meanwhile, there is also an active demand for voting rights for Non-Resident Indians. Higher turnout is worth striving for, but not without sufficient safeguards.

### **CONTROVERSY OVER DELHI ‘ALDERMEN’: WHAT DOES THE TERM MEAN?**

Yesterday (January 4), Delhi’s Lt. Governor, VK Saxena, nominated 10 aldermen amidst significant controversy. The 10 nominees, all BJP members, are expected to play a crucial role in determining who controls the Municipal Corporation of Delhi (MCD).

In the recent municipal corporation elections, the Aam Aadmi Party (AAP) beat the incumbent Bharatiya Janata Party (BJP) by a slender margin, and mayor elections are due on Friday (January 6). Although they do not have the right to vote in the mayor polls, aldermen hold significant power and play an important role in the elections of Standing Committees, MCD in-house and ward committee meetings. They are a part of a group which effectively controls the MCD’s purse strings.





“Alderman” refers to a member of a city council or municipal body, with exact responsibilities depending on the location of its usage. It is derived from Old English.

#### **Origin of the term**

Etymologically, the word comes from the combination Old English words for “old” (Anglian, ald or West Saxon, eald) and “man” (monn in Mercian/Anglian or mann in West Saxon). “Ald/eald” referred to “antique, of ancient origin, belonging to antiquity, primeval; long in existence or use; near the end of the normal span of life; elder, mature, experienced,” according to the Online Etymology Dictionary The term “ald” itself is derived from “al” meaning “to grow, nourish.”

The term for man has a more contested origin, with similar root words found in languages from Sanskrit (manuh) to Russian (muzh). “Aldormonn” (Mercian) or “ealdormann” (West Saxon) originally referred to elders of a clan or tribe, though soon it became a term for king’s viceroys, regardless of age. Soon, it denoted a more specific title – “chief magistrate of a county,” having both civic and military duties.

As time passed, it became particularly associated with guilds with chiefs/leaders being referred to as aldormonn. In the 12th century CE, as guilds became increasingly associated with municipal governments, the term came to be used for officers of municipal bodies. This is the sense in which it is used till date.

#### **Different locations, different meanings**

Today, an alderman has different roles in different places.

Until the 19th century, there was no one role/definition of an alderman in Britain. Under the Municipal Reform Act 1835, municipal borough corporations consisted of councillors and aldermen. Aldermen would be elected not by the electorate, but by the council (including the outgoing aldermen), for a term of six years, which allowed a party that narrowly lost an election to retain control by choosing aldermen.

The Local Government Act of 1972 finally abolished Aldermen with voting rights, with effect from 1974, except in the Greater London Council and the London borough councils, where they remained a possibility until 1978. In the US, depending upon the jurisdiction, an alderman could have been part of the legislative or judicial local government. A “board of aldermen” is the governing executive or legislative body of many cities and towns in the United States.

Historically, in Canada, the term “alderman” was used for those persons elected to a municipal council to represent the wards. As women were increasingly elected to the municipal office, the term “councillor” slowly replaced “alderman”, although there was some use of the term “alderperson”. Today the term is rarely used.

Australia and Ireland have also abolished the term and specific post of an alderman whereas, in South Africa, the term alderman refers to senior members of municipal councils. In Netherlands, the term refers to members of the municipal executive (rather than the council).

#### **The controversy in Delhi**

As per the Delhi Municipal Corporation Act, 1957, ten people, over the age of 25 can be nominated to the corporation by the administrator (the Lieutenant Governor). These people are expected to



have special knowledge or experience in municipal administration. They are meant to assist the house in taking decisions of public importance.

The current controversy regarding the appointment of 10 aldermen has two facets. The first is with regards to the people nominated. After the recommendations were sent to the LG, two of the 10 nominees were found to be technically unfit for the job, forcing the BJP to retract their names to avoid embarrassment. Mahesh Singh Tomar and Kamal Jit Singh were not on the voter list and thus were ineligible.

“BJP national president Jagat Prakash Nadda is understood to be very peeved, and so is national general secretary B L Santhosh. Both are understood to have underlined that not being able to verify the credentials of individuals being nominated for such significant posts is an organisational failure and reflects a disconnect from the grassroots,” a source told the The Indian Express.

Second, the appointment of aldermen by the LG is seen by many as an attempt by the BJP to continue exercising power in the MCD, despite its election loss.

AAP has cried foul, alleging that procedural norms were violated by the LG in choosing the 10 BJP members as aldermen. In a letter to LG Saxena on Thursday, Arvind Kejriwal called the nomination an attempt “to influence the process of elections” to the powerful MCD standing committee.

#### DECENNIAL CENSUS PUT OFF TILL SEPT. TO FREEZE BOUNDARIES

As per norms, census can be conducted only three months after freezing of boundary limits of administrative units such as districts, sub-districts, tehsils, talukas and police stations. The finalisation of boundaries of administrative units entails covering all jurisdictional changes between two consecutive censuses. The last census was held in 2011.

The general elections are expected to be held in March-April 2024 and the completion of both the phases of census will take at least 11 months, even if done at accelerated pace from October, thereby ruling out the possibility of census happening anytime in 2023 and early 2024. Census before the 2024 general elections is possible if the rules are tweaked and a shorter process is introduced.

#### No reason cited

Unlike in the past, when COVID-19 and vaccination drive were cited as reasons for not conducting census, the January 2 letter by the office of the Registrar General of India (RGI) does not specify any reason. It also does not refer to the exercise as “Census 2021”, the year in which the population enumeration was supposed to be concluded, it instead says, “ensuing Census”.

The letter was sent by Additional RGI Sanjay to Chief Secretaries of States.

The letter, while referring to a June 14, 2022 communication to extend the date of freezing of boundaries up to December 31 the same year, said, “It has now been decided by the competent authority to further extend the date of freezing of boundaries. The boundaries of the administrative units for the ensuing census will now be frozen with effect from 01-07-2023.”

The letter accessed by The Hindu said the census directorates are “requested to kindly issue necessary instructions to all concerned in the State/Union Territory to give effect to the changes in administrative boundaries, if any, latest by 30.06.2023 and send the copies of notifications on



jurisdictional changes to concerned Directorate of Census Operations in the State/Union Territory with endorsement to this office.”

The first phase of Census 2021— the House listing and Housing Census along with updating the National Population Register (NPR) — was scheduled to be held from April-September 2020 but were postponed indefinitely due to the COVID-19 pandemic. The second and main phase of the decennial census exercise — the population enumeration — was to be concluded by March 5, 2021.

According to provisional data compiled by the RGI till June 2021, the total number of districts in the country have gone up from 640 in 2011 to 736 presently.

The sub-districts are up from 5,925 to 6,754, statutory towns have increased from 4,041 to 4,657, census towns from 3,892 to 5,050 and villages have decreased from 6,40,934 in 2011 to 6,39,083 in 2021. The upcoming census is to be held for the first time both in digital mode and through paper schedules (questionnaire/forms).

## HOW IS INDIA MOVING TO REGULATE ONLINE GAMING?

### **The story so far:**

The Ministry of Electronics and Information Technology (MeitY) has released draft amendments in relation to online gaming. The idea is to ensure that online games are in conformity with Indian laws and to safeguard users against potential harm. The Minister of State at MeitY Rajeev Chandrasekhar stated that the draft proposes a self-regulatory mechanism which, in future, may also regulate the content of online gaming. Feedback is invited until January 17.

### **What changes are being proposed?**

The proposals are aimed at safeguarding the interests of users by introducing set procedures and norms for verification and user engagement. More importantly, the draft proposal defines what constitutes an ‘online game’. It is “a game that is offered on the internet and is accessible by a user through a computer resource if he makes a deposit with the expectation of earning winnings”. ‘Winning’ constitutes any prize, in cash or kind, intended to be given to the participant “on the performance of the user and in accordance with the rules of such online game”. This addresses the discourse in the sector about the definitions of a ‘game of skill’ and ‘game of chance’. The proposal endeavours to provide for greater transparency. The game operators would have to verify users on the platform and provide them with the terms of services. For the monetary aspect of it, operators would have to inform the user about the policy related to withdrawal or refund of their deposit, measures taken for its protection, the manner and distribution of winnings and the fees and other charges to be paid by the user. They would also have to be informed about the risk of potential financial loss and addiction associated with the game. Addiction is to be combated using repeated warning messages should the user exceed a reasonable duration while playing a certain game.

### **What about the platforms?**

Before hosting or publishing a game, the platform would have to verify it from the self-regulatory body it is associated with. It would then be required to carry a registration mark on all its recognised online games. The platform is expected to appoint a key management personnel or senior employee as its Chief Compliance Officer who would be entrusted with coordinating with



law enforcement agencies to ensure compliance with their orders or requisitions. Further, it must have in place an appropriate mechanism for receipt and resolution of grievances. The complainant must be able to track the status of the same using a unique ticket number. MeitY is responsible of recognising all self-regulated bodies under the proposed framework.

#### **How is the industry reacting?**

Experts have welcomed the government's initiative to bring online gaming under a central regulation. This will help curb the menace of anti-national and illegal offshore gambling platforms, Roland Landers, CEO, All India Gaming Federation, industry body for online gaming told The Hindu. A uniform framework like this will increase investor confidence, Sai Srinivas, co-founder and CEO of mobile esports and digital gaming platform, Mobile Premier League, stated.

#### **What are some of the concerns?**

The rules still bucket all gaming intermediaries into a broad category irrespective of size or risk. They all require similar compliances, including the need to have India based officers. This can make it difficult for global players to start their services in India, Rohit Kumar, founding partner at The Quantum Hub Consulting, told The Hindu.

### **GAMING AND GAMBLING**

The Union government's proposed measures for regulating online gaming in a draft amendment to the Information Technology (Intermediary Liability and Digital Media Ethics Code) Rules, 2021 leave several questions unanswered. Some of these proposed measures, such as the establishment of a self-regulatory body, collection of know-your-customer (KYC) information from players, and appointment of a grievance officer within the company, are already in place. These are moves that industry bodies representing such companies have encouraged. States such as Tamil Nadu want much stricter regulation of the sector than what is being proposed by the Centre in the draft, particularly for gambling with real money. The Centre's draft remains ambiguous on the question of whether States can have additional restrictions. So far, the industry has staved off several bans by mounting legal challenges arguing that they offer games of skill and not those purely dependent on chance — a tenuous distinction for real money gaming. Still, games that require wagering are outlawed in the physical form under the colonial Public Gambling Act, 1867 or States' own gambling laws. A clear answer should come from the Union government on whether States are empowered to prohibit these games online as they do offline. While the gaming industry has huge potential as an economic driver of growth in India, there is strong case for robust regulation. Of skill or of chance, all online games impact individuals and society, in the short and the long term.

The government has indicated that the definition of an 'online game', which is limited in the draft amendment to wagering platforms, may be expanded in future to include all games broadly. Societies around the world have grappled with the effects of video games on young players, and the addictive cycles that some gamers can get stuck in; China, for instance, has limited the number of hours that young gamers are allowed to play daily, after which they are locked out for the day. Care and restraint must be exercised when pondering similar steps in India, lest the government introduces uncertainty for both small domestic game developers and large international studios with Indian audiences. The government has said the goal is to facilitate the industry and not hinder its growth. It has also indicated that in future, it will try to curb "violent, addictive or sexual content" in video games. There should be widespread public consultation to ensure that economic rights, individual freedoms, and social imperatives remain in balance.



## UGC UNVEILS DRAFT NORMS TO ALLOW FOREIGN UNIVERSITIES TO SET UP CAMPUSES IN INDIA

The University Grants Commission (UGC) has announced draft norms for facilitating foreign universities and educational institutions to set up campuses in India which allow them autonomy in determining fees, as well as a 90-day approval process. The final norms will be notified by the end of the month after feedback from all stakeholders.

A foreign university with a rank among the top 500 global rankings or a foreign educational institution of repute in home jurisdiction can apply to the UGC to set up a campus in India.

“The new National Education Policy [NEP], 2020 has envisioned that top universities in the world will be facilitated to operate in India. For this, a legislative framework facilitating such entry will be put in place, and such universities will be given special dispensation regarding regulatory, governance, and content norms on par with other autonomous institutions of India,” UGC Chairperson M. Jagadesh Kumar said at a press conference.

The application will be considered by a standing committee appointed by the UGC which will submit its recommendations within 45 days after examining the institution’s credibility, programmes offered, their potential to strengthen educational opportunities in India, proposed academic infrastructure.

Subsequently, within 45 days, the UGC may grant in-principle approval to the foreign institution to set up campuses in India within two years. The initial approval will be for 10 years, which can be extended.

### **‘Reasonable fees’**

Such a campus can evolve its own admission process and criteria to admit domestic and foreign students. It will also have autonomy to decide its fee structure, and will face no caps that are imposed on Indian institutions. The fee should be “reasonable and transparent”.

It will also have autonomy to recruit faculty and staff from India and abroad. The courses to be offered cannot be in online and open and distance learning mode.

The qualifications awarded to the students on the Indian campus should have equivalence with those awarded by the institutions in their country of origin.

Foreign higher education institutions will also be allowed cross-border movement of funds and maintenance of foreign currency accounts, mode of payments, remittance, repatriation, and sale of proceeds, under the Foreign Exchange Management Act (FEMA), 1999 and its Rules and an audit report will have to be submitted to the UGC.

“The UGC should ensure equal amount of academic, administrative and financial autonomy to Indian universities as much as foreign universities might be entitled to. Such a level playing field will ensure progressive competition and increase overall quality and excellence in Indian higher education,” said S. Vaidhyasubramaniam, Vice-Chancellor of SASTRA Deemed University in Tamil Nadu.



## SCIENCE CONGRESS: WHY ITS GLORY DAYS ARE OVER

After a two-year Covid-enforced absence, the Indian Science Congress is back, with its 108th edition getting underway in Nagpur on Tuesday. The largest gathering of scientists and students in the country, the Science Congress is an annual five-day event from January 3 to 7, a permanent fixture on the Prime Minister's calendar, and usually his/her first public engagement in the new year.

As is customary, Prime Minister Narendra Modi inaugurated the event. He reiterated his call for harnessing scientific knowledge for societal needs and making India self-reliant.

With a history dating back to 1914, the Science Congress is a one-of-its-kind event in the country, bringing together scientists and researchers not just from the premier institutions and laboratories but also science teachers and professors from colleges and universities, and offering a platform for their interaction with students and the general public on matters related to science. It has had a glorious past, with the who's who of Indian science not just participating but also serving as organisers.

### The decline of Science Congress

But the glory days of the Science Congress are clearly over. In more recent times, the event has attracted attention for all the wrong reasons — lack of serious discussion, the promotion of pseudoscience, outlandish claims by random speakers, and the absence of useful outcomes. The Science Congress hits the headlines more for the controversies it generates than for scientific discussions.

Most credible scientists now avoid the event. Leading scientific institutions and laboratories only have a token presence, if at all. Most attendees are from colleges and universities with limited scientific credentials. The papers presented or the talks delivered hardly reflect the latest advancements in science.

So much so that several top scientists have, in the past few years, advocated the discontinuation of the event, or at least withdrawal of government support. There has been talk of reforms for the last two decades, but nothing has changed substantively.

