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INTERNATIONAL

GAINING THE GAVEL: THE ROLE OF THE U.S. SPEAKER

The story so far:

Following the narrow mid-term election victory of the U.S. Republican Party in the House of Representatives in November, California Congressman Kevin McCarthy waged a relentless campaign to become Speaker of the lower chamber of Congress. Facing a factionalised and conflict-ridden congressional conservative caucus, a record-making 15 voting rounds were conducted before Mr. McCarthy succeeded in acquiring the Speaker's gavel. With the Senate and White House firmly in the grip of Democrats, Mr. McCarthy now has the daunting task of advancing the Republican cause in Congress with the goal of improving the Grand Old Party's odds of gaining power across the political spectrum in the 2024 presidential election. Given his proximity to former U.S. President Donald Trump, a man who supported Mr. McCarthy's bid for the post of Speaker, the latter might have a polarising effect both within his party and across the political spectrum, which could serve as a strength or weakness depending on what the national mood is 22 months from today.

What is the role of the Speaker?

The Speaker, whose leadership of the House is mandated under Article I, Section 2 of the U.S. Constitution, is elected at the beginning of a new Congress by a majority of the lawmakers in the chamber. The Speaker is second in line for the presidency, following the Vice-President, in the event of the President being incapable of continuing in office. While during the fledgling years of American democracy the Speakers of the House usually limited their role to presiding over House proceedings and serving as ceremonial heads, over the years they have increasingly pursued a partisan policy agenda favouring majority control of the House. This shift has been mirrored by the bitter polarisation of the U.S. electorate, with Republicans and Democrats yielding on progressively fewer issues on which they are able to find common ground and allow genuine good governance to flourish for the betterment of all Americans.

What impact will Mr. McCarthy's proximity to Mr. Trump have?

The odds are high that Mr. McCarthy will subtly seek to promote the core values of 'Trumpism' and rush to the political aid of the former president by challenging last year's FBI search of Mr. Trump's residence at Mar-a-Lago, Florida, for classified documents. The new Speaker may also seek to investigate the oft-repeated false claim of the "stolen" 2020 election and ballot voting and the decision-making behind COVID-19-related school closures and vaccine mandates. Based on the Origination Clause — Article I, Section 7, clause 1 of the U.S. Constitution — the House is mandated with initiating revenue bills and could use its leverage in this regard to force financially painful federal government shutdowns as it has done in the past for political advantage. Mr. McCarthy has also hinted at ways in which House control by Republicans could impact foreign policy decisions of the Biden administration when he indicated that he would be averse to giving a "blank cheque" to Ukraine as part of U.S. and NATO support to the country, in its pushback against the Russian invasion there. Given that there have been signals from the Trump camp that he might run for the highest office again in 2024, Mr. McCarthy is likely to actively align himself closely to Mr. Trump's plans and campaigns over the coming two years.

Yet the price of such political adventurism may be high for Mr. McCarthy. Already there has been a sharp backlash against the decision of the U.S. Supreme Court to deny the constitutional right to abortion — an issue that became a rallying point for liberals leading to a better-than-expected performance by Democrats in the midterm election.

What factors will limit the political reach of the Speaker?

Mr. McCarthy's influence as Speaker will be constrained by the tenuousness of his grip on House conservative caucuses. While the Republicans managed to flip the House from Democratic control in the midterm election, the "red wave" that some predicted never happened and they now hold 222 seats in the 435-member chamber. This is almost as narrow a margin as what they had in 2001 (221 seats), implying that it would be a harder slog to get bills passed and crossvoting or abstentions by Republicans could be politically damaging. Mr. McCarthy's headaches are likely to multiply in the face of 15-vote political circus that he had to oversee to get himself elected as Speaker. While he has always been seen as a bridge-builder and a friendly face in Congress with ties to all camps under the Republican tent, the flipside of his success in lobbying and fundraising is that some factions now view him with suspicion.

ANA MONTES WALKS OUT OF JAIL: MEET THE US INTELLIGENCE OFFICER WHO SPIED FOR CUBA FOR 17 YEARS

On January 6, Ana Belen Montes, a former US Defense Intelligence Agency (DIA) officer convicted of spying for Cuba, walked out of prison. Montes, called 'Queen of Cuba', served more than 20 years behind bars in Fort Worth, Texas, after her arrest in 2001. While she had been sentenced to 25 years in jail, she was released early on account of good conduct.

She will be under supervision for five years and her internet usage will be monitored.

Who is Ana Montes, and how did she manage to spy for Cuba while working in the US military's spy wing? After 17 years, how was she finally arrested? Why did she choose to betray her country? We explain.

Who is Ana Montes?

According to a 2012 statement by Michelle Van Cleave, head of US counterintelligence under President George W Bush, Montes is "one of the most damaging spies the United States has ever found".

"She compromised everything — virtually everything — that we knew about Cuba and how we operated in Cuba and against Cuba," Van Cleave was quoted as saying by CBS News. "In addition, she was able to influence estimates about Cuba in her conversations with colleagues and she also found an opportunity to provide information that she acquired to other powers."

Montes was recruited by Cuba when she was pursuing a master's degree at Johns Hopkins University in 1984, while also holding a clerical job at the Department of Justice, in Washington. Montes disapproved of the policies of the Ronald Reagan government abroad, especially in Nicaragua. She was very vocal about her views, which is how the Cuban authorities zeroed in upon her, first approaching her through a fellow student.

After finishing her studies, she applied for a job at DIA. According to the FBI, "by the time she started work there in 1985, she was a fully recruited spy". She was also very good at her work.

The FBI says about her, "Montes was actually the DIA's top Cuban analyst and was known throughout the US intelligence community for her expertise. Little did anyone know how much of an expert she had become and how much she was leaking classified US military information and deliberately distorting the government's views on Cuba."

Apart from passing on critical information, Montes also revealed the identities of four American intelligence officers working undercover in Cuba.

THE HIGH PRIEST OF THE STATE

On January 5, two days ahead of the Russian Orthodox Christmas, Patriarch Kirill of Moscow and All Russia called on "all parties" involved in the 10-month-old Ukraine war to establish a Christmas truce. Within hours, the Kremlin declared a unilateral ceasefire from Friday noon through Saturday midnight along the entire frontline. Whether the Kremlin listened to the Patriarch or the Patriarch called for what the Kremlin wanted, the incident, once again, showed the close relationship between the church and the officially secular state in Russia.

The day before Russian President Vladimir Putin announced his special military operation on February 24, 2022, Patriarch Kirill, 76, hailed Russian troops "as defenders of the fatherland". Weeks after the invasion began, he said the conflict had "metaphysical significance" for both Russians and Ukrainians. "We are talking about human salvation."

The Patriarch's comments were hardly surprising. Ever since his anointing as the Patriarch by the Holy Synod, a council of bishops, in 2009, he has largely taken positions that are aligned with the Kremlin's interests. He supported Russia's intervention in Syria in 2015. He also backed Russia's policies towards eastern Ukraine where the crisis broke out in 2014 after the elected government of Viktor Yanukovych was brought down by West-backed protesters.