## GOVERNMENT STARTS PROCESS TO BUY 100 MORE K9-VAJRAS

The Defence Ministry has started the process for the procurement of 100 more K9-Vajra tracked self-propelled howitzers, which are built in India by Larsen & Toubro (L&T) using technology transferred from South Korean defence major Hanwha Defense Co. Ltd. "The Defence Ministry issued the Request For Proposal to L&T in November. Once they respond to it, the contract negotiations will begin," an official confirmed.

At the height of tensions in eastern Ladakh in 2020, the Army deployed a regiment of these howitzers to augment its long-range fire power against the backdrop of a massive build-up of forces by China across the Line of Actual Control. Buoyed by their performance, the Army is looking at eventually procuring 200 additional guns.

The induction of Dhanush, K9-Vajra and M777 Ultra Light Howitzers has enhanced the reach of artillery firepower on the northern borders, as reported by The Hindu earlier. The repeat order could not be more than the volume of the original order, so the number was fixed at 100 howitzers,



the official explained. The K9-Vajra is a 155-mm, 52-calibre tracked self-propelled howitzer based on the K9 Thunder built by Hanwha Defense.

The 100th gun was delivered to the Army in February 2021, the contract for which was signed in May 2017. The contract involved maintenance transfer of technology to an Army base workshop to support the howitzers throughout their operational life cycle. The K9-Vajra was mainly bought for use in deserts, but the stand-off prompted them to be deployed in the mountains as well.

To ensure that they performed optimally in the extreme cold weather conditions of the mountains, the Army also procured “winterisation kits” for the regiment deployed. There are nine items, including batteries, oils and lubricants, which need to be insulated from extreme temperatures of minus 20 degrees celsius.

Since the stand-off, the Army has deployed its entire range of medium artillery guns and long-range rockets in the region to augment its long-range fire power as part of the reorientation towards the northern borders.

### MAGNETIC BELTS AND SENSOR HEELS: MUMBAI POLICE’S TOOLS TO CHECK FRAUD DURING RECRUITMENT RALLIES

Magnetic belts to measure chest size and sensor heels to ensure the foot is planted firmly on the ground — these are among the tech solutions that the Mumbai Police will rely on to ensure transparency when it holds one of its largest recruitment rallies later this month.

Over 7 lakh applicants will vie for over 8,000 posts of constables and driver constables by appearing for physical and written exams, a process that is likely to take months. While the recruitment drive is on across the state, in Mumbai, where a number of tech solutions will be put in place for the first time, the exercise will be overseen by Joint Commissioner (Administration) S Jaykumar and DCP (Headquarter – II) Tejaswi Satpute.

Among the devices that will be employed this year to ensure that there is minimum human intervention and no unfair practices are magnetic belts, sensor heels, Radio Frequency Identification (RFID) tags, prism sticks and multiple photos.

Talking of the magnetic tape, a police officer pointed out that measurements of the chest or height of an aspirant can often prove to be crucial — with the difference of a few inches often making or breaking the chances of the candidate. “With a usual measuring tape, there is scope for error — the measurement depends on how tightly or loosely the tape is held. The magnetic tape is more accurate,” said the officer, adding that the tape starts measuring only when it is completely wound around the chest. “The tape also spreads out when the applicant is asked to expand his chest,” he said.

While measuring the height, applicants are often known to stand on their toes, subtly raising their heels. “With the sensor heel, there will be a sensor at the spot where the heel is to be kept and three nodes at the top... the height can be measured only after all the four points match,” the officer said.

To measure the speed of applicants during races, police will continue with the use of RFID (Radio Frequency Identification) tags. “... Those running will be given RFID tags, which will measure the distance and time taken and feed the information onto the computer. This will ensure there is no possibility of anyone trying to manipulate the entries,” he added.



While men have to participate in two races – 1,600 metres and a 100-metre dash – and shot-put, women have to participate in the 800-metre and 100-metre races, besides shot put.

The officer said that for shot put, a prism stick will be employed to measure the distance of the throw. “The prism has a sensor through which the measurement will be directly fed into the database,” said the official.

The official added that these interventions have been put in place following several instances in the past of aspirants trying to employ unfair practices and even getting someone of a similar build to appear on their behalf, leading to FIRs being registered against such candidates.

“In order to ensure this does not happen, after every round, we will take a photograph of the applicant with both his or her ears visible. In the end, if they qualify, all the photographs will be closely scrutinised with the person standing in front. Only after we are satisfied that it is the same person will a go-ahead be given,” added the officer.

Last year, 18 lakh applications – 7.03 lakh in Mumbai – were received for the 18,331 posts of police constables and driver police constables across the state. After an intervention by the Bombay High Court, the police also received 73 applications from transpersons applying for the third gender category.

#### THE ADVENT OF ‘APP-SOLUTE’ CHAOS IN NREGA UNDER THE GUISE OF TRANSPARENCY

Digitally capturing the attendance of workers employed under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGREGS) has been made universal by the Centre from January 1, 2023. The Union government, arguing for transparency and accountability in May 2021, had started a pilot project to capture attendance via a mobile application, the National Mobile Monitoring System (NMMS). Chakradhar Buddha and Laavanya Tamang discuss the complications arising out of the decision.

In May 2021, the Ministry of Rural Development (MoRD) launched the National Mobile Monitoring Software (NMMS) app, a new application meant for “improving citizen oversight and increasing transparency” in National Rural Employment Guarantee Act (NREGA) works. It is to be deployed by NREGA Mates, local women at the panchayat level who are selected and trained to monitor NREGA worksites. The main feature of the app is the real-time, photographed, geo-tagged attendance of every worker to be taken once in each half of the day. We spoke to Mates, NREGA workers, and activists across multiple States to understand their experience of the app.

#### Conditions affecting workers

While such an app may be useful in monitoring the attendance of workers who have fixed work timings, in most States, NREGA wages are calculated based on the amount of work done each day, and workers do not need to commit to fixed hours. This flexibility has been key to NREGA’s widespread demand. However, marking attendance on the app mandates that workers are at the worksite the entire day. This causes significant difficulty for NREGA workers.

Priya Devi from Rajasthan finishes her NREGA work by 9 a.m., and then sets up a stall in the local haat to sell the produce she grows in her kitchen garden. Since the introduction of the NMMS app, she either needs to be present at the worksite all day or travel twice to mark her attendance. Ms. Devi expressed concern about losing customers at her stall in her absence. Another worker from





Andhra Pradesh said her daughter was now missing school frequently because she had to take over some of her mother's chores.

NREGA has historically had a higher proportion of women workers (54.7% in FY 2021-22) and has been pivotal in changing working conditions for women in rural areas. Due to the traditional burden of household chores and care work on women, the app is likely to disproportionately affect women workers. The conditions for registering NREGA attendance on the app put them in a dilemma where they may end up foregoing NREGA work. Such a sentiment was echoed (to us) by many women workers across the country. Priya Devi, for instance, is afraid she will have to choose between the two — committing to NREGA work that occupies her full day, or staying at the market.

### **Other challenges**

There are challenges of implementation with the NMMS as well. A stable network is a must for real-time monitoring; unfortunately, it remains patchy in much of rural India. This could lead to workers not being able to mark their attendance, and consequently lose a day of wages. Workers in Kerala and Jharkhand are already facing problems in uploading their attendance on the app due to network problems. Further, a recent NewsClick report has also highlighted the problems faced by differently-abled NREGA workers from Tamil Nadu in marking their attendance on the app.

The app has adversely impacted NREGA Mates as well. The role of a Mate was conceptualised as an opportunity to empower local women to manage attendance and work measurement in their panchayat. But now, to be a Mate, one needs to have a smartphone. This new condition disqualifies thousands of women who do not own smartphones from becoming Mates. Already women from Jharkhand and Andhra Pradesh have reported being passed over for selection as Mates for this very reason. Now, smartphone-owning men are likely to be given preference as Mates. Alternatively, women could become proxy Mates — officially registered, but deferring to men who work and get paid. Many selected Mates also reported that they had not been given proper training in using the app. This could lead to errors in recording workers' attendance, that ultimately results in delayed or non-payments.

### **Errors in pilot process**

The app had been launched on a pilot basis last year, with States using it voluntarily. Officials and activists confirmed these implementation errors had been evident throughout the pilot process. However, there is no information available publicly about the errors found and measures taken to address them. Our Right To Information applications have also not yielded any satisfactory responses. Despite the persistent errors, on May 13, 2022, the MoRD released a circular announcing that NMMS would now be mandatory for all NREGA worksites employing more than 20 workers, with no option for manual attendance other than in exceptional circumstances. Within a week of the mandate, many States submitted complaints and reports of the same errors that were seen during the pilot stage. The MoRD is yet to offer any solutions, reassurances, or even a response.

### **No physical records**

Beyond the problems in implementation, the intended purpose of such an application, and its effectiveness remain unclear. The app claims to “increase citizen oversight” by “bringing more transparency and ensuring proper monitoring of the schemes, besides potentially enabling processing payments faster”. However, it appears to be doing exactly the opposite. With no physical attendance records signed by workers anymore, workers have no proof of their



attendance and work done. In the district of West Singhbhum, Jharkhand, workers reported having worked on a NREGA project, the attendance records of which do not exist on the NREGA website. Since there are no physical records the workers can use as evidence, they have no way of proving their attendance, and will consequently lose out on pay for two full weeks of work. This is a clear erosion of the transparency and citizen oversight the app claims to improve.

## HOW WILL THE FREE FOODGRAIN SCHEME WORK?

### **The story so far:**

In a Cabinet decision on December 23, the Centre decided to provide 5 kg of free foodgrains per month for the 81 crore beneficiaries of the National Food Security Act (NFSA) during 2023, rather than charging them a subsidised amount of ₹3 a kg of rice, ₹2 a kg of wheat and ₹1 a kg of coarse cereal as is currently done. This will soften the blow of the termination of the Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY), which has provided an additional 5 kg of free grains every month to NFSA beneficiaries after being launched as an emergency measure in response to the COVID-19 pandemic in April 2020 and received multiple extensions since.

### **What is the impact of this measure on the food subsidy bill?**

In a normal year, without COVID disruptions, the Centre's food subsidy bill on account of the NFSA amounted to around ₹2 lakh crore. The PMGKAY effectively doubled that sum for the past two years. Now that the Centre plans to give free foodgrains under the NFSA for a year, it will spend an additional ₹15,000 crore to ₹16,000 crore on that. However, the Centre will save around ₹2 lakh crore by ending the PMGKAY scheme. Overall, the move will relieve a major burden on the Union Budget.

### **What does this mean for foodgrain stocks?**

Experts point out that the move will be even more of a relief for stressed foodgrain stocks. The annual foodgrain requirement for the NFSA is about 520 lakh tonnes, while the PMGKAY required an additional 480 lakh tonnes, according to Food Ministry officials. (The difference comes from the fact that the poorest families coming under the Antyodaya Anna Yojana category received 35 kg a family every month under the NFSA, but received 5 kg per person under the PMGKAY.) At the time when the PMGKAY was launched, foodgrain production, government procurement and government stocks were regularly breaching record levels.

In 2022, however, the situation is different. Rice and wheat harvests have both been lower this year, hit by climatic events and fertilizer shortages in some areas. The global stress due to the Russia-Ukraine war has also led to a situation of high foodgrain inflation.

India's wheat stocks in particular, have dipped dangerously close to the required buffer stock levels, with the Centre resorting to a ban on exports to ensure food security for the domestic market.

It has also been forced to substantially reduce wheat allocations under the Public Distribution System, and substitute wheat supply with rice in States such as Uttar Pradesh and Bihar. Continuing the PMGKAY would have been unsustainable without further increasing procurement levels.



Former Agriculture Secretary Siraj Hussain estimates that the Central pool may have just 159 lakh tonnes of wheat on January 1, 2023, barely above the buffer norm of 138 lakh tonnes. “At the end of the day, continuing PMGKAY was more a problem of grain, not cash. If procurement is not high enough, how can it be continued?” he said. The government also needs wheat for the open market sale scheme, he added.

#### **What are the political implications?**

“This is definitely a political move,” says economist Pronab Sen, a former Chief Statistician of India. “A purely economic decision here would have been to end the PMGKAY, which was always meant to be a temporary measure, and return to a normal pre-COVID situation. But this free foodgrain announcement is damage control, to combat any adverse fallout from ending PMGKAY,” he added.

If this announcement was meant to dampen backlash against the end of the PMGKAY, it is unclear what will happen at the end of 2023, when the free foodgrain measure is set to end. “Of course, this will have to be continued beyond one year. What government can afford to roll back free foodgrains in 2024, in the run-up to general election?” Mr. Hussain said.

The more subtle political fallout will be in the States, especially those such as Tamil Nadu, Kerala, Karnataka, West Bengal and Jharkhand, which all provide free foodgrains anyway, using their own money to further subsidise the Central allocation. A handful of others such as Andhra Pradesh, Chhattisgarh, Odisha and Telangana also provide further subsidies, though their ration is not completely free.

“This will give them a financial surplus, but it takes away an important political plank for States. The Centre will now take full credit for something they had been providing previously,” Dr. Sen said. It is also unclear whether States or Centre will now bear the cost of transportation of foodgrains.

A senior food official in Tamil Nadu estimated that the State is set to save more than ₹1,300 crore through the Centre’s announcement. “Tamil Nadu already provides universal food security. The focus now needs to be on nutrition security. If the States do not already do so, I would suggest that they spend their new savings on providing subsidised or free pulses, spices or edible oil through the public distribution system in addition to foodgrains,” the official said.

#### **How will it impact beneficiaries?**

Leaving aside government budgets, household budgets could be upended by the move. The Right to Food Campaign estimates that poor families will be forced to spend ₹750-₹900 a month to access the current level of ration entitlement.

Ration card holders who have received 10 kg of grains a person every month for the past two years will see their entitlement abruptly halved. Of course, their expenditure on their NFSA entitlement will also come down — for instance, someone spending ₹8 for four kg of wheat and ₹3 for a kg of rice under NFSA will now get those grains free, saving ₹11 a month. However, that is dwarfed by the additional ₹150-₹175 they will need to spend to buy the 5 kg previously provided free under the PMGKAY in the open market (estimating market prices for rice and wheat at around ₹30-₹35 per kg).

The increased expenditure will be even more stark for those in States which anyway provide free NFSA rations, since beneficiaries in those States will not even receive any savings due to the Centre’s announcement. However, the consumption of foodgrains as part of a meal varies



substantially by State, ranging from about 200 gm per person a day in Kerala to 400 gm in Bihar, and the impact of the move is thus likely to be the highest in Hindi heartland States where grains make up a higher proportion of the diet.

## THE VALUES OF LOCAL SELF-GOVERNANCE

In December 1992, Parliament passed the 73rd and 74th constitutional amendments, which instituted panchayats and municipalities, respectively. These amendments mandated that State governments constitute panchayats (at the village, block and district levels) and municipalities (in the form of municipal corporations, municipal councils and nagar panchayats) in every region. They sought to institute a third-tier of governance in the federal framework through the devolution of functions, funds, and functionaries to local governments.

Since local governments seldom derive their authority directly from the Constitution, India's constitutional reforms for decentralisation are exceptional. But despite these reforms, municipal governments are often seen to be ineffective in addressing even the most basic needs of citizens, such as reliable water supply and walkable footpaths. Urban residents tend to blame "corrupt" local politicians for these civic woes.

However, as we celebrate the 30th anniversary of these reforms, it is important to ask fundamental questions: Why should local governments be empowered? Why are they weak despite constitutional reforms? How can the idea of local self-governance be revived?