This crisis cost the Russian Orthodox Church dearly. For centuries, the Ukrainian Orthodox Church was officially linked to the Russian Church. Both countries trace the origins of Orthodoxy to the 10th century when eastern Christianity was introduced to Kievan Rus, which included parts of today's Ukraine and Russia. It became the official faith of the Russian Empire, but after the 1917 revolution, the Church lost its prominence.

Post-Soviet comeback

The Russian Orthodox Church would make a comeback to Russia's public life in the 1990s after the disintegration of the Soviet Union. The Moscow Patriarch continued to oversee matters related to faith in both Russia and Ukraine. But in 2019, five years after Crimea was annexed by Russia, the Ukraine Orthodox Church broke away from Moscow and became an autonomous entity, with the blessings of the Patriarch of Constantinople, leader of Eastern Orthodoxy.

A RIOT OF LOSERS

Well before he was defeated by Luiz Inácio Lula da Silva in last year's presidential elections in Brazil, Jair Bolsonaro had repeatedly said that if he failed to get re-elected, it could only be through fraud. He called his political rivals "thieves" and warned of violence if voted out. After his election defeat, he refused to concede publicly. Two days ahead of Lula's inauguration on January 1, he left Brazil for Florida, while his supporters continued to stage camped protests outside Brasilia's Army headquarters. Unsurprisingly, a week after Lula was inaugurated, thousands of Mr. Bolsonaro's supporters stormed the institutional trinity of Brazil democracy — the presidential

palace, the Supreme Court and Congress — saying the election was stolen and demanding that the military shut down Lula's government. Mr. Bolsonaro has to take the blame for what happened in Brasilia on Sunday, which was reminiscent of the January 6, 2021 riots at the U.S. Capitol by Donald Trump's supporters. While in power, he had flirted with the anti-institution, conspiracy-peddling far-right fringes of Brazilian polity. Mr. Bolsonaro, a fan of the military dictatorship, had little respect for the country's institutions. His silence, along with support from Brazil's wealthy classes, seems to have empowered the protesters to invade state institutions on Sunday.

For Lula, the riots posed the first major challenge to his presidency. He said the local police, under the control of Brasilia's Governor Ibaneis Rocha, a Bolsonaro ally, did not do enough to stop the invaders. But Lula quickly deployed federal security officials, clearing the rioters of state buildings. The Supreme Court also stepped in, ordering the military police to clear the camps of Mr. Bolsonaro's supporters outside the military headquarters, and removed Mr. Rocha from office for three months. But that is not enough. For its own political stability, Brazil should put an end to this election-related crisis. Until now, its institutions have dealt with threats from the fringe groups with maturity. But Brazil, a relatively young democracy, has a not-so-distant violent past and its leaders should not entertain any kind of threat to its democratic stability. Brazil should get to the bottom of the riots through a thorough probe; bring all the culprits, from the instigators and the financiers to the participants, to justice; and make sure that such an incident does not occur again. Meanwhile, the least Mr. Bolsonaro could do, pending probe, is to publicly concede that he was defeated in the elections, and ask his supporters to accept this fact and respect the country's Constitution.

PERU IN PERIL

With the killing of 17 civilians and one police officer on Monday amid anti-government protests, the month-long political crisis in Peru has crossed a bloody threshold and could trigger more waves of violence. The incident shows not only the barbarity of the country's security personnel in dealing with protests, but also the failure of President Dina Boluarte and of her predecessor Pedro Castillo in uniting and stabilising the country during the periods they have been in power. The crisis is the result of a power struggle between Mr. Castillo and Congress. Mr. Castillo, a former school teacher and a trade unionist, was elected President in 2021 on promises such as ensuring political stability, fighting corruption and addressing chronic inequality. But without any administrative and political experience, Mr. Castillo found it hard to negotiate the maze of Peruvian polity. As he struggled to get a grip on governance, a hostile Congress and the wealthy classes lined up against him. Corruption scandals and alleged links with criminal syndicates weakened Mr. Castillo's position in Lima. Congress voted to fire him twice, but failed to garner enough support. As a third vote was due in December last year, Mr. Castillo made the drastic announcement of dissolving Congress, which also triggered his impeachment.

But if Mr. Castillo, currently in jail, miscalculated the consequences of his decision to dissolve Parliament, his successor and legislators misjudged the leftist leader's support among the poor. Violent protests broke out in Peru's highlands demanding Mr. Castillo's restoration or early elections. Mr. Castillo called Ms. Boluarte "usurper", while his supporters said the president they voted for was not allowed to complete his legitimate term, which was to expire in 2026. At least 47 people, mostly civilians, have been killed in protests, ever since Mr. Castillo was ousted. As she came under enormous pressure, Ms. Boluarte promised to hold elections by April 2024 (pending approval from Congress), but this was dismissed by Mr. Castillo and his supporters, leaving the country in disarray. Both sides have a hand in the current crisis and should come together to find

a way out. Restoring Mr. Castillo may not be practically and constitutionally possible, but Ms. Boluarte's government could release him from prison in return for peace. To end the current impasse, the government, the opposition and Congress should agree on the earliest possible date for fresh elections. Peru's political class should also be ready for broader constitutional reforms that allow the presidency and the legislature to function without confrontation.

U.K., JAPAN INK DEFENCE PACT ALLOWING TROOP DEPLOYMENTS

The U.K. and Japan, on Wednesday, signed a defence pact, which will permit the deployment of troops in each other's countries and increase security cooperation. The move comes as Britain is undertaking a 'tilt' towards the Indo-Pacific in its foreign and security policy.

"The Reciprocal Access Agreement is hugely significant for both our nations — it cements our commitment to the Indo-Pacific and underlines our joint efforts to bolster economic security, accelerate our defence cooperation and drive innovation that creates highly skilled jobs," British Prime Minister Rishi Sunak said ahead of the signing ceremony, which took place at the Tower of London on Wednesday afternoon, during Japanese Prime Minister Fumio Kishida's visit to the capital.

Downing Street said the agreement would allow "both forces to plan and deliver larger scale, more complex military exercises and deployments" and called it the most significant treaty between the countries since 1902, when the Anglo-Japanese Treaty of Alliance was signed.

Wednesday's agreement, which was agreed in principle last May, will need to be approved by Westminster and Japan's Diet, before it can come into force. In December, Japan's F-X fighter jet program was merged with the UK and Italy's 'Tempest' program to create the Global Combat Air Programme.

The U.K. and Japan had also launched a digital partnership last month, to increase cooperation in semiconductors, cyber resilience and online safety.

Mr. Sunak and Mr. Kishida will also discuss trade, as per Downing Street - specifically Britain's accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). The two sides will also hold talks on Japan's G7 presidency (ongoing), support for Ukraine and the supply chain resilience.

MYANMAR'S FAILED MILITARY REGIME IS UNSETTLING THE WHOLE REGION

The failure of the military regime in Myanmar to establish control over the country is evident in the fighting that rages across the land. Ethnic militias have joined hands with pro-democracy civilians who have taken up arms against the military since the February 2021 coup. The junta's confrontation with these groups is nowhere better exemplified than in Chin state, which shares a border with Mizoram. For nearly a decade, Chin was one of Myanmar's relatively peaceful border states after the Chin National Army, the armed wing of the Chin National Front, signed a ceasefire in 2012 with the then military government, which was at the time gradually loosening its grip and transitioning towards accepting that a democratic government was the way forward. After the coup, the CNF joined hands with the National Unity Government, the political leaders of the pro-democracy struggle in Myanmar. Another ethnic organisation called the Chin National Organisation, which has its own armed wing called the Chin National Defence Organisation, also

came up two months after the coup. Plus, every township in Chin state has its own people's militia called the Chin Defence Force.

Camp Victoria, the CNF-CNA headquarters located right on the Mizoram-Chin border, has been training hundreds of volunteers who have signed up to take on the junta. Earlier this week, it was this camp that the Myanmar Air Force hit in targeted air strikes. The proximity of the camp to settlements on the Mizoram side — with one bomb reported to have fallen on the Indian side — has once again underlined the destabilising potential of the coup. The Myanmar military has not only pushed its own people back by two decades, it also directly threatens the stability of the entire Northeast region. While Mizoram has given refuge to over 40,000 Chin people, refugees have crossed over into Manipur, Nagaland and Arunachal Pradesh as well. The military's aerial bombardment in Rakhine bordering Bangladesh, and in Kayin, on the Thai border, did not go down well in these countries. In July last year, the Thai Air Force scrambled its jets as Myanmar's bombers intruded into its territories. More than once last November, Dhaka, already furious over the Rohingya influx, summoned the Myanmar envoy to register its protest as shells fell in Bangladesh territory. In the last week of December, Beijing's special envoy to Myanmar held his own talks with seven ethnic armed organisations active in areas close to the Chinese borders, as the fighting in Kachin continues unabated.

Close to the second anniversary of the coup, the State Administration Council – as the junta calls itself — led by Senior General Min Aung Hlaing, is fully tied down, trying to tame the hundreds of small and big revolts across Myanmar. Large swathes of the country are no-go areas for the military. Its efforts to tie up peace pacts with some of the 21 EAOs in the country have at best yielded mixed results. The bottom line is that the country's ethnic groups who live along its borders and make up one-third of Myanmar's 54 million population, do not trust the military to give them the federal autonomy they seek. Peace in Myanmar and along its boundaries will come only with real democracy, not the sham election the junta is planning.

WILL SHUTTING MARKETS FIX PAKISTAN'S ECONOMY?

The story so far:

In the face of an unrelenting financial crisis and dwindling foreign exchange reserves, the Pakistani government has come up with measures to save energy and reduce its energy bill. Markets and restaurants will close at 8.30 pm and 10 pm local time in a bid to save energy. This January 3 decision, intended to save about $274 million, has drawn flak from both market associations as well as restaurants. Also, the production of "inefficient" fans has been banned and government departments are to cut electricity use by 30%.

Why has the Pakistan government taken this decision to save energy now?

Pakistan's economic crisis could be reaching tipping point. In the year gone by, the country's foreign exchange reserves dwindled to a little over $9 billion, the rough equivalent of the country being able to pay for six weeks of imports. They hit a low of $5.56 billion in January 2023. Year-on-year inflation stood at 24.5% in 2022. For perishable food items, this number was 55.93%. Other than seeking bailouts, the government of Prime Minister Shehbaz Sharif has been able to do little to stabilise the economic situation, or give relief to the people. The latest decisions appear to be a knee-jerk reaction to growing pressure on the government to "do something".

Currently, Mr. Sharif's administration is engaged in negotiations over the delayed release of $1.1 billion from the International Monetary Fund (IMF). In 2019, Islamabad had secured a $6 billion bailout from the IMF. Addressing a press conference on January 4, Finance Minister Ishaq Dar announced that Saudi Arabia and China were all set to shore up Pakistan's foreign exchange reserves before the end of January.

Will the energy saving decisions achieve the desired results?

According to the BBC, defence minister Khawaja Asif says enforcement of the Energy Conservation Plan will save Pakistan around Rs. 62 billion ($274.3 million). After global energy prices rose last year due to the war in Ukraine, it put more pressure on the economy as Pakistan imports fuel for its power needs.

Traders have refused to close markets by 8.30 pm local time and restaurant associations have said the latest decisions taken by the Shehbaz Sharif government would ruin them. "The real crisis is inflation — the price of flour is around Rs. 140 per kg, chicken meat surpassed Rs. 800, sugar, rice, pulses and ghee and oil are above Rs. 400," Mohammad Farooq Chaudhry, president of the All Pakistan Restaurant Joint Action Committee, was quoted as saying at a press conference in Islamabad. Traders' representatives have said they would resort to protests and threatened to not close their shops at 8.30 pm. In an editorial, the Dawn said the energy saving announcements were "homoeopathic remedies" for a country gripped by a "potentially terminal disease".

Has Pakistan been in this boat before?

Soon after Pakistan conducted its nuclear tests in May 1998, the country's foreign exchange reserves, already under pressure, shrunk to just over $1.2 billion. The government of Prime Minister Nawaz Sharif, who now calls the shots in the country from London, froze all dollar accounts of ordinary Pakistanis, which had deposits of about $11 billion, as it feared a run on the banks. And then in a bizarre speech, in June 1998, Mr. Nawaz Sharif asked ordinary Pakistanis to give up drinking tea (as they spent Rs. 7 billion on it annually at the time) and rein in the consumption of ghee. The latest decisions appear to follow that line.

What happens now?

Finance Minister Ishaq Dar's confidence that Saudi Arabia could be one of the countries that might help shore up Pakistan's foreign exchange reserves may come from the fact that the country's new Army chief, Gen. Asim Munir, is currently on a visit to Saudi Arabia (and then the United Arab Emirates). In the past, Pakistan's army leaders have been crucial to ensuring that the Saudis come to the aid of the country at critical times.

However, such aid can't do much in fixing the direction of Pakistan's economy and the needs of a population of 220 million. In the long term, Pakistan will have to reduce its defence spending and look to having a long-term robust trade/energy relationship with all its neighbours, especially India, to fix the economy.

NATION

ENTERING A YEAR OF UNCERTAINTY

Soothsayers seldom read the future correctly, especially in the realm of geopolitics. Quite a few soothsayers, however, were partially right at the beginning of 2022 when they said that uncertainty and impermanence would dictate the course of world events that year. The year did witness a spike in geopolitical challenges and risks, but no one predicted that 2022 would be a year that would put the world to test.

The Russia-Ukraine conflict, which erupted in February 2022, has become a major disruptor of the existing order. In turn, it has led to one of the largest population shifts in modern times. With hindsight, however, some of this could have been anticipated. By mid-2021, Russia had begun a major build-up around Ukraine and in December 2021, Russia's Ministry of Foreign Affairs published a list of new security guarantees it wanted from the U.S. and North Atlantic Treaty Organization (NATO), including a promise not to expand the alliance eastward.

What possibly could not have been anticipated was the extraordinary display of Ukrainian nationalism, and the swift response of the West, including NATO and the U.S., in rallying behind Ukraine and extending military and other types of cooperation. All said, even today few experts are able to fully comprehend what all this presages or what lies in the future.