### **The normative basis of local self-governance**

Understanding the normative basis of local self-governance is important since this also informs the institutional form local governments take. Local self-governance is linked to the idea of subsidiarity and is typically grounded on two broad arguments. First, it provides for efficient provision of public goods since governments with smaller jurisdictions can provide services as per the preferences of their residents. Second, it promotes deeper democracy since governments that are closer to the people allow citizens to engage with public affairs more easily.

India's decentralisation agenda is also arguably driven by these values. The 73rd and 74th amendments require States to vest panchayats and municipalities with the authority "to enable them to function as institutions of self-government", including the powers to prepare and implement plans and schemes for economic development and social justice. They also mandate the regular conduct of local elections, provide for the reservation of seats for Scheduled Castes, Scheduled Tribes and women in local councils, and institute participative forums like gram sabhas in panchayats and ward committees in municipal corporations. Hence, the core values that the amendments sought to entrench are that of deepening local democracy and devolving functions for meeting the ends of economic development and social justice. Debates on the role and responsibilities of local governments should be foregrounded by these normative values which have found expression, at least in some regard, in the Constitution.

Despite the constitutional promise of local self-governance, local governments, especially municipalities, operate with limited autonomy and authority. Their frailty may be attributed to the inherent limitations of the 74th amendment and the failure of State governments and courts to implement and interpret the amendment in letter and spirit. Limitations include the discretion given to the States regarding devolution of powers and levying of local taxes. State governments



are reluctant to implement the 74th amendment as cities are economic powerhouses and controlling urban land is important for financing State governments and political parties.

The courts have also mostly interpreted the 74<sup>th</sup> amendment narrowly, allowing State governments to retain their control over cities. In this context, the Patna High Court's recent order declaring some provisions of the Bihar Municipal (Amendment) Act, 2021 as unconstitutional is path-breaking. The 2021 amendment had transferred the powers of appointment of Grade C and D employees of municipalities from the Empowered Standing Committee of the municipality to the State government-controlled Directorate of Municipal Administration. The court held that these provisions violate the 74th Amendment since the recentralization of power and the weakening of self-governance "are incompatible with the idea, intent and design of the constitutional amendment".

### Local governments and federalism

This judgment is unprecedented since it tested State municipal laws against the letter and spirit of the 74th Amendment and can potentially reset the position of local governments in India's federal framework. As India is undergoing a centralising shift in its politics, economy, and culture, there's also been a renewed assertion of federalism. However, this assertion of State rights is hardly articulated as value-based normative claims. If we unpack the intellectual arguments for federalism, many of them are also applicable for local self-governance. Hence, debates on federalism should include larger discussions on how power should be divided and shared between governments at the Union, State, and local level since local governments are, normatively and structurally, an integral part of the federal framework of the Constitution.

## READING NEWSPAPERS EFFECTIVELY TO PREPARE FOR THE CIVIL SERVICES EXAMINATION

**The all-India third rank holder of the 2021 UPSC exams looks back at her study regime and how it changed during the three stages of the exam. She explains why general awareness and analysing and debating a topic from different angles are a must**

Gamini Singla cleared the 2021 civil services examination (CSE) conducted by the Union Public Service Commission (UPSC) with an all-India third rank. The journey wasn't easy, with Singla failing the first Prelims exam in October 2020. She came out with flying colours in her second attempt, and decided to write a book about her experience when she received many requests to share her strategy, timetable and other aspects for her preparation. An excerpt from *How I Topped the UPSC and How You Can Too*.

You can't do without newspapers in an exam like the UPSC. I made the mistake of ignoring and bypassing them in my first attempt, which was a failure. No news analysis can compensate for the newspapers. Newspapers can be read in multiple ways, and in the CSE too, you must read your newspaper in different ways for the three stages.

### For the Prelims

The key areas to focus on are facts, data points, terms (especially for economics) and the static background behind the current news. You need to explore these points in detail. Say you read an article that mentions a particular tribal movement from the period of the freedom struggle. Newspapers might not elaborate on it, but it becomes your duty to explore it further and prepare all the relevant questions that could be framed out of that topic for the Prelims. If it's covered in the daily news analysis you follow, well and good. Otherwise, make sure to google it further, and



make a small note. In a newspaper what is relevant and what is not is a question that troubles many candidates. The only way out of this dilemma is to look at the questions from the previous years, which give you an idea about the frequently asked topics and how in-depth your preparation should be. Also, for the Prelims, anything that you study in the static book must be correlated with the current news.

#### **For the Mains**

The focus must be on analysing a particular topic from different angles. If there is a topic that can be debated upon, you must understand both sides of the issue thoroughly and form a balanced opinion. The editorial pages are extremely helpful for the Mains. You must analyse every article correlating with the topics in your Mains syllabus and mentally structure answers for questions likely to be asked from the topic.

Whenever I made my notes on different topics from newspapers, I wrote them in an answer format, inserting the data quoted in the newspaper article in the introduction, other points in the body and the suggestions in the conclusion.

This way, I made my work easy for the Mains. A diversity of points becomes very important for this exam. You should not just stick to one angle and keep explaining it, but explain the same topic from different angles -- political, social, environmental, ethical, economic, etc.

The conclusions must always be optimistic and forward looking and show there is good scope for improvement in a given situation.

#### **For the Interview**

Newspapers become 80 per cent of your preparation at this stage. For the Prelims and the Mains, I followed only one newspaper. But for the Interview stage, I started reading three newspapers.

For the Interview, every news in and around your area becomes important. The focus should not be on memorising the facts but on framing your own opinions on every issue. I started watching a few discussions daily on different news channels, like Sansad TV, to understand different opinions, and based on the knowledge I had gained during the preparation, I framed my opinion.

Remember, your opinion and viewpoint must be logical, optimistic and balanced. You can take the backing of the Constitution and the Supreme Court judgments on some controversial issues. At this stage, the newspapers must be followed until the last day, even the news of the day of the Interview becomes crucial.

I developed the habit of newspaper reading in my college days. I would recommend all beginners start with this aspect of preparation first. Make the newspaper your best friend. Initially, it would take me nearly two and a half hours to finish reading the day's papers, so do not worry if you take more time in the early days. Slowly, the time I took reduced to 45 minutes. I got immense help from my father in covering the newspaper portions. I read the newspaper a day late, as my father would mark the essential points every day and the next day, I would read it and focus on the marked items.

I ignored the points I felt were not very relevant. But since my father had also read all my General Studies books, he had a good idea of what was important.



## TALACAUVERY IS SOUTH INDIA'S TOP 'STAR PARTY' DESTINATION

Hanle, located in Ladakh, and known for its pristine skies and minimal light pollution, is also India's first Dark Sky Reserve.

A Dark Sky Reserve is a designation given to a place that has policies in place to ensure that a tract of land or region has minimal artificial light interference.

In South India, most dark sky locations are in the Western Ghats or some hill ranges nearby, and according to astronomers, Talacauvery is the most ideal location to gaze at the sky and have a star party.

### Voluntary work

The Bangalore Astronomical Society (BAS), a group of volunteers working for the promotion of astronomy as a hobby as well as science, is now hosting star parties at Talacauvery. IT professionals Sudhash Natarajan, Vishwanath S.K. and Keerthi Kiran have been volunteering to conduct star parties for BAS.

"We at BAS usually arrange star parties on New Moon weekends (Friday-Saturday-Sunday) format as it is the ideal time to observe the celestial objects which we are looking for. We inform people who are interested in joining us for the star party eight to 10 days in advance. Members of the sky party after arriving at the dark sky location set up their equipment like telescopes, binocolours, etc, and the observation goes on until 4.45 am," said Sudhash Natarajan.

Mr. Natarajan said that the group which attends the star parties are of all walks of life and that they are a mix of experienced astronomers as well as students and newbies to astronomy. He added that star parties have also been conducted in Koratagere, Hoshalli, Kavalur and Yercaud in the past.

### Less light pollution

"However, Talacauvery is possibly the best dark night location in South India due to less light pollution. In astronomy, there is something called the Bortle scale which measures the night sky's brightness of a location on a nine level numerical scale. The lesser the numerical scale, it qualifies for a better dark sky location. For example, Hanle skies would qualify as Bortle one skies, Talacauvery as Bortle two, and Bengaluru as Bortle nine," he added.

The star parties are usually conducted in the winter months between December and March as the skies are clearer during these months which is very important for stargazing. Mr. Natarajan said the next star party will be organised between January 20 and 24 this year.

## THE INTERNATIONAL YEAR OF MILLETS: HOW INDIA'S GOVT CAN PROMOTE THE CEREALS IN 2023

The United Nations has declared 2023 as the International Year of Millets. Since that was at the initiative of India, which also accounts for a fifth of the world's millets production, the Narendra Modi government would be expected to do something different this year to promote these "nutri-cereals" — going beyond just spreading awareness, or organising "special millets lunch" for parliamentarians and journalists.



**So, what can the government do?**

### **The positives of millets**

Millets score over rice and wheat in terms of minerals, vitamins, and dietary fibre content, as well as amino acid profile. Polished/ white rice, for instance, contains only 2-4 mg/ kg iron and 15-16 mg/ kg zinc. Wheat has more of both — iron (37-39 mg/ kg) and zinc (40-42 mg/ kg) — but its protein quality is poorer than even that of rice. Up to 80% of wheat's average 13% protein content comprises glutens, known to trigger gastrointestinal and autoimmune disorders in many people.

Bajra (pearl millet), on the other hand, has iron, zinc, and protein levels comparable to that of wheat, but it's gluten-free and has more fibre. The rotis from bajra makes one feel fuller for longer, as they take more time to digest and do not raise blood sugar levels too fast.

The same nutritionally superior traits — which significantly address the problem of “hidden hunger” arising from the consumption of energy-dense but micronutrients-deficient foods — are present in other millets too: jowar (sorghum), ragi (finger millet), kodo (kodo millet), kutki (little millet), kakun (foxtail millet), sanwa (barnyard millet), cheena (proso millet), kuttu (buckwheat) and chaulai (amaranth).

Nutritional advantages apart, millets are hardy and drought-resistant crops. This has to do with their short duration (70-100 days, against 115-150 days for rice and wheat), lower water requirement (350-500 mm versus 600-1,250 mm) and ability to grow even on poor soils and in hilly terrain.

### **Where millets lag**

**However, millets aren't the first choice either of consumers or of farmers.**

For the poor, both in urban and rural areas, rice and wheat were once aspirational foods. But thanks to the Green Revolution and the National Food Security Act of 2013, two-thirds of India's population receives up to 5 kg of wheat or rice per person per month at Rs 2 and Rs 3/kg respectively. The Modi government has, in fact, made the issue of the two fine cereals free of cost from January 2023, further tilting the scales against millets.

Even for the better-off, rolling rotis is easier with wheat than millet flour. This is because the gluten proteins, for all their drawbacks, make the wheat dough more cohesive and elastic. The resultant breads come out light and fluffy, which isn't the case with bajra or jowar.

For farmers, low per-hectare yields — the national average is roughly 1 tonne for jowar, 1.5 tonnes for bajra and 1.7 tonnes for ragi, as against 3.5 tonnes for wheat and 4 tonnes for paddy — are a disincentive. With access to assured irrigation, they would tend to switch to rice, wheat, sugarcane, or cotton.

The Indian Agricultural Research Institute (IARI) has bred Pusa-1201, a hybrid bajra that gives an average grain yield of over 2.8 tonnes and potential of 4.5 tonnes per hectare. It matures in 78-80 days and is resistant to downy mildew and blast, both deadly fungal diseases. The grains have 13-14% protein, 55 mg/ kg iron (normal level is 50 mg/ kg) and 48 mg/ kg zinc (normal: 35 mg/ kg). But the absence of government procurement at minimum support price (MSP), unlike in paddy and wheat, would make farmers hesitant to grow even this high-yielding and naturally bio-fortified bajra, suitable for both post-monsoon kharif (June-July sowing time) and summer (after harvesting of potato or mustard in February-March and with 1-2 irrigations) cultivation.





The chart shows how millets have been reduced to “orphan crops” over the years, planted largely in marginal areas prone to moisture stress. Between 2003-04 and 2021-22, India’s millet output has actually fallen from 21.32 million tonnes (mt) to 15.92 mt. Almost 98% of it is just three cereals — bajra (down from 12.11 mt to 9.62 mt), jowar (6.68 mt to 4.23 mt) and ragi (1.97 mt to 1.70 mt) — with small millets accounting for the rest (0.56 mt to 0.37 mt).

### The solution in schools

India, according to the latest official data for 2021-22, has 26.52 crore children enrolled in 14.89 lakh schools from the pre-primary to higher secondary levels. In addition, 7.71 crore children and 1.80 crore pregnant & lactating women are being provided supplementary nutrition in 13.91 lakh anganwadi care centres.

This is potentially a huge “market” for millets. Given the dire need to alleviate micronutrient malnutrition — especially iron and zinc deficiency that are major causes of anaemia and stunting respectively, while also contributing to impaired cognitive performance and vulnerability to diarrhoea — millets could be made a staple part of children’s diets.

Every schoolchild and anganwadi beneficiary can be served one daily hot meal based on locally-sourced bajra, jowar, ragi, kodo, or kutki, along with a 150-ml glass of milk and one egg. It will help combat hidden hunger, besides giving a boost to crop diversification by creating demand for millions of small millet, dairy and poultry farmers.

The Centre has two existing schemes — Pradhan Mantri Poshan Shakti Nirman and Saksham Anganwadi & Poshan 2.0 — with a combined budget of Rs 30,496.82 crore in 2022-23. These can be better leveraged by making them more millets-focused

The public distribution system (PDS) can continue supplying rice and wheat that are better suited for large-scale nationwide procurement, movement, stocking, and marketing. MSP procurement of millets should be part of a decentralised nutritional programme specifically targeting tomorrow’s citizens. Besides midday meals, millets could be served in the form of ready-to-eat foods such as cookies, laddu, murukku, nutrition bars, and extruded snacks (think healthier versions of Maggi, Kurkure, or Cheetos).

The Centre could fund any state willing to procure millets specific to their region exclusively for distribution through schools and anganwadis. Odisha already has a dedicated millets mission that undertook procurement of 32,302 tonnes worth Rs 109.08 crore, mainly of ragi, in 2021-22. Rajasthan, Uttar Pradesh, and Haryana might want to do the same in bajra, just as Maharashtra may for jowar, Karnataka for ragi and Madhya Pradesh for kodo/ kutki. They can, of course, add milk and eggs. Some are already doing it: Karnataka and Gujarat in milk and Tamil Nadu, Andhra Pradesh, Telangana and Odisha for eggs.

A combination of central funding with decentralised procurement linked to nutrition goals — specifically the eradication of hidden hunger among school-age children — can do for millets what the Food Corporation of India achieved with rice and wheat.

## FOR FIRST TIME IN MANY YEARS, NO RHINOS POACHED IN ASSAM IN 2022

Assam Chief Minister Himanta Biswa Sarma announced on January 1 that no rhinos were poached in the state in 2022, ANI reported. Special DGP G P Singh posted data on Twitter that showed last year was the first since at least 2000 in which there were no incidents of rhino poaching in Assam.



“Anti Rhino poaching efforts have yielded spectacular results. There has been no rhino poaching in Assam in Year 2022. Last poaching was on Dec 28th 2021 at Hilakunda, Kohora in Golaghat district. We would strive to keep the graph flat,” Singh tweeted.