Fallouts of the war

It might, therefore, be intriguing to make a comparison with the situation that prevailed during World War I, especially in 1916. Back then, the risk of escalation both horizontally and vertically was underplayed. It might be useful to heed the lessons from that time. In the present case, any escalation vertically would mean the use of nuclear weapons. Any escalation horizontally would mean opening new fronts. As in 1916, there are many 'unknowns' today. Unexpected incidents could result in dangerous outcomes. The spectre of an all-out war is ominously present.

There could be several other fallouts as well. Already, the 'proxy war' between the U.S., Europe and NATO on the one hand, and Russia on the other, is having a major fallout in the economic realm. The incessant imposition of sanctions by the West and its allies on Russia, the barring of Russian banks from SWIFT, and the freezing of Russian foreign assets have all provoked an energy crisis. This is accompanied by the soaring prices of oil, with Russia using oil as a weapon. The full extent of this is yet to be properly understood, but what it does portend is the possibility of a wider conflagration.

The ripple effects of the recent developments in Europe are evident. Some of this is occurring well beyond European shores. China-Russia relations are a case in point. China has chosen this time to deepen its strategic ties with Russia. Both countries have said their "relations are enjoying the best period in their history". Furthermore, in the light of the heightened concerns of the West over Taiwan, newer alignments are becoming evident across Asia.

Increase in defence spending

As 2023 has dawned and the arc of instability increases, what is also becoming evident is a massive increase in defence spending by almost every country — notwithstanding the economic stress they all confront. Estimated spending on defence across the globe is understood to have crossed $2 trillion in 2022, and is expected to increase substantially in 2023. European countries,

such as Germany and France, have announced substantial increases in defence spending. Japan has already declared that it would raise its defence budget to 2% of its GDP, in view of the threats posed by China and North Korea. India, one of the world's leaders in defence spending, can be expected to follow suit.

Increased defence budgets are threatening to alter the nature of defence relationships and, in turn, what is propounded as strategic autonomy. New strategic alignments could unsettle the current world order, putting paid to previous beliefs in the virtue of non-adherence to a particular bloc, and ideas such as non-alignment. This year could, hence, well be the year in which many past ideas regarding economic, technological and financial autonomy may come to be altered or given up. The pace of history will accelerate in 2023, with the war in Ukraine being a major contributory factor.

A case in point may be India's reliance on Russian military equipment, which has been New Delhi's sheet anchor for many years. This could change with Russian equipment faring poorly against the latest Western weaponry in the Ukraine conflict; India may well consider looking elsewhere for future defence supplies. India's current shift from a professed policy of non-alignment to multi-alignment can possibly help it widen the arc of its defence ties. Groups such as the Quad (U.S., Australia, Japan and India) may, going forward, gain greater salience in India's defence architecture, given the increased tensions between India and China. India's defence ties with France, especially in the area of state-of-the-art defence equipment, appear set to grow in 2023.

Consequent to this, many other changes can be anticipated. Terms like strategic autonomy have already lost their meaning given the fact that the war in Ukraine has brought home to Europe and other countries the fact that Ukraine, or for that matter any other country in Europe, could not have withstood the Russian offensive without the U.S. and NATO. The same conclusion is likely to dictate the thinking of countries in Asia when confronting major "bullies" like China.

India's neighbourhood

Going ahead, and apart from Europe, China, India and parts of Asia are likely to face major headwinds. For China, controlling COVID-19 and managing the fallout of its economic downturn would be the main challenges. Consequently, it is unlikely that China would unilaterally provoke a conflict or take a provocative posture vis-à-vis its neighbours this year. Nevertheless, Taiwan and any breaching of the First Island Chain will remain China's top priority.

For India, the altered shape of the international order leaves little room for comfort. The China-Russia entente creates a dent in India's long-standing strategic relationship with Russia, the impact of which could be far reaching. Meanwhile, the absence of settled borders with both China and Pakistan will continue to plague India. Many areas along the China-India border will remain live, and incidents such as the recent one in Yangtse could be repeated, but a major conflict appears unlikely. Pakistan, mired in its own internal problems and economic difficulties, is unlikely to pose a major threat in 2023. Nevertheless, Pakistan's provocations and use of terror modules are likely to continue, leading to sporadic attacks in Jammu and Kashmir.

During 2023, India will also find itself hemmed in by other problems that have emerged in South Asia. In Nepal, the new government appears tilted towards China and could become a problem. Afghanistan under the Taliban will remain an issue, but more problematic is the rising curve of terrorist activity emanating from there, spearheaded by groups such as the Islamic State-Khorasan Province (ISIS-K). India's relations with both Sri Lanka and Bangladesh appear delicately poised, and will require employing deft diplomacy. This year may not, however, see

major changes in India's relationship with most countries of West Asia. It may test whether India's long-term preference for a non-interventionist strategic culture is paying dividends in its neighbourhood or not.

All indications are that while terrorism will remain an omnipresent threat this year, major terror attacks may not occur. Nevertheless, the Islamic State, mainly the ISIS-K, has shown signs of revival and its role and activity in Afghanistan are the proverbial tip of the iceberg. Hence, the world may need to be on its guard in 2023.

THE ESCALATION ON THE INDIA-CHINA BORDER

The story so far:

On December 9, 2022, Indian and Chinese troops clashed in the Yangtse area in the Tawang region along the India-China border. The confrontation in Tawang was the most serious skirmish between the two sides since the Galwan Valley clash in 2020. The Australian Strategic Policy Institute (ASPI) has found that the skirmish that took place in December was aided by new road infrastructure on the Chinese side, part of rapid infrastructure development by China along the border in this region allowing access to key locations on the Yangste plateau more easily than a year ago. Through satellite imagery, ASPI examines the terrain in which the clash took place along the India-China border, where tens of thousands of Indian and Chinese troops continue to be deployed.

Why Tawang?

Tawang is a strategically significant Indian territory wedged between China and Bhutan. The region's border with China is a part of the de facto but unsettled India-China border, known as the Line of Actual Control, or LAC. Within Tawang, the Yangtse plateau is important for both the Indian and Chinese militaries. With its peak at over 5,700 metres above sea level, the plateau enables visibility of much of the region. Crucially, India's control of the ridgeline that makes up the LAC allows it to prevent Chinese overwatch of roads leading to the Sela Pass — a critical mountain pass that provides the only access in and out of Tawang. India is constructing an all-weather tunnel through the pass, due to be completed in 2023. However, all traffic in and out of the region along the road will still be visible from the Yangtse plateau.

What led to December 9?

India's defences along the plateau consist of a network of six frontline outposts along the LAC. They are supplied by a forward base about 1.5 kilometres from the LAC that appears to be approximately battalion sized. In addition to this forward base, there are more significant basings of Indian forces in valleys below the plateau (see Image 1).

Although Indian forces occupy a commanding position along the ridgeline, it is not impregnable. The access roads leading from the larger Indian bases are extremely steep dirt tracks. Satellite imagery shows that these roads are already suffering from erosion and landslides due to their steep grade, environmental conditions and relatively poor construction. While China's positions are lower on the plateau, it has invested more heavily than the Indian military in building new roads and other infrastructure over the past year (see Image 2).

Several key access roads have been upgraded and a sealed road has been constructed that leads from Tangwu New Village to within 150 metres of the LAC ridgeline, enhancing China's ability to

send People's Liberation Army troops directly to the LAC. There is also a small PLA camp at the end of this road. It was the construction of this new road that enabled Chinese troops to surge upwards to Indian positions during the December 9 skirmish (See images 3 and 4).

Why is there an infrastructure race?

The skirmish that took place between Chinese and Indian troops on December 9 on the Yangtse plateau was aided by this new infrastructure development. Strategically, China has compensated for its tactical disadvantage with the ability to deploy land forces rapidly into the area. In small skirmishes, the PLA remains at a disadvantage because more Indian troops are situated on the commanding ridgeline that makes up the LAC. But in a more significant conflict, the durable transport infrastructure and associated surge capability that the PLA has developed could prove decisive, especially in contrast to the less reliable access roads that Indian troops would be required to use. Recent developments around Galwan and Pangong-Tso have shown that where there is the political will, tense situations along the LAC can be disengaged with the involvement of both sides. In these areas, successful redeployment to positions back from the LAC has greatly reduced the risk of conflict.

Unfortunately, on the Yangtse plateau and the eastern sector of the India-China border, the opposite is occurring. The December 9 clash is part of a pattern of Chinese troops continuing to attempt to change the status-quo along the LAC. Since our research was published, media reports have revealed the clash on December 9 is only the latest of a series of clashes in the region which have increased in frequency since 2021 (See Image 5).

This intrusion, and previous clashes — which the Indian government claims the Chinese troops provoked — likely served to further normalise the presence of Chinese troops immediately adjacent to the LAC. This is a goal that the PLA appears to be working towards across the border and is part of China's long-term strategy. By engaging in such an intrusion, the PLA is able to strategically position any 'retreat' to a higher location on the plateau. More recently, Indian external affairs minister S. Jaishankar said satellite imagery provides a level of 'transparency' of China's attempts to change the status quo at the contested border. India's pace of infrastructure development in the northeastern State of Arunachal Pradesh where Tawang is located has also accelerated since the clash; Indian Defence Minister Rajnath Singh inaugurated multiple infrastructure projects in the State, which he credited as the enabling factors behind Indian troops' success at stopping an intrusion at the border on December 9.

What lies ahead?

China's rapid infrastructure development along the border has created an escalation trap for India. It is difficult for India to respond to this new reality without being seen as escalating the situation. It is also difficult for it to unilaterally de-escalate without strategic concessions that would endanger its positions. India's response has been to increase its vigilance and readiness along the border, including surveillance. As large numbers of Indian and Chinese outposts continue to compete for strategic, operational and tactical advantage at the border — propelled by new infrastructure — it is important to pursue non-military and multilateral measures in parallel to reduce the risk of accidental escalation and to position these incidents as a significant threat to peace and order in the Indo-Pacific. As part of this, India should seek and receive support from the international community to call out China's provocative behaviour on the border. Regional governments must pay greater attention to clashes on the India-China border. Continued

escalation, including the potential of more serious clashes along the LAC, could become a major driver for broader tensions in the Indo-Pacific.

INDIA, JAPAN JOINT EXERCISE FROM JAN 12 TO PROMOTE AIR DEFENCE COOPERATION

India and Japan are set to hold a joint air exercise that seeks to promote air defence cooperation between the two sides. Exercise 'Veer Guardian-2023' that involves the Indian Air Force (IAF) and Japan Air Self Defence Force (JASDF) at Hyakuri Air Base, Japan, from January 12 to 26.

The Indian contingent participating in the air exercise will include four Su-30 MKI, two C-17 and one IL-78 aircraft, while the JASDF will be participating with four F-2 and four F-15 aircraft, the IAF said.

The exercise will include the conduct of various aerial combat drills between the two air forces. As per the IAF, they will undertake multi-domain air combat missions in a complex environment and will exchange best practices.

"Experts from both sides will also hold discussions to share their expertise on varied operational aspects. Exercise 'Veer Guardian' will fortify the long-standing bond of friendship and enhance the avenues of defence cooperation between the two air forces," the IAF said.

It was during the second 2+2 Foreign and Defence Ministerial meeting held in Tokyo, Japan, on September 8 last year that India and Japan had agreed to step up bilateral defence cooperation and engage in more military exercises, including holding the first joint fighter jet drills, "reflecting the growing security cooperation between the two sides".

"This exercise will thus be another step in the deepening strategic ties and closer defence cooperation between the two countries," the IAF said.

India and Japan have in the recent past held several joint exercises. In September last year, the navies of both countries took part in the sixth edition of the Japan India Maritime Exercise (JIMEX) in the Bay of Bengal. The JIMEX series of exercises began in 2012 with a special focus on maritime security cooperation between India and Japan. Its last edition was conducted in October 2021 in the Arabian Sea.

In February-March last year, both countries participated in Exercise DHARMA GUARDIAN-2022, an annual exercise between Indian Army and Japanese Ground Self Defence Force at Foreign Training Node, Belgaum.

Japan also hosted India, the US, and Australia in the multilateral exercise Malabar in November last year.

LAST 5 YEARS, 79% OF NEW HC JUDGES UPPER CASTE, SC AND MINORITY 2% EACH

UNDERLINING THAT the onus of ensuring diversity on the bench is on the judiciary, the Union Law Ministry has told the Parliamentary Standing Committee on Law and Justice that 79 per cent of all High Court judges appointed in the last five years were from the upper caste (general category).

The Ministry's Department of Justice is learnt to have made a presentation in this regard before the panel headed by BJP MP Sushil Modi.

The data show that from 2018 to December 19, 2022, a total of 537 judges were appointed to various High Courts. Of them, 79 per cent were from the General Category, 11 per cent from Other Backward Classes and 2.6 per cent from the minority. Scheduled Castes and Scheduled Tribes accounted for 2.8 per cent and 1.3 per cent, respectively. The Ministry could not ascertain the social background of 20 judges.

In 2018, the Ministry had asked those recommended by the Supreme Court Collegium to fill a form with details of their socio-economic background. In a reply to the Rajya Sabha in March 2022, Union Law Minister Kiren Rijiju had said that "the Government remains committed to social diversity in the appointment of Judges in the Higher Judiciary".

"We have been requesting the Chief Justices of High Courts that while sending proposals for appointment of Judges, due consideration be given to suitable candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and Women to ensure social diversity in appointment of Judges in High Courts," Rijiju had said.

The appointment of judges to High Courts are made under Article 217 of the Constitution and there is no quota fixed. However, the landmark 1993 case in the Supreme Court that established the Collegium system of appointing judges — popularly known as the Second Judges Case — emphasised representation as a factor in making recommendations for appointments.

"Our democratic polity is not only for any self perpetuating oligarchy but is for all people of our country. If the vulnerable section of the people are completely neglected, we cannot claim to have achieved real participatory democracy," the court had said.

the 1993 ruling, quoting from a Government reply to Parliament, the court had noted the "unpalatable… ground reality" of representation at that time.

"Though the strength of the Judges belonging to OBCs as shown in the statement (as on 1-1-93) may or may not reflect the correct position at the present moment, we can safely assume the percentage of such Judges to be not exceeding 10% of the total sanctioned strength. Likewise, the percentage of the Judges belonging to SCs and STs put together does not exceed 4% as per the latest statement dated 20.5.93. So far as women Judges are concerned, their strength as of 20.5.93 does not exceed 3%," the court had stated.