The Indian rhinoceros (*Rhinoceros unicornis*) is found only in the Brahmaputra valley, parts of North Bengal, and parts of southern Nepal. It has a single black horn that can grow up to 60 cm, and a tough, grey-brown hide with skin folds, which gives the animal its characteristic armour-plated look.

The Indian rhino is listed as vulnerable (better than endangered, worse than near threatened) in the IUCN Red List; it was earlier placed in the endangered category. The WWF says the “recovery of the greater one-horned rhino is among the greatest conservation success stories in Asia”.

According to the WWF, there are around 3,700 Indian rhinos in the wild today. Assam’s Kaziranga National Park (KNP) alone has 2,613 animals, according to a census carried out in March 2022. There are more than 250 other rhinos in the Orang, Pobitora, and Manas parks.

### **Rhino poaching**

Rhinos have been poached for their horn, which is prized in some cultures. An Assam Forest Department release in 2021 said “ground rhino horn is used in traditional Chinese medicine to cure a range of ailments, from cancer to hangovers, and also as an aphrodisiac”; in Vietnam, a rhino horn is considered a status symbol. “Due to demand in these countries, poaching pressure on rhinos is ever persistent against which one cannot let the guard down,” the release said.

In 2019, the Assam government constituted a Special Rhino Protection Force to keep a check on rhino poaching and related activities at Kaziranga National Park (KNP). On September 22, World Rhino Day, in 2021, almost 2,500 rhino horns were burnt publicly in Bokakhat in KNP to “bust myths about rhino horns”, and to send “a loud and clear message to the poachers and smugglers that such items have no value”.

## **SAGOL KANGJEI: THE ANCIENT POLO OF MANIPUR, PLAYED ON THE CELEBRATED MANIPUR PONY**

Part of Home Minister Amit Shah’s programme in Manipur on Friday was the inauguration of a 122-foot-tall statue of a polo player astride a Manipur Pony in Imphal, a project that has been in the works for several years now.

“It is believed that Sagol Kangjei, the modern-day Polo game originated in Manipur. Today, inaugurated a 122 feet Marjing Polo Complex in Imphal. This will surely take the legacy forward and inspire more youngsters toward the game,” Shah tweeted on Friday afternoon.

### **The game and the horse**

Modern polo is said to have originated from Sagol Kangjei, a sport indigenous to Manipur, in which players ride horses, specifically the Manipur Ponies, which are referenced in records dating back to the 14th century.

The Manipur Pony is one of five recognised equine breeds of India, and has a powerful cultural significance for Manipuri society. The Marjing Polo Complex has been developed as a way to conserve the Manipur Pony.



The state government's Manipur Pony Conservation and Development Policy 2016 refers to the mythology around the Manipur Pony:

"The Manipuri pony has been indispensable with Manipuri society for its socio-cultural association for centuries. Its antecedents, however, are not clear, as one source stated Tibetan ponies as its ancestors while another source stated its origin to be a cross between Mongolian wild horse & Arabian. However, all agreed that it was derived from ancient stock. In some manuscripts, it is referred to as Mangal-sa or Mongolian animal. In Manipuri mythology, the Manipuri pony was regarded to have descended from "Samadon Ayangba" the winged steed of Lord Margjing, one of the guardian deities of Manipur," the document states.

## JALLIKATTU: CULTURAL PRACTICE OR CRUELTY?

### The story so far:

With the Supreme Court recommencing its work after the winter vacation, all eyes in Tamil Nadu are on the verdict of a five-member Constitution Bench of the Court on a batch of petitions seeking to strike down a 2017 Tamil Nadu law that protects jallikattu, a traditional event involving bulls. As the conduct of the event will coincide with the Pongal festival, the Bench, which reserved its judgment on December 8, is expected to give its ruling next week.

### How did the current litigation begin?

A massive agitation erupted on the Marina beach in Chennai in January 2017, demanding that the Central and State governments come up with a law that would annul the Supreme Court's ban on jallikattu which was imposed, through a judgment in May 2014 in the Animal Welfare Board of India vs A. Nagaraja case. Apart from demanding that the event be allowed again, the protesters had raised the issue of "redeeming Tamil identity and culture." Many prominent personalities, including film music director A.R. Rahman and chess maestro Viswanathan Anand, voiced their support for the bull-taming sport. It was against this context that the law in question was then enacted originally in the form of an Ordinance — the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Ordinance 2017. The Assembly had subsequently adopted a Bill to replace the Ordinance which resulted in the Court being moved and the case referred to the Constitution Bench in February 2018.

### How is the case being presented now?

The primary question involved is whether jallikattu should be granted constitutional protection as a collective cultural right under Article 29 (1) — a fundamental right guaranteed under Part III of the Constitution to protect the educational and cultural rights of citizens. The court examined if the laws — the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act of 2017 and the Prevention of Cruelty to Animals (Conduct of Jallikattu) Rules of 2017 — "perpetuate cruelty to animals" or were actually a means to ensure "the survival and well-being of the native breed of bulls". This assumes relevance in the context of the Court quashing in 2014 the Tamil Nadu Regulation of Jallikattu Act, 2009, which had allowed jallikattu. The Court had then talked of how bulls were being "tortured to the hilt" in the process of performing for the event. The apex court then scrutinised the question of whether the new jallikattu laws were "relatable" to Article 48 of the Constitution which urged the state to endeavour to organise agriculture and animal husbandry on modern and scientific lines. The Constitution Bench also looked into whether jallikattu and



bullock-cart race laws of Karnataka and Maharashtra would actually sub-serve the objective of “prevention” of cruelty to animals under the Prevention of Cruelty to Animals Act of 1960.

**What were the arguments adduced for and against jallikattu?**

In Tamil Nadu, jallikattu is both a religious and cultural event celebrated by the people of the State and its influence extends beyond the confines of caste and creed. “A practice which is centuries-old and symbolic of a community’s identity can be regulated and reformed as the human race evolves rather than being completely obliterated,” the State government submitted. It added that any ban on such a practice would be viewed as “hostile to culture and against the sensitivities of the community.” Describing jallikattu as “a tool for conserving this precious indigenous breed of livestock,” the government argued that the traditional event did not violate principles of compassion and humanity. It contended that the traditional and cultural significance of the event and its intertwining with the sociocultural milieu was being taught in high school curriculum so that “the significance is maintained beyond generations.” The petitioners’ line of argument was that animal life was inextricably connected to the lives of humans. Liberty was “inherent in every living being, whether it be in any form of life,” an aspect that had been recognised by the Constitution. The Tamil Nadu law was brought to circumvent the ban on jallikattu imposed by the Supreme Court. Placing their position on media reports about deaths and injuries caused to humans as well as bulls which had taken place in several districts of the State while conducting jallikattu, the petitioners contended that contrary to the arguments advanced by Tamil Nadu, several tamers pounced on bulls. According to them, “extreme cruelty” was inflicted on the animals. Also, there was no material to justify jallikattu as a part of culture. The critics had equated the event with practices such as sati and dowry, which were also once recognised as part of culture and stopped through legislation.

**50 ASI-PROTECTED MONUMENTS DISAPPEAR: HOW DID THEY GO ‘MISSING’, WHAT HAPPENS NEXT**

Fifty of India’s 3,693 centrally protected monuments have gone missing, the Ministry of Culture has told Parliament. The submissions were made by the ministry on December 8 to the Parliamentary Standing Committee on Transport, Tourism and Culture as part of a report titled ‘Issues relating to Untraceable Monuments and Protection of Monuments in India’.

How does a monument go ‘missing’? What does this mean, and what happens now? We explain.

**What are centrally protected monuments?**

The Ancient Monuments and Archaeological Sites and Remains Act (AMASR Act) regulates the preservation of monuments and archaeological sites of national importance. The Archaeological Survey of India (ASI), which is under the aegis of the Union Ministry of Culture, functions under this Act. The Act protects monuments and sites that are more than 100 years old, including temples, cemeteries, inscriptions, tombs, forts, palaces, step-wells, rock-cut caves, and even objects like cannons and mile pillars that may be of historical significance.

According to the provisions of AMASR Act, ASI officials are supposed to regularly inspect the monuments to assess their condition. Apart from various conservation and preservation operations, ASI officials can also file police complaints, issue show cause notices for the removal of encroachments, and communicate to the local administration the need for demolition of encroachments.



### **So how can a monument go “missing”?**

The ASI was founded in 1861 by Alexander Cunningham, when he realised the need for a permanent body to oversee archaeological excavations and conservation. But while the body remained largely dysfunctional in the 19th century owing to fund crunch, in the decades preceding Independence, it became very active. A bulk of the protected monuments were taken under the ASI's wings during the 1920s and 30s, up till the 50s, officials told The Indian Express.

But in the decades after independence, the focus of successive governments was on health, education and infrastructure, rather than protecting heritage, officials said. Even within the scope of heritage, the aim was to uncover more monuments and sites, instead of conservation. So in due course, ASI officials said, many monuments and sites were lost to activities like urbanisation, construction of dams and reservoirs, and even encroachments.

As per the ASI submission in Parliament, 14 monuments have been lost to rapid urbanisation, 12 are submerged by reservoirs/dams, while 24 are untraceable, which brings the number of missing monuments to 50.

“Even now, we are grappling with an acute manpower shortage to physically man all the big and small monuments which may fall under a particular region,” an ASI official said.

The agency told the Parliamentary committee that security guards were posted at only 248 of the 3,693 monuments. “The committee notes with dismay that out of the total requirement of 7,000 personnel for the protection of monuments, the government could provide only 2,578 security personnel at 248 locations due to budgetary constraints,” the report said.

### **Is this the first time monuments have been reported missing?**

While ASI officials said a comprehensive physical survey of all monuments has never been conducted after Independence, in 2013, a Comptroller and Auditor General (CAG) report said that at least 92 centrally protected monuments across the country had gone missing.

The CAG report said that the ASI did not have reliable information on the exact number of monuments under its protection. It recommended that periodic inspection of each protected monument be carried out by a suitably ranked officer. The Culture ministry accepted the proposal, but there was hardly any movement.

### **Which monuments are missing?**

The Parliamentary panel said it was perturbed to find that the Barakhamba Cemetery in the very heart of Delhi was among the untraceable monuments. “If even monuments in the Capital cannot be maintained properly, it does not bode well for monuments in remote places in the country,” it said. Officials told the Express that the particular cemetery may have been lost to the “redevelopment of the New Delhi Railway Station”.

Other missing monuments include the Guns of Emperor Sher Shah, Tinsukia (Assam); the Ruins of Copper Temple, Paya, Lohit (Arunachal Pradesh); Kos Minar, Mujesar, Faridabad (Haryana); Kutumbari Temple, Dwarahat, Almora (Uttarakhand); Rock Inscription, Satna (Madhya Pradesh); Old European Tomb, Pune (Maharashtra); 12th Century Temple, Baran (Rajasthan); and Telia Nala Buddhist ruins, Varanasi (Uttar Pradesh).



### Could there be more missing monuments?

The CAG audit included a joint physical inspection, along with the ASI, of merely 1,655 monuments out of the 3,678 on the protected list at the time. The 24 monuments reported to be untraceable are from this sample of 1,655 monuments.

“The Committee is perturbed to note that having found out that at least 24 monuments are untraceable out of the sample of monuments studied, no further surveys were conducted for the remaining monuments, even nearly a decade after the original study,” the panel said.

### So does India now have fewer protected monuments?

The ASI submitted that even as the monuments lost to urbanisation or dams can be deemed gone, it will make one last attempt to locate the 24 untraceable monuments. If any of those can be traced, the missing monuments list will be pruned.

However, deleting the lost/untraceable monuments from the protected list may not be that simple. The deletion requires denotification of the said monument under Section 35 of the AMASR Act, which happens to be a long-drawn process.

Section 35 has the provision to issue notifications only for such Centrally Protected Monuments (CPMs) which, according to the central government, have ceased to be of national importance. The situation of a missing monument cannot be automatically equated with the loss of its historical importance, the committee said.

It recommended that the untraceable monuments may not be removed from the list, because once that is done, there would be no imperative to find them. Since the missing monuments cannot continue to be on the protected list either, the Committee recommended that the list of Untraceable Monuments may be maintained as such and if necessary, the AMASR Act be amended to include this terminology.

## JAIN COMMUNITY PROTESTS: WHAT ARE THE ISSUES LINKED TO JHARKHAND, GUJARAT SHRINES

Members of the Jain community have been staging protests in Gujarat, Rajasthan, Madhya Pradesh, Maharashtra, and New Delhi for the past two weeks over demands related to two holy sites — Samed Shikhar on Parasnath hill in Jharkhand and Shetrunjay hill in Palitana of Gujarat. In Jharkhand, the issue is about Parasnath hill being declared a tourist spot and an eco-sensitive zone, while in Gujarat, the row is over the vandalising of a shrine and related security concerns.

### What is the Jharkhand issue?

Parasnath hill is home to Samed Shikhar, considered among the most important Jain pilgrimage sites, where 20 of the 24 Jain Tirthankars are believed to have attained salvation. In February 2019, the Jharkhand government notified the Parasnath area, in Giridih district, as a ‘tourist spot’, along with temples such as Baidhyanath Dham in Deoghar and Basukinath Dham in Dumka. In August of that year, the Union environment ministry declared the hill an eco-sensitive zone and added that the area had “tremendous potential to support thriving eco-tourism”.

Amid the recent protests, the Giridih district administration said there had been no opposition in the past three years. Deputy Commissioner Naman Priyesh Lakra said that even at present, Jharkhand has seen no protests.

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Brahmachari Tarun Bhaiyyaji, spokesperson of 'Shikharji', said they came to know about the government notifications only recently. "Neither the Centre nor the state consulted the main stakeholder, the people from the Jain community, while declaring the hill an eco-sensitive zone and a tourist spot. We came to know about the notification more than three years later, in December, when someone read about it."

Bhaiyyaji said they resorted to protests after "informal talks" with several politicians, including Chief Minister Hemant Soren, did not elicit a "concrete response" in the past month.

"A person coming here as a tourist will be looking for fun, which we don't want. We want the decorum of this place to be maintained. People from any community can visit as long as they follow the processes being practised by us. Declaring the hill as an eco-sensitive zone is also a problem, as locals will be given employment through poultry farms etc., which we don't want at our holy site," Bhaiyyaji said.

#### **What has the Jharkhand govt said?**

CM Soren had earlier said that he was looking into the matter, and that the notification was issued during the BJP government's tenure.

The Giridih DC said a meeting with the office bearers of the 'Shikharji' took place on December 22, where they were assured the site's decorum would be maintained. "We have also deployed police personnel in the area to prevent any untoward incident," he said.

#### **What is the vandalism issue in Gujarat?**

This row began in early December when the security manager of Sheth Anandji Kalyanji Pedhi (SAKP), an organisation of the Shwetambar section of Jainism, filed a police complaint that someone had vandalised the Adinath Dada's Pagla, a marble carving representing the feet of Lord Adinath, the first Jain Tirthankar, on the interveninign night of November 26-27. The pagla is housed in a small shrine in Rohishala village near the Shetrunjay hill, considered holy by the Jains.

#### **What did the police say?**

On December 23, the police arrested a Rohishala resident and claimed to have cracked the case. The police said the man had broken into the shrine with the intent to commit theft, but after he found nothing valuable, had struck the Pagla with a stone in "frustration", damaging the toes.

#### **What is the other case related to Shetrunjay hill?**

While the police were investigating the vandalism case, a dispute broke out between Swami Sharnananda, a local Hindu religious figure, and the SAKP over installing CCTV cameras on the premises of Neelkanth Mahadev Temple atop the Shetrunjay hill. Sharnananda claimed that the SKAP could not install CCTV cameras in a Hindu temple. On December 15, poles erected on the temple premises for the CCTV cameras were removed. The SAKP, which has been paying the salary of the Neelkanth Mahadev temple priest, then filed a police complaint.

#### **What do the protesters want?**

The Jains are demanding that Shetrunjay hill and the area around it be protected so as to maintain its holiness. They also want further probe in the vandalism case.



Abhay Shah, spokesperson of Shetrunjay Mahatirth Raksha Samiti, said, “The police claims to have solved the vandalism case, saying the motive was theft, but it does not seem convincing to us. Why would one damage only the feet (of the idol) in frustration? We demand the formation of a Special Investigation Team to probe the case.”

According to Shah, they are also seeking action to check illegal mining and land grabbing around the Shetrunjay hill.

#### NOW, SANTHALS STAKE CLAIM ON PARASNATH HILLS; TO LAUNCH STIR

A day after the Union government assured members of the Jain community that sanctity of their holy place, Sammed Shikharji on Parasnath hills in Jharkhand, will be maintained and there would be no move to promote the place as a “tourist place”, members of the Santhal tribe in the State have staked claim to the hill as their Marang Buru (hill deity).

They have decided to launch protests in five States asserting their right to the hill on January 17.

“The Centre and the State governments may have addressed the demand of Jain community to maintain religious sanctity of Parasnath hills but they should also know that, before them we, the members of Santhal community, had been worshipping the Hill as our Marang Buru. We also demand the right to worship Buru and on January 17, will protest peacefully in five States to put forth our demand to the Prime Minister and President of the country through respective District Magistrates and Deputy Commissioners,” Salkahn Murmu, ex-MP and president of Santhal organisation Adivasi Sengel Abhiyan, told The Hindu over phone.

“If the governments fail to consider our demand, one crore Santhal tribal members would protest in 50 districts on January 17,” Mr. Murmu said, adding, “The Jains have illegally grabbed the place, the biggest pilgrimage site of Santals and we have all the records. We will also call for Bharat bandh if our issues are not addressed.”

#### THOUSANDS VISIT BHIMA-KOREGAON WAR MEMORIAL

Crowds have been steadily milling in Bhima-Koregaon since Saturday evening to pay floral tributes to the bravery of the Mahar soldiers who fought against the Peshwa forces in the 1818 battle.

##### **Vigilant police**

Keeping an ever-vigilant eye to avoid any recrudescence of the violence during the bicentenary celebrations of the battle in 2018, the Pune Rural Police strictly monitored social media, deleting over 100 posts found to contain provocative content with the possible aim of rupturing peace. Around 7,000 security personnel were deployed in the area. Several prominent politicians, including Vanchit Bahujan Aghadi (VBA) chief Prakash Ambedkar, Union Minister of State for Social Justice and Empowerment Ramdas Athawale, and NCP MLA Jitendra Awhad visited the site. While the outcome of the Koregaon-Bhima battle was inconclusive, Babasaheb Ambedkar’s visit to the spot on January 1, 1927, revitalised its memory for the Dalit community, making it a rallying point and an assertion of pride.

The 2018 clashes, which heightened social tensions across the State while its reverberations were felt throughout the country, resulted in massive destruction of property belonging to Ambedkarite members.





## VETERAN INDIAN TRANSLATOR AND WRITER JANAKI BALLABH DIES IN BEIJING AT AGE 94

**Janaki Ballabh, a veteran Indian translator and writer who was among few Indians who lived and worked in China during some of its most turbulent moments, from the late 1950s to the years right after the Cultural Revolution, passed away in Beijing on Friday. He was 94.**

Mr. Ballabh spent years working for the Foreign Languages Press in Beijing, translating a range of Chinese works into Hindi. He continued translations well into his retirement and beyond turning 90, until worsening health came in the way.

His long China journey was an unlikely one. Born in 1928 in the village of Dalakot in Almora district in today's Uttarakhand, Mr. Ballabh moved to China in 1956, after completing an M.A. in Hindi in Delhi University.

He moved to Beijing during what was a brief honeymoon period in India-China relations when cultural connections were being promoted by both sides. His brief, at the Foreign Languages Press, was to translate classical Chinese works into Hindi for an Indian audience. Among his translations were the famous classic Journey to the West as well as the Selected Works of Lu Xun, the leading Chinese writer.

### Due recognition

His first stint ended abruptly as relations between the neighbours began to deteriorate and he returned to India in 1961, a year before the India-China war. Before returning to India, he was recognised with a Peace and Friendship Award by then Premier Zhou Enlai.

The freeze in relations, followed by China's own inner turmoil during the Cultural Revolution (1966-76), made a quick return to China impossible, but when the chance arose again, Mr. Ballabh took it.

He was among the first Indians to be back in a reopened China after the end of Mao's Cultural Revolution, and returned to work in the Foreign Languages Press in 1977. By then, he was joined in Beijing by his wife Shyama Ballabh, who became Radio Beijing's first Hindi announcer. Mr. Ballabh would also do a stint with Radio Beijing, before moving back to India. He finally retired back in Beijing in 2004 where he lived with his son.

He continued translating works well into his retirement, most recently completing two volumes of current leader Xi Jinping's The Governance of China. The first Hindi volume is being published by Foreign Languages Press. The second volume was completed by Mr. Ballabh when he was 90.

He is survived by his sons Atul Dalakoti, who works in Beijing as Executive Director of the Federation of Indian Chambers of Commerce and Industry (FICCI), and Akhil Dalakoti, a Singapore-based shipping executive.

## MUHAMMAD IQBAL: A POET FOR ALL AGES

We live in times when patriotism is considered the exclusive privilege of a few. The usage of words such as Rab, Khuda-ra and Allah in the poem upset a Vishwa Hindu Parishad functionary so much that he lodged a first information report (FIR) with the police. The principal herself was either so frightened or ignorant that instead of defending the lines of the poem, she claimed to be on leave



from school on the day the alleged crime of singing the nazm took place. Neither the complainant nor the police or even the accused knew much about the poem.

Incidentally, words such as Rab and Khuda are uniquely Indian, and transcend the boundaries of religion. Not just Muslims but also Sikhs and some Hindus in north India use Rab for Almighty. Same with Khuda, an expression freely used for God in Urdu literature.

'Lab pe aati hai dua' was penned in 1902 and was inspired by Matilda Edwards' 'A Child's Prayer'. It has been sung in schools for almost a hundred years in north India. It did not change with the adoption of Muhammad Iqbal as the poet of the nation by Pakistan. For many government schools, where children are not as comfortable with English, this poem was part of the morning ritual. As unlike a Saraswati Vandana, a Biblical hymn, an Islamic surah, it was not a religious address. No parent objected to a child reciting 'Lab pe aati hai dua'. Who could possibly raise objections to a child singing, "Make my life like that of a moth, O Lord/May I love the candle of knowledge/May my work be the protection of the poor/ May I love the sympathetic and the elderly/ My Lord! Save me from wrongdoing/ Help me walk on the path of the good"?

Poet-translator Mustansir Dalvi wrote in Iqbal: Taking Issue and Allah's Answer, "Being Indian and of India inspired many of Iqbal's poems." Iqbal was the one who called Ram Imam-e-Hind. He wrote in praise of Nanak, calling him Mard-e-Kamil or perfect man. He had the width of vision and depth of knowledge to translate the Gayatri Mantra into Urdu as Aaftab (The Sun). In Naya Shivala (New Temple), he deified the nation. He loved India to an extent that he raised it higher to any place in the world, including Arabia with its places of worship.

Iqbal wrote, "Saare jahan se achcha Hindustan hamara", decades before V.D. Savarkar coined his pitrabhu (fatherland) and punyabhhu (holy land) theory to distinguish between those whose birth land and sacred land were within the confines of India, and those whose sacred land was abroad. Iqbal was above such demarcation and denomination.

#### **'Two-nation theory'**

Not that he did not have his critics when he was alive, or even after his death. When he penned Shikwa (Taking Issue) in 1909, a large section of ulemma was upset with his lament to God. The provocation was followed by pacification with Jawab-e-Shikwa (Allah's Answer) where God answers Iqbal's prayer. That was all in the world of the millat and ummat (community and universal brotherhood based on Islam). The larger Indian society often saw him through the prism of two-nation theory under which he believed, unlike Sir Syed Ahmed Khan, and very much like Savarkar, Hindus and Muslims were two separate nations.

Yet, there was much more to Iqbal. He chose his audience with care. When he was in Lahore, he used to recite his kalam freely. When in Sialkot, he would never give a hint of being a shayar or take part in poetic soirees. In Europe, after initial years when he found great scientific and economic progress and, in his mind, found the Muslim society lagging in comparison, he worried for Western society's streak of materialism. Before he became wedded to the idea of ummah's internationalism, Iqbal was a staunch patriot who celebrated India's rivers and mountains, called its citizens bulbulein (singing birds) and the country their garden. 'Saare jahan se achcha' extolled wataniyator love for the nation.

**BUSINESS & ECONOMICS****GST BUOYANCY**

At almost ₹1.5 lakh crore, Goods and Services Tax (GST) inflows in December 2022 signal a recovery of sorts from November, when revenues fell to a three-month low. November 2022 revenues were 10.9% higher than a year ago, but still marked the slowest growth since June 2021. December's revenues were 2.5% higher than November and reflected a 15.2% year-on-year uptick. While the ₹1,49,507 crore GST kitty in December is the third highest since the beginning of the indirect tax regime in July 2017, it may be more noteworthy than previous records. First, as these taxes are linked to economic activity undertaken in November, they indicate that factories and service providers were busier than they were in October, impacted little by post-festival consumer fatigue. Second, on the two other occasions that GST revenues were higher — ₹1.67 lakh crore in April 2022 and almost ₹1.52 lakh crore in October — the numbers were boosted by taxpayers' financial year-end reconciliations and pre-festive spending or stocking up, respectively. This was not the case in December. Arguments that high inflation bolstered these numbers are only partly tenable — headline inflation dipped to an 11-month low of 5.9% in November, services inflation was flat sequentially, and goods inflation was 6.2%, which is high but far lower than previous months. So, if inflation did nudge up revenues, it did not play any more of a role in December than it did in earlier months when price rise was higher.

From what is known so far, the eight core sectors rebounded to grow 5.4% in November from a mere 0.9% in October, when industrial output tanked an alarming 4%. While November's industrial production levels will only be known later this month, the GST revenues indicate that the demand for both goods and services held up. As North Block mandarins enter the last lap of curating the Union Budget, the latest GST print should provide some hope while working out the fiscal glide path and revenue aspirations for the coming year. Not only have GST collections been over ₹1.4 lakh crore for 10 straight months, December's healthy inflows lift up the average monthly intake of 2022-23 to ₹1.49 lakh crore. But there is little room for complacency — any slackening in economic activity due to global headwinds could drag down revenues too. The GST Council, which met briefly last month after a long break but left critical reforms hanging, must be convened soon after the Budget — not just to help sustain revenue inflows, but also to aim to rake in more from a rationalised rate structure which brings all the presently excluded items into the One Nation, One Tax ambit.

**MIXED SIGNALS**

Recent macro-economic data, including the official Index of Eight Core Industries for November and S&P Global's survey-based Purchasing Managers' Index (PMI) for the manufacturing and services sectors for December, offer mixed signals on the underlying momentum in the economy. The government's provisional data show that output across the core industries, spanning coal to electricity, grew by an average 5.4% year-on-year in November. Double-digit expansions in cement, coal, electricity and steel led the index higher. However, on a sequential basis, contractions in six of the eight sectors, including in the heavyweight sectors of electricity and refinery products, which together represent almost half the index, kept average core output unchanged. While electricity output shrank 2.1% from October, refinery products contracted by 3.1% sequentially. Only production of coal and cement expanded both year-on-year and month-on-month, signalling that non-power demand for coal and construction activity may have begun gaining some traction in the third fiscal quarter. The uptrend in cement is heartening as

**3<sup>RD</sup> FLOOR AND 4<sup>TH</sup> FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR**



consumption of the key building material spans the job-intensive housing and infrastructure segments and, if sustained, could help undergird broader economic momentum. The 12.3% year-on-year and 15.1% sequential expansion in coal output is also a positive augury as it indicates an improvement in availability of the fuel to fire captive power plants and furnaces in the crucial process and metal-making industries.

Separately, the more up-to-date December PMI data show that manufacturing momentum strengthened appreciably as businesses reported the fastest rise in new orders since February 2021. The private survey of purchasing managers at about 400 manufacturers signalled that average output growth across these firms hit a 13-month high last month, with the PMI reading of 57.8 pointing to the strongest sectoral expansion since October 2020. Producers of goods stepped up hiring to help them meet a backlog of orders. And though the increase in jobs was the slowest since September, employment across the sector rose for a tenth straight month reflecting the heightened optimism among manufacturers. The PMI survey shows that overall output charge inflation across the private sector has intensified, with manufacturers reporting inflation in selling prices outpacing gains in input costs for the first time in almost two-and-a-half years. Policymakers can ill-afford to drop their guard on inflation at this stage.

### INDIA'S CHALLENGE HAS SHIFTED FROM INFLATION MANAGEMENT TO FACILITATING GROWTH IN 2023

The new year begins on a slightly more optimistic note for India. Global crude and food prices are roughly 38 per cent and 15 per cent down respectively from their highs in March, following Russia's invasion of Ukraine. The rupee has stabilised at 82-83 to the dollar after dropping from 74.5 levels at the start of 2022, even as official foreign exchange reserves, which had plunged to \$524.5 billion on October 21 from a year-ago peak of \$642 billion, have since recovered to \$562.8 billion. With the prospects for the upcoming rabi crop looking good — thanks to favourable soil moisture conditions, timely onset of winter and improved fertiliser availability on the back of declining international prices — one can expect consumer inflation to ease further. This, after falling below the Reserve Bank of India's (RBI) 6 per cent upper ceiling target in November for the first time in 11 months.

The challenge for India this year is likely to be more on the growth than on the inflation front. On paper, the world's disillusionment with China (more specifically, the authoritarian policies of Xi Jinping, both at home and beyond) and its diminishing economic prospects, worsened by a looming demographic crisis, should be making India every investor's favourite destination. The Narendra Modi government's focus on improving the country's physical as well as digital infrastructure — plus schemes such as production-linked incentive to attract investments in specific sectors, from solar photovoltaic modules and drones to specialty steels — ought to have given added impetus to this process. But on the ground, neither domestic nor foreign companies are really investing. The biggest drag on investment during the last decade was over-leveraged corporates and bad loans-saddled banks. That "twin balance sheet" problem has more or less resolved itself. Today's problem has mainly to do with strained government and household balance sheets. That, coupled with a deepening global slowdown constricting export demand, could have a bearing on India's economic growth.