SC DEMONETISATION VERDICT: WHAT IS DELEGATED LEGISLATION

In upholding the Centre's 2016 decision on demonetisation, one of the key questions to decide for the Supreme Court was whether Parliament gave excessive powers to the Centre under the law to demonetise currency. While the majority ruling upheld the validity of the delegated legislation, the dissenting verdict noted that excessive delegation of power is arbitrary. What is delegated legislation?

What is delegated legislation?

Parliament routinely delegates certain functions to authorities established by law since every aspect cannot be dealt with directly by the law makers themselves. This delegation of powers is noted in statutes, which are commonly referred to as delegated legislations.

The delegated legislation would specify operational details, giving power to those executing the details. Regulations and by-laws under legislations are classic examples of delegated legislation.

A 1973 Supreme Court ruling explains the concept as: "The practice of empowering the Executive to make subordinate legislation within a prescribed sphere has evolved out of practical necessity and pragmatic needs of a modern welfare State. At the same time it has to be borne in mind that our Constitution-makers have entrusted the power of legislation to the representatives of the people, so that the said power may be exercised not only in the name of the people but also by the people speaking through their representatives. The role against excessive delegation of legislative authority flows from and is a necessary postulate of the sovereignty of the people."

What was the delegation of power in the demonetisation case?

Section 26(2) of the Reserve Bank of India Act, 1934 essentially gives powers to the Centre to notify that a particular denomination of currency ceases to be legal tender.

The provision reads: "On recommendation of the Central Board 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."

Here, Parliament, which enacted the RBI Act, is essentially delegating the power to alter the nature of legal tender to the central government. The Centre exercised that power by issuing a gazette notification, which is essentially the legislative basis for the demonetisation exercise.

Why was this challenged?

The petitioner's challenge was this: "In the event that Section 26(2) is held to permit demonetization, does it suffer from excessive delegation of legislative power thereby rendering it ultra vires the Constitution?"

The Constitution gives law-making powers to the Parliament. While operational aspects can be delegated to statutory bodies, essential powers cannot be delegated. Also, the delegation must be with sufficient guidelines on how the power can be used.

The petitioners in the demonetisation case argued that since Section 26(2) contains no policy guidelines on how the Centre can exercise its powers, it is arbitrary and therefore, unconstitutional.

Why is excessive delegation power an issue?

A 1959 landmark ruling in Hamdard Dawakhana v Union of India, the Supreme Court had struck down delegation of powers on the grounds that it was vague. A Constitution Bench considered the validity of certain provisions of the Drug and Magic Remedies (Objectionable Advertisements) Act that prohibited advertisements of certain drugs for treatment of certain diseases and dealt with the powers of search, seizure and entry.

The Court held that the central government's power of specifying diseases and conditions as given in Section 3(d) is 'uncanalised', 'uncontrolled', and going beyond the permissible boundaries of valid delegation. Hence, the same was deemed unconstitutional.

"The question for decision then is, is the delegation constitutional in that the administrative authority has been supplied with proper guidance. In our view the words impugned are vague. Parliament has established no criteria, no standards and has not prescribed any principle on which a particular disease or condition is to be specified in the Schedule. It is not stated what facts

or circumstances are to be taken into consideration to include a particular condition or disease," the Court had said.

The Court applies the "policy and guideline" test to decide the constitutionality of the delegated legislation.

The Attorney General for India argued that the RBI Act itself has guidance for exercise of delegated powers. He cited the Preamble and Section 3 of the Act as guidance on the purpose of the law and the Centre's role in "regulating" monetary policy.

Section 3 deals with establishment and incorporation of Reserve Bank.

What did the Court decide?

The majority verdict held that since the delegation of power is to the Centre which is anyway answerable to the Parliament, the delegation power cannot be struck down.

"In case the Executive does not act reasonably while exercising its power of delegated legislation, it is responsible to Parliament who are elected representatives of the citizens for whom there exists a democratic method of bringing to book the elected representatives who act unreasonably in such matters," the court said.

The dissenting opinion, however, disagreed with this view. First, Justice BV Nagarathna held that Centre could not have exercised its delegated powers because Section 26(2) of the RBI only gives powers to the Centre when the recommendation is "initiated" by the RBI Central Board.

From a reading of the record presented by the Centre, the judge held that it is clear that the proposal originated from the Centre and therefore the Centre could not have drawn its powers to demonetise from Section 26(2).

The dissenting view also held that, even if the Centre has the power under Section 26(2) allowing for demonetisation of "any" notes is a vast power that is arbitrary and therefore unconstitutional.

"The Central Government in its wisdom may also initiate the process of demonetisation as has been done in the instant case. But what is important and to be noted is that the said power cannot be exercised by the mere issuance of an executive notification in the Gazette of India. In other words, when the proposal to demonetise any currency note is initiated by the Central Government with or without the concurrence of the Central Board of the Bank, it is not an exercise of the executive power of the Central Government under subsection (2) of Section 26 of the Act. In such a situation, as already held, the Central Government would have to resort to the legislative process by initiating a plenary legislation in the Parliament," the dissenting opinion stated.

Justice Nagarathna emphasised that demonetisation of all series of notes, at the instance of the central government, is far more serious than the demonetisation of particular series by the bank, mandating the need for a legislation as opposed to an executive action.

DESPITE SC ORDER, SINGLE WOMEN DENIED ABORTION

When Mumbai-based Shalini (name changed) walked into the State-run J.J. Hospital in December last year seeking an abortion, she was turned away. Doctors at the hospital decided that her case was legally complicated. Her pregnancy had crossed 20 weeks, she was unmarried and the reason

for her pregnancy was determined "as due to failure of contraception". She then approached the Wadia Hospital, a charitable institution, which too turned her away.

Shalini wanted to discontinue her pregnancy as she was not ready to have the baby. When her pleas to two hospitals fell on deaf ears, Shalini had to finally move the Bombay High Court citing the Supreme Court judgment to get a favourable recourse.

Despite the fact that in September last year, a three-judge Bench of the Supreme Court passed a judgment that unmarried women too can terminate their pregnancy until 24 weeks, the situation on the ground remains dismal. Women are having to run from pillar to post to seek abortion.

Nikhil Datar, a senior gynaecologist and medical director at Cloudnine Hospital, says that despite the "SC having given an extremely progressive judgment on an individual case basis, the verdict leaves much to be desired". Dr. Datar's activism since 2008 had helped pave the way to amend the rules of the Medical Termination of Pregnancy (MTP) Act, framed in 1971. He has helped 320 women access abortion pro bono by helping them challenge the MTP Act provisions in court.

The SC judgment is progressive. However, a Catch-22 situation arises because there is no clear indication in the SC judgment telling the government to amend the MTP Act to include unmarried women within the extended 24-week ambit.

Dr. Datar says, "It would have been better if the court had directed the government to change rules in accordance with the judgment. Unless rules in the Act are changed in black and white, women will find it difficult to seek abortion in health facilities."