What should the Modi government do? It should certainly refrain from any fiscal stimulus to kick-start investment or drive growth. Far from stimulus, what the country needs is macroeconomic stability and policy certainty. The current fiscal deficit and public debt levels are far too high to



allow any new populist schemes in the name of putting money in people's hands or sharp tax cuts to supposedly revive investor sentiment. Large government deficits will invariably spill over into current account deficits. The latter number, at 4.4 per cent of GDP in July-September, was the highest for any quarter since October-December 2012 — and the prelude to the last so-called taper tantrum-induced balance of payments crisis. India cannot afford a repeat of that. The coming budget must prioritise fiscal consolidation. This will enable the RBI to also pause interest rate hikes and further monetary tightening, which is probably not the best thing for an economy already facing multiple growth headwinds. Policy stability and credibility should be the mantra that will ultimately work for India.

## A BROKEN FORMULA

Last Friday, the government increased the returns on some small savings schemes for the first quarter of 2023 by 20 basis points to 110 basis points, or 0.2 to 1.1 percentage points. These will kick in for eight of the 12 small savings schemes where small investors park their household surpluses through banks and post offices. A similar selective hike was effected for the previous quarter too, after a long 27-month pause in small savings rates, but the range was minimal at 10 to 30 basis points and only applied on five schemes. In the latest review, the highest rate hike of 1.1 percentage points has been granted only for one-, two- and three-year time deposits. For other schemes, the increase is more nominal — 40 basis points for senior citizens and monthly income schemes and just 20 basis points for the National Savings Certificate and Kisan Vikas Patra. Returns on the popular long-term savings avenue, the Public Provident Fund (PPF), have been left unchanged at 7.1%, prevailing since April 2020 when they were slashed from 7.9% at the onset of the pandemic. Neither is there relief for those investing in the Sukanya Samriddhi Account Scheme, launched by Prime Minister Narendra Modi in January 2015 to encourage families to invest in the education of girl children and save for their marriage expenses, under the Beti Bachao, Beti Padhao campaign.

For the October to December quarter, the Reserve Bank of India had estimated that the returns on the PPF should have been 7.72% and the Sukanya Samriddhi Scheme at 8.22%. Having adopted a formula-based approach to resetting small savings rates every quarter since 2016, the government must not resort to selective implementation. There has been no perceptible easing of yields on government securities to which these returns are supposed to be linked, in the last quarter of 2022. Perhaps, the decision to offer the highest gains for shorter tenure deposits is driven by the government's debt management planning, but the status quo on PPF and other schemes is not fair to the risk-averse middle class. Investments in PPF, for instance, are in any case capped at ₹1.5 lakh a year and overall deposits are far lower than bank deposits, if boosting the latter to ensure healthy credit availability for industry was a concern. Inflation in general has been elevated since the 2020 rate cuts and was above the 6% tolerance threshold through most of 2022, accompanied by sharp interest rate hikes. Households have also grappled with income losses and higher health expenses through the past two and a half years, and deserve better.

## WHY THE INDIAN RUPEE FELL 10% AGAINST THE US DOLLAR IN 2022

The Indian rupee depreciated by around 10 per cent against the US dollar in 2022 on account of sharp appreciation of the greenback, as the US Federal Reserve tightened its interest rate to check inflation amid the uncertainties surrounding the Russia-Ukraine conflict.



### How did the rupee perform in 2022?

The rupee was the worst-performing Asian currency in 2022, witnessing a fall of around 10 per cent against the greenback. This decline was mainly on account of appreciation in the US currency on safe haven appeal amid fears of recession and inflation across many parts of the world and Russia-Ukraine war. During the year, the rupee fell to a lifetime low of 83.2 against the dollar. Compared to rupee, depreciation of other Asian currencies was to a lesser extent. During the year, Chinese Yuan, Philippine Peso and Indonesian Rupiah fell around 9 per cent. South Korean Won and Malaysian Ringgit declined by nearly 7 per cent and 6 per cent, respectively.

However, the Reserve Bank of India (RBI) heavily intervened in the forex market to defend rupee. Since the beginning of 2022, the country's foreign exchange reserves have fallen by \$70 billion. It stood at \$562.81 billion as of December 23, 2022, the latest RBI data showed. "Reserves have witnessed a bit of erosion but the central bank is now starting to again build up its reserves and that would act as a buffer in times of uncertainty," said Navneet Damani, senior vice president (currency and commodity) Motilal Oswal Financial Services (MOFSL).

### What was the reason for capital outflows?

The US Fed aggressively raised interest rates by 425 basis point (bps) in 2022 in its fight against inflation. This led to a higher interest rate differential between the US and India, and investors pulled out money from the domestic market and started investing in the US market to take advantage of higher rates.

In 2022, foreign portfolio investors (FPIs) pulled out Rs 1.34 lakh crore from the Indian markets – the highest-ever yearly net outflow. They withdrew Rs 1.21 lakh crore from the stock markets and Rs 16,682 crore from the debt market in 2022, putting pressure on the rupee. Russian invasion of Ukraine accentuated the FPI withdrawals with the global economic slowdown making inflows tougher, analysts said.

### What is the outlook on rupee for 2023?

According to forex analysts, although the outlook on the rupee remains weak in the near future, the depreciation in local currency may not continue for a longer period as India remains the fastest-growing economy. "The terminal interest rate for the US Fed is anybody's guess, but it cannot be the case that their monetary policy will be tightened endlessly. When the (US Fed) tightening is over, the tide will surely turn," Reserve Bank of India Governor Shaktikanata Das said during the December monetary policy announcement.

## HAS INDIA TIDED OVER THE PROBLEM OF BAD LOANS?

### The story so far:

In December 2022, Finance Minister Nirmala Sitharaman told Parliament that banks had written off bad loans worth ₹10,09,511 crore during the last five financial years. A National Asset Reconstruction Company Ltd. (NARCL) was announced in the Union Budget for 2021-2022 to resolve stressed loans amounting to about ₹2 lakh crore in phases.

### What is a bad loan?

A bad loan is that which has not been 'serviced' for a certain period. Servicing a loan is paying back the interest and a small part of the principal — depending on the agreement between bank and



borrower — to begin with so that over time, you pay back the principal as well as the interest accrued in the duration.

In 2009, the RBI brought out norms that set out categories of NPAs and what banks must do as these bad loans aged. Bad loans are a problem, for, with time, there is less and less certainty that the loan would be paid back in full.

The RBI's master circular in 2009 started off the journey on NPA recognition. It states that if an asset has been 'doubtful' for a certain period, the value of that asset must be provided for in parts, as the asset ages. There was a revision in October 2021 which made recognition far more stringent. Interestingly, even if the asset is standard and there is no problem with it, banks are expected to make provisions depending on the risk element for that sector. Like home loans with teaser rates are at greater risk than those that aren't. Hence provisions have to be made for such loans.

**In the last five years, how much have banks had to mark as bad loans? What has come back to the banking system?**

Minister of State for Finance Bhagwat Karad told the Rajya Sabha in December that loans written off by scheduled commercial banks (SCBs) during the last five financial years totalled ₹10.1 lakh crore. Significantly, only ₹1.32 lakh crore has been recovered. As a percentage of write-offs, this comes to only about 13%. One explanation is that if an NPA is fully recognised in a particular year, even the fastest of legal processes may not resolve for full repayment. Not only do banks take significant haircuts when it comes to recovery but the amount to be repaid post-haircut may be delayed. Time will tell whether recoveries would eventually improve.

**Why is there a need to recognise NPAs?**

In the banking system, the government and regulatory authorities need to have a good view of how healthy the financial system is. A weak financial system can eventually ruin lives and livelihoods. Unless we know we have a problem, how can we fix it?

India became more aggressive in recognising loans as 'bad' in the 2014 to 2015 period. The periodic asset quality review was introduced. Further, the regulator stepped in to prevent evergreening of loans (i.e., lending more to an already stressed asset in the hope that it could be brought back to its feet).

**Has recognising NPAs helped?**

Replying to a question in the Rajya Sabha, Finance Minister Nirmala Sitharaman said that with the transparent recognition of NPAs, this percentage for gross loans rose from 4.1% in March, 2014, to 11.46% in March 2018. She said that with the government's "strategy of recognition, resolution, recapitalisation and reforms," NPAs had since declined to 5.9% by March 2022.

## WHAT IS THE CRYPTO AWARENESS CAMPAIGN?

**The story so far:**

The Investor Education and Protection Fund (IEPF) will launch an outreach programme soon to create awareness of cryptocurrencies and online gaming. The need for the outreach is based on the observation that both crypto-assets and online gaming (that extends to gambling and betting) are still being promoted in a risky manner despite the recent turmoil in the sector.

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### What is IEPF?

The Investor Education and Protection Fund (IEPF) is managed by the IEPF Authority, which was set up in 2016 under the provisions of Section 125 of the Companies Act, 2013. The Authority is entrusted with the responsibility of administration of the IEPF, which, besides promoting awareness among investors, makes refunds of shares, unclaimed dividends, matured deposits and debentures and so on to rightful claimants.

As for investment education, the idea is to reach out to household investors, housewives and professionals alike in rural and urban areas and teach them the basics. Focus areas include primary and secondary capital markets, various saving instruments, the instruments for investment (such as mutual funds, equity, among others), making investors aware of dubious Ponzi and chit fund schemes and existing grievance redressal mechanisms, among other things. Until the end of October, it had conducted more than 65,000 awareness programmes covering 30 lakh citizens.

### Why is there a concern about crypto?

The crypto dilemma stems from concerns about the unregulated currency having a destabilising effect on the monetary and fiscal stability of a country. Further, crypto exchanges in India are being investigated for their alleged involvement in unlawful practices such as drug trafficking, money laundering, violating foreign exchange legislation and evasion of GST. As on December 14, proceeds of crime amounting to ₹907.48 crore have been attached/seized, three persons have been arrested and four prosecution complaints have been filed before the Special Court, Prevention of Money Laundering Act.

The Reserve Bank of India (RBI) has recommended framing legislation on the sector. It is of the view that cryptocurrencies should be prohibited. In a written reply to the Lok Sabha recently, Minister of State for Finance Pankaj Chaudhary stated that crypto assets are by definition borderless and therefore, any legislation (for regulation or for banning) would require international collaboration to prevent regulatory arbitrage. The collaboration must entail an evaluation of risks and benefits and evolution of common taxonomy and standards.

### Will an outreach programme help?

Vipul Kharbanda, non-resident fellow at the Centre for Internet and Society (CIS), whilst supporting the move, points to two concerns: first, apart from the outreach programme, there has to be a regulatory mechanism for the crypto sector. Second, he says the messaging has to be right. "If the government takes a heavy-handed approach and starts saying things like virtual currency is not legal in India, that will not be entirely true. People may presume incorrectly that it is illegal," he states, adding, "One may be indulging in unlawful transactions like money laundering using crypto assets. But unlawful transactions can also be executed using legal banking channels as well." Rajagopal Menon, vice-president at the crypto-exchange WazirX, also welcomed the move. "Cryptocurrency investing can be a complex and risky endeavour as the category is extremely volatile and works round the clock. It is important for potential investors to thoroughly educate themselves before making any decision," he said.

As for the allegations, Mr. Menon told The Hindu, "The immutable, public nature of the blockchain makes crypto a poor choice for money laundering because it allows law enforcement to uncover and trace money laundering far easier than cash transactions."





### What about online gaming?

The Ministry of Electronics and Information Technology (MeitY) has been appointed the nodal industry for online gaming in India; for e-sports, the nodal agency is the Department of Sports, under the Ministry of Youth Affairs and Sports. A proposed framework for Central regulation by MeitY is expected to address issues faced by the sector.

For instance, there is confusion about the definitions of a 'game of chance' like fantasy games, and a 'game of skill', a term which has been used in the Public Gaming Act (1867) but has not been spelt out. There are risks from cybercrimes as well.

Khushbu Jain, a Supreme Court advocate and founding partner of law firm Ark Legal, told The Hindu that in a 'game of skill', while the element of chance cannot be entirely ruled out, it is the 'element of skill' (mental or physical skill of the user) that plays a dominant role in determining the outcome of the game rather than pure chance. She pointed out that "a glance at the rulings of the Supreme Court and several High Courts clearly establish 'Games of Skill' as legitimate business activities protected under Article 19(1)(g) of the Indian Constitution. These rulings have also emphasised a clear distinction between 'Games of Skill' and 'Games of Chance'. Despite these court rulings, online skill games have faced restrictions in a few States due to addiction, financial losses and the thin line between skill and chance."

From an industry standpoint, Roland Landers, CEO at the industry body, All India Gaming Federation (AIGF), welcomed the move. "The online gaming industry has become increasingly concerned with the menace of offshore illegal gambling websites that provide their services and rampantly advertise to innocent Indian users, often masquerading as legitimate gaming platforms." He said that it has become increasingly difficult to differentiate between good and bad operators.

## INDIA'S PLAN TO DEVELOP GREEN HYDROGEN

### The story so far:

The Union Cabinet on Wednesday approved a ₹19,744 crore National Green Hydrogen mission that aims to make India a 'global hub' for using, producing and exporting green hydrogen.

### What is green hydrogen?

Hydrogen is a key industrial fuel that has a variety of applications including the production of ammonia (a key fertilizer), steel, refineries and electricity. However, all of the hydrogen manufactured now is the so-called 'black or brown' hydrogen produced from coal. Grey hydrogen is produced from natural gas while 'Blue' hydrogen is from fossil fuel sources where the ensuring carbon emitted is captured via carbon-capture processes. Green hydrogen is when hydrogen is produced via electrolysis, the splitting of water into hydrogen and oxygen with electricity generated from renewable energy sources such as solar or wind. This is the most environmentally sustainable way of producing hydrogen.

### What is the caveat?

Green hydrogen currently accounts for less than 1% of global hydrogen production due to it being expensive to produce. A kilogram of black hydrogen costs \$0.9-1.5 to produce while grey hydrogen costs \$1.7-2.3 and blue hydrogen can cost anywhere from \$1.3-3.6. However, green



hydrogen costs \$3.5-5.5 per kg, according to a 2020 analysis by the Council for Energy, Environment and Water.

#### **What is the National Green Hydrogen Mission?**

The intent of the mission is to incentivise the commercial production of green hydrogen and make India a net exporter of the fuel. The mission has laid out a target to develop green hydrogen production capacity of at least 5 MMT (Million Metric Tonne) per annum. This is alongside adding renewable energy capacity of about 125 GW (gigawatt) in the country. This will entail the decarbonisation of the industrial, mobility and energy sectors; reducing dependence on imported fossil fuels and feedstock; developing indigenous manufacturing capabilities; creating employment opportunities; and developing new technologies such as efficient fuel cells.

By 2030, the Centre hopes its investments will bring in investments worth ₹8 trillion and create over six lakh jobs. Moreover, about 50 MMT per annum of CO<sub>2</sub> emissions are expected to be averted by 2030. As per its Nationally Determined Contribution (NDC) to meeting the goals of the Paris Agreement, India has committed to reduce emissions intensity of its GDP by 45% by 2030, from 2005 levels.

#### **How will the mission support green hydrogen production?**

The Mission will “facilitate demand creation, production, utilisation and export of Green Hydrogen,” says a press release from the Ministry for New and Renewable Energy. There are two umbrella sub-missions under the programme. The first is the Strategic Interventions for Green Hydrogen Transition Programme (SIGHT), that will fund the domestic manufacturing of electrolyzers and produce green hydrogen. The second is to support pilot projects in emerging end-use sectors and production pathways. States and regions capable of supporting large scale production and/or utilisation of hydrogen will be identified and developed as Green Hydrogen Hubs. According to the Ministry, ₹17,490 crore would be for the SIGHT programme, ₹1,466 crore for pilot projects and hydrogen hubs, ₹400 crore for research and development and ₹388 crore for other parts of the mission.