Rule 3(2)(b) of the MTP (Amendment) Rules, 2021 does not permit single women to abort after 20 weeks. Dr. Datar says the rule is discriminatory as it only allows "special categories" including survivors of sexual assault, minors, widows or divorcees, women with disabilities, a malformed foetus or women stuck in humanitarian emergencies, to access abortion post 20 weeks.

Amit Mishra, a practising lawyer in Delhi, had moved the SC against this discrimination, in the case of an unmarried 25-year-old Manipuri woman which led to the landmark verdict last year. Mr. Mishra told The Hindu that even after the judgment, many doctors are apprehensive citing the fact that the Act has not been amended.

Mr. Mishra also points out that doctors are scared of prosecution under the complex labyrinth of laws which includes linking of MTP with the Indian Penal Code.

"Under Section 3(1) of IPC, termination of pregnancy is a criminal act if it does not fulfil MTP conditions. With the law not amended, this has a chilling effect on doctors when the police are not aware of the recent SC judgment," he says.

"The government will have to step up to promote safe abortions irrespective of the fact that the woman is married or not. This can include putting up awareness boards outside hospitals citing the judgment," he said.

Dr. Datar has moved the Supreme Court filing another special leave petition (SLP) challenging the current MTP (Amendment) Rules, 2021. "There are multiple loopholes," he says.

For instance, currently there is no mechanism under the rules to monitor the movement of abortion pills. Mifepristone and Misoprostol are popular drugs used for medical abortion at clinics.

GLIMMER OF HOPE

In a welcome move, the Supreme Court has transferred to itself petitions pending in several High Courts seeking legal recognition of same-sex marriage. A Bench of Chief Justice D.Y. Chandrachud and Justices P.S. Narasimha and J.B. Pardiwala asked the Centre to file its reply to all the petitions on the issue by February 15 and has listed the case for directions on March 13. Petitioners are looking for an authoritative ruling legalising same-sex marriage, especially on the question of whether it will be brought within the ambit of the Special Marriage Act of 1954, which allows a civil marriage for couples who cannot marry under their personal law. After the transformational judgment in K.S. Puttaswamy (2017) upholding the right to privacy and Navtej Johar (2018) decriminalising homosexuality, the courts have shown the way to end uncertainty regarding the rights of the LGBTQIA+ community. Petitioners have argued that denying the community the same rights as heterosexual couples violates a clutch of fundamental rights on life and liberty including Articles 14, 19 and 21 of the Constitution and Article 16 of the Universal Declaration of Human Rights, to which India is a signatory. Article 16 says, "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family".

The apex court will first have to contend with the response from the Centre, which has said it is opposed to same-sex marriage, stating that judicial intervention will cause "complete havoc with the delicate balance of personal laws". There are also other issues on which the LGBTQIA+ community, which already faces prejudice in society, will need clarity from the court. Under Sections 5, 6 and 7 of the Special Marriage Act, parties to the marriage have to give prior notice to the Marriage Officer of the district who has to publicise the notice and call for objections. In the past, many inter-caste and inter-faith marriages faced violent opposition from those acting in the name of honour or community. Though the Allahabad High Court ruled in 2021 that people marrying under the Special Marriage Act can choose not to publicise their union, saying that mandatorily publishing a notice of the intended marriage and calling for objections violates the right to privacy, the LGBTQIA+ community will look for a definitive directive on this from the Supreme Court. Awareness campaigns are also a must to sensitise society about the rights of all individuals. By legalising same-sex marriage, India can join the 30-odd countries which allow it, and lead from the front in Asia where only Taiwan has legalised it.

A TIMELY HALT

The Supreme Court's timely intervention has halted the forcible eviction of some 50,000 people from Haldwani in Uttarakhand, where the occupants are accused of squatting on railway property for decades. The Uttarakhand High Court had taken a tough stand against the residents, and passed a slew of directions that would have entailed their eviction within a week, backed by force, including the deployment of paramilitary forces. It is significant that the Bench underscored the human angle to the issue and spoke about the need for rehabilitation before eviction while staying the order. In an earlier round of litigation over the same land, which adjoins the Haldwani Railway Station, court orders had allowed proceedings against individual occupants under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, to be completed. This time, too, it was on a PIL that the High Court had passed its orders. The High Court's detailed judgment shows that the residents' claim is traceable to a 1907 Office Memorandum that says the area be managed under rules pertaining to 'nazul land'. The court has ruled that it was not a government order but only a communication on how to manage the land, and it does not amount to declaring it as 'nazul land', that is, land that has fallen into the hands of the state by escheat. As one of the nazul rules is

that there cannot be sale or lease, the court rejected all claims made by occupants based on purported documents for lease, sale, and, in some cases, purchase through auction.

Conflicts between occupants of public land and the state that wants to reclaim the land are a never-ending saga in the country. A shortage of housing, as well as inadequate recognition of the right to shelter, means that large masses of people encroach on vacant land, be it on the bed of water bodies or government property. This often leads to attempts to evict the occupants and spawns litigation. Invariably, there are claims to occupancy rights based on long years of stay at the same location. There are court judgments that stress rehabilitation measures and consultation with the oustees before eviction. Some courts have also recorded the view that mandatory rehabilitation may prove to be an incentive for encroachment. The Haldwani eviction effort has unfortunately taken communal overtones, and there appears to be a clamour for the early eviction of the Muslim residents. India does not have a good record on rehabilitation of those evicted from public spaces, and this case presents an opportunity to the Supreme Court to lay down the law on meaningful rehabilitation as well as effective prevention of encroachments.

STATE GOVT.'S POWER TO FORM COMMITTEE ON UCC CANNOT PER SE BE CHALLENGED: SC

A Bench found no merit in the argument by petitioner-in-person Anoop Baranwal that only the Centre could set up a committee for the implementation of the UCC.

The petition had challenged the Uttarakhand government's move to set up a committee on the UCC. The Uttarakhand committee o is headed by former SC Justice Ranjana P. Desai.

"Article 162 of the Constitution indicates that the executive power of a State extends to matters with respect to which the Legislature of the State has power to make laws. In view of the provisions of Entry 5 of the Concurrent List of the Seventh Schedule, the constitution of a Committee per se cannot be challenged as ultra vires," the Supreme Court said.

Entry 5 of the Concurrent List deals with "marriage and divorce; infants and minors; adoption; wills, intestacy and succession; joint family and partition; all matters in respect of which parties in judicial proceedings were immediately before the commencement of this Constitution subject to their personal law".

The court's refusal to interfere in the case of Uttarakhand and its recorded observations in a judicial order that State government did indeed have the power to take steps towards implementing the UCC would prove decisive and encourage other States to take similar measures.

THE BUCK STOPS WITH GOVT. TO END HATE SPEECH: SC

The Supreme Court on Friday said the "buck ultimately stops with the government" to clamp down on hate speech and hate crimes, as they are offences committed on society. The government agreed that hate could not hide behind the colour of any religion.

"We would not have liked the government to come in at all, but in certain areas when religious freedom, harmony and orderly progress are gravely affected, it has to intervene… Today what are we fighting about? We have more important things to achieve as a nation — people are starving without jobs," Justice K.M. Joseph observed. Justice B.V. Nagarathna was also part of the Bench that was hearing a batch of petitions seeking curbs on hate speech.