#### **What are the challenges ahead?**

Several major industrial houses have announced plans to facilitate India’s adoption of green hydrogen. However, they are all premised on India being able to access a reliable stream of components, upgrading the manufacturing and skill levels of its small and medium manufacturing enterprises and developing a transmission network that can supply the hydrogen produced from supply-spots to industrial centres across the country. Many advanced economies have also announced plans and policies to develop such an economy and given their advanced industrial infrastructure, can steal a march over India.

Green hydrogen development is still in the nascent stages globally and while India can take the lead in being a major producer, it doesn’t have the necessary infrastructure yet to execute all these intermediary steps. It also needs to announce incentives to convince enough users of industrial hydrogen to adopt green hydrogen. It needs to develop supply chains in the form of pipelines, tankers, intermediate storage and last leg distribution networks as well as put in place an effective skill development programme to ensure that lakhs of workers can be suitably trained to adapt to a viable green hydrogen economy.



## LIFE & SCIENCE

### A FRENCH TOWN RENAMED, FOR GENDER EQUALITY

When Bertrand Kern, a French mayor, announced on social media that his town will be known, for the next one year, by the feminised version of its name, as a gesture of support for gender equality, the decision was immediately greeted with mockery. On the face of it, the name change from Pantin to Pantine seems largely symbolic. None of the signage and official communications will reflect the gesture, only the giant letters forming the name of the town along a canal will feature an additional 'e'.

Amid the criticism, however, what might be missed is that sometimes, a conversation simply needs to be kept alive and for that a symbolic gesture may be enough. Explaining the decision, Kern said, "Women are still paid less for their work than men, certain occupations are forbidden to them, and their place in the public space is not always well received by men." In France, for example, despite progress on political representation and maternal care, sexism remains rife and the glass ceiling is a reality. In a report by the French government's High Council for Equality last year, 46 per cent of women said they had encountered sexist comments or action in the workplace and 43 per cent in the home.

The renaming of a town is an opportunity to reflect on all the ways in which systems and spaces, technologies and infrastructure are designed by and for men, from car safety tests being done primarily on male-sized dummies to the fact that voice recognition softwares "hear" male voices more easily than female voices. Calling a town "Pantine" for a year will not start or cement a feminist revolution. It will, however, underline that a lot still needs to change, if in the 21st century, this is still a man's world.

### HOW TERMITE BEHAVIOUR IS LINKED TO A WARMING WORLD: FINDINGS OF A NEW STUDY

A recent study has found that termites decompose wood at a much higher rate in warmer conditions. For every 10 degrees Celsius increase in temperature, their decomposition activity goes up by almost seven times, it added.

Published in Science, the study also revealed that as the Earth gets warmer, termites will rapidly spread across the world. This could, in turn, lead to a further rise in global temperatures, because these small insects while consuming deadwood release carbon into the atmosphere.

"This study is one of the first that connects the dots among a species' movement, changes in an ecosystem process, and climate change to show that the movement of an organism as small as a termite can cascade to impact the rate that wood—a global carbon stock—is decomposed," Aimée Classen, biologist at University of Michigan and co-author of the study, said in a statement.

#### Details of the research

There are around 3,000 species of termites across the world, including the ones that consume plant material and even soil. However, the most famous are the wood-eating termites.



According to the researchers, the termites' ability to decompose dead wood — dead parts of trees that contain carbon — makes them an important part of the planet's ecosystem and that's why the study focused on them.

For the research, more than 100 scientists were asked to place blocks of wood at 133 sites across the world, except in Antarctica, where bacteria, fungi and termites consume dead wood. They then measured the speed at which the wooden blocks were eaten in different climates.

As expected, both microbes and termites decomposed the pieces but the study found that there was a disproportionately higher increase in the insects' decaying activity at higher temperatures. For instance, termites in a region with temperatures of 30 degrees Celsius ate wood seven times faster than in a place with temperatures of 20 degrees Celsius.

The researcher also observed that these wood-eating termites were able to survive in warm and dry conditions, unlike microbes that need water to grow. Therefore, with "tropicalization (i.e., warming shifts to tropical climates), termite wood decay will likely increase as termites access more of Earth's surface."

Although these insects are already found in colder areas, they play a limited role in the decaying of wood in comparison to fungi and bacteria.

It is yet to be determined to what extent the termites will spread across the world, the study said.

Previous studies have also shown that climate change might be leading to an increase in the number of termites. According to a report in The Washington Post, a 2017 study concluded that "12 of the world's 13 most invasive termite species could increase significantly in distribution by 2050 given Earth's current temperature trajectories."

Another research by scientists at the University of Florida found that two Floridian varieties of termites were able to interbreed during warmer winters and hybridise into new "highly destructive super-termites", said the report.

### **Termites and dead wood**

It's well-known that trees play a significant role in the global carbon cycle. They absorb carbon dioxide through the process of photosynthesis and help in keeping the atmospheric temperature low.

As a tree grows older, certain parts of it die and become dead wood, which is eventually decomposed by microbes and insects like termites. The decaying of dead wood results in the release of not only a variety of nutrients but also carbon.

According to the study, termites release carbon from dead wood in the form of carbon dioxide and methane, two of the most important greenhouse gases. So, an increase in termite population and their faster decomposing activity can cause more greenhouse emissions, resulting in a hotter planet.

Amy Zanne, a University of Miami biology professor and co-author of the study, said in a statement, "Microbes are globally important when it comes to wood decay, but we have largely overlooked the role of termites in this process". She added, "This means we are not accounting for the massive effect these insects could pose for future carbon cycling and interactions with climate change."



### Other consequences of climate change

It isn't just the termites that are affected. Researchers have found that with soaring global temperatures, a wide range of animals, plants and other organisms have changed their behaviour, resulting in the deterioration of the health of ecosystems.

Studies have shown that once polar bears aren't able to kill seals because of the shrinking Arctic sea ice, they might quickly move on to eat other creatures. This would threaten the existence of species like the Arctic fox or the walrus. Not only this, it might also lead to the overpopulation of seals, which can then endanger the survival of crustaceans and fish that are an important food source for local human populations.

In February 2022, a study found that higher temperatures are making plants across the British Isles flower, on average, a month earlier than they used to, according to a CNN report. Scientists said it could trigger a chain of events that would result in the "collapse" of entire species.

### RAPIDLY WARMING ARCTIC LINKED TO EXTREME COLD WEATHER IN THE US: WHAT A NEW STUDY SAYS

As a deadly blizzard grips the United States, leading to the death of more than 60 people as of Tuesday and complete disruption of normal life, scientists have once again started to discuss if the rising temperatures of the Arctic are responsible for extreme cold conditions in the country and other areas of the Northern Hemisphere.

According to a report in The Washington Post, the discussion gained momentum after a recent study, published in Science.org, revealed how the rapid warming of the Arctic might be allowing frigid air in the region to move southward more frequently than ever before. However, scientists said they need more data to arrive at a consensus about the claim.

#### What are the findings of the study?

The study largely focused on something called the polar vortex, which is a mass of cold, low-pressure air that consistently hovers over the Arctic region. It is denoted by the word "vortex" because it spins counter-clockwise, just like a hurricane does.

Usually, the polar vortex remains strong and compact, meaning the mass of frigid air stays at the North Pole. But sometimes it weakens, like a wobbling top, and expands to influence the jet stream — an area of fast-moving air high in the atmosphere that surrounds the polar vortex. Once the jet stream is impacted, the cold polar air finds its way towards the mid-latitude regions.

In the study, researchers found that the expansion of the polar vortex has been occurring more than twice as often in recent years and the reason for it is the rapidly warming Arctic.

With the help of observational analysis and numerical modelling, the study demonstrated that the melting sea ice in Barents and Kara seas north of Russia and Scandinavia and increasing Siberian snowfall create larger and more energetic atmospheric waves that ultimately stretch the polar vortex, causing extreme winter weather in the US and other places.

Judah Cohen, one of the authors of the paper and a climate scientist at Atmospheric and Environmental Research (AER), said that a similar chain of events took place back in 2021 when Texas witnessed a deadly cold storm that killed 246 people, The Washington Post reported.



### What are some other studies?

This isn't the first time that the soaring temperatures of the Arctic region are being held responsible for bouts of deadly cold weather in the mid-latitude regions. The debate started in 2012 after research published by a senior scientist at the Woodwell Climate Research Center in Massachusetts showed that the warming of the Arctic was reducing the temperature difference between the polar and tropical regions, which is the weakening of the jet stream and, thus, allowing the southward movement of frigid air.

Although it has been more than a decade since this seminal study was published, there are still "mixed feelings" in the scientific community regarding its claim, The Washington Post reported. Researchers said that more evidence is needed to know whether and where warming is making the jet stream weaker.

### WHAT IS CAUSING THE WINTER HEAT WAVE IN EUROPE?

Several parts of Europe witnessed an unprecedented winter heat wave over New Year's weekend, The Washington Post reported on Monday. Calling it an "extreme event", experts said that temperatures increased 10 to 20 degrees Celsius above normal.

According to the report, at least seven countries recorded their hottest January weather ever. These included Poland, Denmark, the Czech Republic, the Netherlands, Belarus, Lithuania and Latvia.

Climatologists suggested that the temperatures surged to summer or springtime levels. For example, at Korbielów, a small village in Poland, the mercury reached 19 degree Celsius – a temperature the region is more used to in May, and 18 degree Celsius above the one degree Celsius yearly average for January, The Guardian said in its report.

Meanwhile, in parts of Belarus, where temperatures usually remain around zero degree Celsius, they peaked at 16.4 degree Celsius on January 1.

According to The Washington Post report, the continent is experiencing an extreme warm spell because of the formation of a heat dome over the region. The Indian Express looks at what it is and how it is formed.

#### What is a heat dome?

A heat dome occurs when an area of high-pressure traps warm air over a region, just like a lid on a pot, for an extended period of time. The longer that air remains trapped, the more the sun works to heat the air, producing warmer conditions with every passing day. Heat domes generally stay for a few days but sometimes they can extend up to weeks, which might cause deadly heat waves.

Scientists suggest that any region of high pressure, whether a heat dome or not, forces air to sink and once it reaches the ground, it gets compressed and becomes even warmer. Moreover, when air sinks, it gets drier and further raises the temperature of the area.

#### What is the relationship between heat domes and the jet stream?

The heat dome's formation is related to the behaviour of the jet stream — an area of fast-moving air high in the atmosphere. The jet stream is believed to have a wave-like pattern that keeps moving from north to south and then north again. When these waves get bigger and elongated,



they move slowly and sometimes can become stationary. This is when a high-pressure system gets stuck and leads to the occurrence of a heat dome.

Although heat domes are likely to have always existed, researchers say that climate change may be making them more intense and longer. They suggest with the rising temperatures, it is expected that the jet stream will become more wavy and will have larger deviations, causing more frequent extreme heat events.

#### **What are some previous instances of heat domes?**

In 2021, a heat dome formed over western Canada and the US, causing deadly heat waves. Portland city in Oregon, US, saw the mercury rise to 46 degree Celsius while the temperature in Washington hit 49 degree Celsius. In Lytton in British Columbia, temperatures soared to over 46 degree Celsius. According to media reports, hundreds of people are believed to have died due to this extreme weather event.

Subsequently, a 2022 study found that this heat dome was amplified by climate change and it could become a once-in-10-year event if global temperatures aren't kept under two degree Celsius above pre-industrialisation levels.

The researchers said that the dry soil — one of the repercussions of the rising temperatures — in different areas of the Pacific northwest “potentially allowed the heat to become more extreme, and so they amplified the heat that was already at a high level”.

Another heat dome settled over the US in September 2022 and raised temperatures to a new high. The extreme heat fueled wildfires and stressed the power grid.

#### **NEW TECH CAN FILTER MICROPLASTICS WITH MINIMAL ENERGY, SAYS STUDY**

Scientists from South Korea have developed a new water purification system that can quickly and efficiently filter out microplastics. Crucially, the polymer used is relatively inexpensive with excellent adsorption performance and good photothermal properties.

In an experiment, over 99.9 per cent of contaminants were taken out of the water in just 10 seconds.

Microplastics have inundated the world, finding their way into the human food chain. While some traditional carbon-based filters can filter out microplastics, they have limitations — the adsorption rate is slow and they are not energy-efficient.

The Korean team's breakthrough system requires lower levels of energy, making it ideal for solar-based use. This is particularly useful for developing countries where power supply is inconsistent.

#### **OUR CUCUMBERS, MELONS AND GOURDS**

Cucurbits are usually hairy climbers, and male and female flowers are separate. Their fruit — which comes in a wide range of colour, flavour, shape and size — are valued as components of healthy diets. They grow well in India's geo-climate. The sowing season is usually from November to January, with fruits ripening in the summer.

The extremely wide range of flavours and sizes among the cucurbits, from sweet watermelons to the bitter gourd, are a result of shuffling of the contents of their mosaic-like chromosomes. Thus,

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a cucumber has seven chromosomes and a melon has 12, even though they belong to the same genus (cucumis).

Unlike the potato, which was globalised only about 450 years ago, cucurbits have been important components of food economies across the globe for thousands of years. Carried by ocean currents and adapted to local conditions, modern genomic technologies are required to decipher their geographic origins. Cucumbers are indigenous to India. Wild relatives of cucumber are found growing in the foothills of the Himalayas. The Romans brought them to Europe in the 2nd century B.C.

#### **Wild melons of the desert**

In Rajasthan's Thar Desert, locals grow wild melon varieties with only the water that has come from a meagre monsoon. Those are small fruits that are cooked as vegetables, with little flesh and lots of seeds.

Recent studies have established that the melons we see today in India are a product of two independent domestication events. These have lost the bitterness and the acidity of the wild fruit, and their leaves, seed and fruits are larger. Melons were independently domesticated in Africa, but the African melon is smaller and retains some bitterness in taste. Not surprisingly, melons grown all over the world are of Indian origin.

The influence of varying human tastes, in different regions of the world, is also reflected in the bitter melon (karela). The more recently (800 years ago) domesticated varieties found in Thailand and neighbouring countries are larger, less bitter, and have a smooth skin that is almost white. In comparison, the spiny-skinned Indian varieties are smaller, more pungent, and have been bred for much longer.

#### **Nutritional opposites**

Bitter melons are rich sources of vitamin C and minerals. A daily 100-gram serving will provide all the vitamin C (and half of vitamin A) required by an average-sized person, while contributing only 150 mg of fat. In general, cucurbits are the nutritional opposites of processed foods, which tend to be rich in fats and carbohydrates. With water content of about 85-95%, they are a source of low-calorie bulk.

Besides being dietary mainstays and of medicinal value, cucurbits have other interesting uses. Loofah or sponge gourd, when dried, is used as a sponge in skin care. Dried bottle gourds (Tamil: surakkai) serve as resonators in musical instruments such as the sarod, sitar and tanpura.

### **THE DANGER OF DEEPFAKES**

Disinformation and hoaxes have evolved from mere annoyance to warfare that can create social discord, increase polarisation, and in some cases, even influence the election outcome. Nation-state actors with geopolitical aspirations, ideological believers, violent extremists, and economically motivated enterprises can manipulate social media narratives with easy and unprecedented reach and scale. The disinformation threat has a new tool in the form of deepfakes.

#### **What are deepfakes?**

Deepfakes are digital media - video, audio, and images edited and manipulated using Artificial Intelligence. It is basically hyper-realistic digital falsification. Deepfakes are created to inflict harm

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on individuals and institutions. Access to commodity cloud computing, public research AI algorithms, and abundant data and availability of vast media have created a perfect storm to democratise the creation and manipulation of media. This synthetic media content is referred to as deepfakes.

Artificial Intelligence (AI)-Generated Synthetic media or deepfakes have clear benefits in certain areas, such as accessibility, education, film production, criminal forensics, and artistic expression. However, as access to synthetic media technology increases, so does the risk of exploitation. Deepfakes can be used to damage reputation, fabricate evidence, defraud the public, and undermine trust in democratic institutions. All this can be achieved with fewer resources, with scale and speed, and even micro-targeted to galvanise support.

#### **Who are the victims?**

The first case of malicious use of deepfake was detected in pornography. According to a sensity.ai, 96% of deepfakes are pornographic videos, with over 135 million views on pornographic websites alone. Deepfake pornography exclusively targets women. Pornographic deepfakes can threaten, intimidate, and inflict psychological harm. It reduces women to sexual objects causing emotional distress, and in some cases, lead to financial loss and collateral consequences like job loss.

Deepfake can depict a person as indulging in antisocial behaviors and saying vile things that they never did. Even if the victim could debunk the fake via alibi or otherwise, that fix may come too late to remedy the initial harm.

Deepfakes can also cause short-term and long-term social harm and accelerate the already declining trust in traditional media. Such erosion can contribute to a culture of factual relativism, fraying the increasingly strained civil society fabric.

Deepfake could act as a powerful tool by a malicious nation-state to undermine public safety and create uncertainty and chaos in the target country. Deepfakes can undermine trust in institutions and diplomacy.

Deepfakes can be used by non-state actors, such as insurgent groups and terrorist organisations, to show their adversaries as making inflammatory speeches or engaging in provocative actions to stir anti-state sentiments among people.

Another concern from deepfakes is the liar's dividend; an undesirable truth is dismissed as deepfake or fake news. The mere existence of deepfakes gives more credibility to denials. Leaders may weaponise deepfakes and use fake news and alternative-facts narrative to dismiss an actual piece of media and truth.

#### **What is the solution?**

Media literacy efforts must be enhanced to cultivate a discerning public. Media literacy for consumers is the most effective tool to combat disinformation and deepfakes.

We also need meaningful regulations with a collaborative discussion with the technology industry, civil society, and policymakers to develop legislative solutions to disincentivising the creation and distribution of malicious deepfakes.



Social media platforms are taking cognizance of the deepfake issue, and almost all of them have some policy or acceptable terms of use for deepfakes. We also need easy-to-use and accessible technology solutions to detect deepfakes, authenticate media, and amplify authoritative sources.

To counter the menace of deepfakes, we all must take the responsibility to be critical consumers of media on the Internet, think and pause before we share on social media, and be part of the solution to this 'infodemic'.

## AI AND THE PANIC OF THE WHITE-COLLAR WORKER

Since the dawn of the Industrial Revolution, there has been rage against the machine. From the first saboteurs in France, who tried to destroy power looms in the 17th century to the protests against mechanisation by labour unions and more recently, in the 1990s, against computerisation in India's public sector by the CPM and Samajwadi Party — tech "disruptions" have led to deep churn in the nature of work. Yet, there is a tendency in the current moment — fed, perhaps, by the narcissistic hyperbole engendered by social media — to view the impending changes in labour and life by developments in artificial intelligence as especially apocalyptic.

Two AI-powered apps — ChatGPT and, to a lesser extent, Lensa — are the cause of a seeming moral panic around the nature of intellectual and artistic work. Since ChatGPT — an open-source AI-based text-generating tool — became public in December, everyone from writers, editors, academics to assorted white-collar professionals has been worried about jobs becoming obsolete and plagiarism becoming rampant. In fact, the bot's creators, OpenAI, recently announced that they would create a watermark of sorts to ensure plagiarism can be easily detected. Lensa, on the other hand, creates stunning portraits with a subtlety hitherto thought to be an exclusively human domain, using AI.

The usual defence against the fear that AI will take over tasks that are fundamentally "human" is that no machine will be sophisticated enough to generate the pathos of a Dostoyevsky or the insight of a brilliant academic. The more important question, perhaps, is why upper-class passions and jobs are seen as more "fundamental" in the first place. When computers were used to replace accountants, or entire communities of weavers were lost to mass production, the human condition was not altered. Words and art are arguably no more or less important or human than agriculture and craft. The difference between the powerloom and AI, perhaps, is the power and self-importance of those the technologies "disrupt".

## FACEBOOK FINED €390 MN FOR BREACHING EU PRIVACY LAW: WHY IS THE RULING SIGNIFICANT?

Facebook's parent company Meta has been slapped with two sets of fines totalling €390 million as the Irish privacy regulator concluded that the company's advertising and data handling practices were in breach of the EU's overarching privacy law. The Irish Data Protection Commission said on Wednesday (January 4) that Meta should be ordered to pay two fines — a €210 million fine over violations of the EU's General Data Protection Regulation (GDPR), and a €180 million fine linked to breaches of the GDPR by Instagram.

### The ruling in Ireland

The Irish DPC said EU authorities had concluded that the legal permission that Meta sought from users to collect their data for personalised advertising as part of its lengthy terms-of-service



agreement essentially forced them to accept personalised ads, in violation of the GDPR. It said that Meta has to bring its data processing operations “into compliance within three months”.

The DPC ruling builds on a December statement by the European Data Protection Board — the body that oversees regulatory action on data privacy across the 27-nation bloc — that Meta was not entitled to simply rely on contracts as a legal basis for processing user data for targeted advertisements.

#### **Why did the ruling come from the Irish regulator?**

As per the GDPR, cross-border cases are to be handled by the data-protection authority in the country where the company is based, with the result that the Irish DPC is the lead regulatory authority for Meta and a number of other US tech majors that have their headquarters in Ireland.

#### **Significance of the ruling**

\* One, this case is particularly significant given that the Irish DPC began investigating Facebook on May 25, 2018 — the day the GDPR came into effect. So, in a way, the outcome of the case buttresses the overarching theme of the EU’s landmark legislation: the right of the individual over her data and the need for a person to give explicit consent before their data can be processed.

\* Two, this fine comes at a time when Meta’s forecasts for profits in 2023 have fallen nearly 50 per cent, according to data from Bloomberg. The company’s much-hyped Metaverse push is struggling, and the performance numbers reflect signs that both users and advertisers are moving away from the platforms (with perhaps the exception of Instagram Reels and messaging platform WhatsApp). And Meta, which changed its name from Facebook in 2021, has seen its share price tumble by nearly 60 per cent since the rebranding.

Also, in monetary terms, the fines imposed by the DPC ended up being substantially higher than a levy of €28-36 million that was proposed in a draft decision in October.

\* Three, and perhaps most importantly, the DPC’s decision could imply that Meta would have to tweak its apps over the next three months to ensure that they do not leverage personal data for advertising. That could be a big blow to the company in terms of how its advertising model works: Meta earlier relied on a user’s consent to process this information for the purposes of behavioural ads, but tweaked the terms of service for both Facebook and Instagram on the processing of the information after the GDPR kicked in.

But these changes, activists allege, essentially forced users to accept the processing of their information for ad targeting for essentially using the platforms. All this has to be modified now to ensure compliance with the DPC ruling.

#### **Impact of the ruling**

It is possible that this ruling could force Meta to explicitly ask users in the EU if they want their data to be used for personalised ads or not. Essentially, it could mean Meta would have to get an “opt-in consent”, much like other advertisers operating in the EU have to do currently. Meta said in a statement after the January 4 ruling that it planned to appeal, and that the decision “does not amount to a ban on personalized advertising” and businesses can continue using Meta’s platforms to target users with ads.



This forced change for Meta comes on top of the blow to its digital advertising business that was delivered by Apple last year, which made it tougher for iPhone apps to track the online activity of users. Meta has said that Apple's changes could cost it \$10 billion in revenue losses in 2022, and could have implications for the coming years as well.

Also, the DPC ruling follows other regulatory action that Meta is facing. The US Federal Trade Commission is suing the company for alleged abuse of its "monopoly" in social networking, and the Commission is already scrutinising Meta's proposed acquisition of Within, a maker of virtual reality fitness applications. In October, regulators in the UK ordered Meta to reverse its purchase of animated image maker Giphy that it had bought in 2020, according to data compiled by the Economist.

### **The likely ripple effect**

Given that the EU is the de facto global technology regulator, the rulings based on the GDPR's broader tenets could have resonance across geographies, including India. While the GDPR, which according to Graham Greenleaf, professor of Law & Information Systems at the University of New South Wales, has substantially influenced legislation in nearly 160 countries, is clearly focused on privacy and requires individuals to give explicit consent before their data can be processed, companies such as Meta have to now also contend with a pair of sub-legislation — the Digital Services Act (DSA) and the Digital Markets Act (DMA) — that take off from the GDPR's overarching focus on the individual's right over her data.

The DSA focuses on issues such as regulating hate speech, counterfeit goods etc., while the DMA defines a new category of "dominant gatekeeper" platforms, and is focused on non competitive practices and the abuse of dominance by these players.

The regulatory action against social media platforms could have a resonance in India too, where the government is currently working on a policy framework for the tech sector, which includes the new personal data protection bill that was unveiled late last year, a comprehensive digital India Act that would eventually replace the existing IT Act, and the new telecom Bill that was put in the public domain in October 2022.

## **THE LINK BETWEEN DIABETES, WEALTH AND AWARENESS**

Diabetes is often dubbed a rich man's disease. Studies also show that lifestyle changes, which include sedentary work and poor dietary choices, often lead to diabetes. Data from the National Family Health Survey-5 conducted between 2019 and 2021 also agree with this hypothesis. The share of persons with high random blood glucose levels was lowest in the poorest 20% of the households in India while it was highest in the richest 20%.

While the charts do show that the hypothesis — the wealthier the person, the higher the share of diabetes incidence — holds true, the gap between the richest and poorest was not very high. Among the richest 20% of the population, 17% of women were either on medication to control diabetes or had a random blood glucose level >140 mg/dl. The similar figure for the poorest 20% was 10.6% — a mere six percentage points difference.

While the wealth of a person does decide diabetes incidence, another key parameter is awareness levels about the disease. Data show that, the more years of schooling completed by a woman, the lower the chance of her being a diabetic and vice-versa.



Among those women who had not completed even one year of schooling, 17.4% were either on medication to control diabetes or had a random blood glucose level >140 mg/dl. Among women who had completed less than five years of schooling, the figure was at 19.1%. However, among those women who had completed more than eleven years of schooling, the figure was only 8.4% — a difference of 9% to 10% points.

So, more than the wealth of a person, awareness levels play a relatively superior role in diabetes incidence. The fact that in general, the more wealthy a person, the higher the average years of schooling — only adds weight to the above conclusion. In other words, a person with higher awareness about diabetes has a better chance of beating the disease regardless of wealth levels.

This relationship between years of schooling and diabetes incidence was more pronounced in the Southern States where the disease burden is relatively higher.

In Kerala, the share among those women who completed more than eleven years of schooling, was only 8.3%. Whereas the share among those who completed only 5-7 years of schooling was 22%.

NFHS classifies an individual as having high blood glucose if the random blood glucose level was between 141 and 160 mg/dl and very high blood glucose if it was more than 160 mg/dl. Less than 140 is considered normal.

## A NEW CORONAVIRUS VARIANT ON THE BLOCK

### The story so far:

India's first case of the XBB.1.5 subvariant of Omicron was confirmed in Gujarat by the national genome sequencing consortium on December 31. XBB.1.5 has been driving COVID-19 cases in the U.S. Studies of the strain indicate that it is highly transmissible and evades pre-existing immunity. Yet it doesn't seem to cause severe disease. But U.S. scientist Eric Topol wrote that it isn't just superficially scary and we need to pay attention to it. The global prevalence of XBB.1.5 isn't clear yet, although its parent strain has been detected in at least 35 countries. By December 30, XBB.1.5 accounted for 40.5% of all new cases in the U.S., up from 21.7% a week earlier.

### How did the variant begin?

XBB.1.5 is a recombinant, which means its genome is the product of the genomes of two different strains spliced together. This can happen when two strains infect a person at the same time; a recombinant variant is produced as they replicate together. Recombinant strains also arise when existing recombinant strains mutate. Previous recombinants include XD (Delta + Omicron), XE (BA.1 + BA.2), and XBB (BA.2.10.1 + BA.2.75). The XBB strain is descended from BA.2.10.1.1 and BA.2.75.3.1.1.1. It mutated further and became XBB.1.5. XBB.1, which also descended from XBB, accounted for 14% of new cases in India around mid-December 2022.

### How transmissible is it?

On December 28, immunologist Yunlong Cao reported that XBB.1.5 is as immune-evasive as XBB.1. Both XBB and XBB.1 were more immune-evasive than BA.5.2 (its descendant BF.7 is surging in China) and in fact are the most evasive strains so far. Cao also wrote that a prior breakthrough infection by BF.7 didn't appear to confer significant protection against an XBB.1.5 infection.



Cao also mentioned that XBB.1.5 is better at binding to ACE2 receptors in the body than XBB or XBB.1. So XBB.1.5 is more transmissible. There is already empirical data to show that it spreads faster than BQ.1.1, the subvariant that it displaced in the U.S. as the dominant strain.

Note, however, that XBB.1.5's ACE2 binding affinity is comparable to that of BA.2.75, the Omicron sub-variant detected in India in May 2022. The transmissibility of XBB.1.5 is otherwise still high: it allows the virus to spread more, giving it more opportunities to mutate to more potent forms.

On December 30, CBS News also quoted Dr. Barbara Mahon at the U.S. CDC saying, "There's no suggestion at this point" that XBB.1.5 causes "more severe" disease. Anthony Fauci told CNBC he was taking heart from Singapore's experience with XBB, where it became the dominant strain in October but didn't trigger a hospitalisation surge.

So XBB.1.5 has an ACE2 binding affinity similar to that of BA.2.75, could be more transmissible than XBB and XBB.1, and be as immune-evading as the two. Overall, it has a high growth advantage. And so far, it doesn't appear to be able to cause severe disease. For now, much of what we know about XBB.1.5 is based on what we know about XBB. We need more studies on the former.

#### **What are the implications for India?**

Generally speaking, "Variants would have been of some concern if the [virus's] transmission wasn't ongoing; however, as most settings have continuous virus transmission without clinical disease, even reduced efficacy against new variants in the real world has been compensated for by natural infections and booster doses," said Chandrakant Lahariya, a vaccines and health-systems specialist.

Dr. Lahariya also said research on new vaccines should continue but that it shouldn't peg them to newer sub-variants: "by the time such vaccines are made available, a new subvariant might emerge."

He was also wary of the insufficient evidence to administer multiple COVID-19 boosters after the first, which could lead to original antigenic sin: a phenomenon whereby repeated boosting "saturates" the immune system and mitigates its response to future shots.

"The original vaccines continue to be effective with marginal reduction in clinical effectiveness ... against primary endpoints of moderate to severe disease."