The remarks from the Bench came after Uttar Pradesh informed the court that it had registered 580 cases of hate speech in 2021-2022. Of these, 160 were suo motu registered by the police. Uttarakhand said it had filed 118 cases. "This [hate speech] is a complete menace, nothing short of it," Justice Joseph said. During the hearing, the court highlighted the problem of hate speech on television. It said TV channels and their anchors have become tools to peddle particular "agendas", creating divisiveness and violent instincts in the society to win their TRP (television rating point) wars.

'Media not balanced'

"We require a free and balanced media. But they are not balanced... We have got TV for decades now, but you [government] have not thought of anything for TV. Therefore it has become a free-for-all," Justice Nagarathna said.

Asking if any anchor had been "taken off air" to send a message against triggering hate or bias on TV, the court said "if freedom is exercised with an agenda, you are not actually serving the people but some other cause. Then you have to be dealt with". The court said that the anchors and the editorial heads of the channels decided the content, adding that it was also dictated by the "money" behind the channels.

Justice Joseph, who said he was speaking for himself, said that he found it denigrating how TV channels resorted to "name-calling". He referred to the man accused of urinating on a fellow passenger in an Air India flight in this regard. "The type of words used against him... He is an under-trial. Please do not denigrate anyone. Dignity is also part of Article 21 (right to life)," said Justice Joseph.

Justice Nagarathna said that the exercise of free speech by one could not violate the right to dignity and free speech of others. "They [anchors/panellists] have to be very clear that they cannot go on TV and speak their minds whichever way they want... That is not the exercise of freedom," Justice Joseph observed.

The court referred to TV debates dissolving into slanging matches where some invitees were muted. Justice Joseph said that such actions affected the viewers' right to be informed.

'Media must self-regulate'

Additional Solicitor General K.M. Nataraj said that the government intervened against the media only in "exceptional circumstances". The onus was on the media to self-regulate and exercise prior restraint. The government was considering legislation and even "comprehensive" amendments to the Code of Criminal Procedure to address the issues highlighted by the court, he said. Meanwhile, individuals wronged could avail of either the mechanisms under the Indian Penal Code.

HIJAB ROW: LESSONS FROM UDUPI

About this time last year, when Karnataka's Udupi district was stricken by the hijab row, colleges and universities in the state were witnessing a significant development. Classrooms were registering a steady increase in the number of Muslim women students. The percentage of women from the community, aged 18-23 years, attending colleges and universities had gone up from 1.1 per cent in 2007-08 to 15.8 per cent in 2017-18. It was feared that the state government's heavy-handed decision to ban headscarves in educational institutions would hurt the confidence of the young women and roll back this educational efflorescence. The youngsters, however, stood firm

in face of difficult odds: They challenged the order, first, in the Karnataka High Court and then, in the Supreme Court. In October last year, a two-judge bench of the apex court could not come to a unanimous decision on the matter — it will now be decided by a larger bench that has not yet been constituted. But, as a report in this newspaper on Sunday shows, the judicial impasse and the charged atmosphere have not dented the enthusiasm for academic learning amongst Muslim women in Karnataka, especially in the region that was the epicentre of the controversy.

The hijab ban did not affect exam attendance in Udupi last year. Even more hearteningly, the overall enrollment of Muslim women hasn't fallen. There is, however, a notable shift: The number of women students from the community who attend government pre-university colleges (PUC) has come down by half from last year. This has been offset by an increase in their enrolment across private (or unaided) PUCs in the district.

Not every student, however, can afford education in a private college. It is troubling, therefore, that Muslim women's enrollment in Udupi's government PUCs in 2022-23 was the lowest in five years. Karnataka's Minister of School Education and Literacy B C Nagesh said that the government will probe these figures. For starters, he would do well to ignore the comments of his party colleague and Udupi MLA Raghupati Bhat who has ascribed the decline to a conspiracy by organisations such as the PFI. A more worthwhile response would be to think of ways to make the state more sensitive to the aspirations and concerns of students.

BJP-RULED STATES SPLIT OVER IDENTIFICATION OF RELIGIOUS MINORITIES

BJP-ruled Gujarat, Karnataka and Madhya Pradesh have favoured the current system of identifying and notifying minorities at the national level — which leaves out Hindus from the list of religious minorities — while the party's governments in Assam and Uttarakhand have opined that the unit of identification of minorities should be the state as laid down by the Supreme Court in the 2002 landmark T M A Pai case.

The Centre has been holding consultations with various states and Union Territories in response to a petition by Advocate Ashwini Upadhyay that sought a direction to enforce the T M A Pai ruling, so that Hindus in states where they are lesser in number get the minority tag.

In its affidavit submitted to the Supreme Court, the Centre said that 24 states and 6 Union Territories have furnished their views. Four states – Arunachal Pradesh, Rajasthan, Telangana and Jharkhand and 2 UTs – Jammu and Kashmir and Lakshadweep, were yet to send their opinion.

While Gujarat said "we are comfortable with the present procedure of identifying minority communities", Madhya Pradesh said it "is of the opinion that existing provision will be followed". Karnataka said like the Centre, it, too, had declared Muslims, Christians, Buddhist, Jains, Sikhs and Parsis as minority communities following the recommendation of the Karnataka State Minorities Commission and "in view of this, the stand of the state of Karnataka is status quo".

Maharashtra, where the BJP is in coalition with Shiv Sena, said the state had notified the six communities as religious minorities and those whose language is not Marathi are considered linguistic minorities. The state also favoured vesting the power to notify minorities remaining with the Centre. "Central government can use the census data and with the consultation of states notify the minority communities in concerned state," it said.

Manipur while favouring state as the unit for determining religious minorities said "any religious group which constitutes less than 50% of the states population should be recognised as a religious minority group of the state".

Punjab said it had enacted The Punjab State Commission for Minorities Act, 2012 and declared Jains as a minority in April 2013. It said that "in India, different communities are in majority or minority in different provinces/states…. Keeping in view the above as well as the peculiar geographical and social scenario of the state of Punjab, only the state government is in the position to better appreciate the interests, well being and problems of different sections/communities residing in the state. The state of Punjab being empowered to enact and notify…it is important that the state continues to do so in order to provide protection to minorities and safeguard their interests".

Tamil Nadu, while admitting that the state has to be the unit as per T M A Pai case, also put forth a caveat. It said in the 2005 Bal Patil case, a three-judge bench had "cautioned" about the likely adverse consequences of encouraging demands for minority status on the basis of religion. "In view of the above it is considered that even if the unit is considered to be the state, religious minorities status cannot be conferred merely based on the population in a particular state but it should also take into account factors such as the actual or probable deprivation of the religious, cultural and educational rights and their socioeconomic status…", it said.

Though BJP-ruled Goa and Tripura replied, but they did not answer the specific query.

Delhi's AAP government put forth the view that followers of Judaism and Bahaism residing in the national capital are a religious minority and it will have no objection if the central government gives them minority status. It said that followers of Hinduism are not the religious minority in the national capital territory of Delhi "but the central government may declare the 'migrated minority' status to the followers of Hinduism who are the religious minority in their origin state (ie. J&K, Ladakh etc) and residing in Delhi after migration from their home state".

Kerala favoured continuation of the existing provisions under National Commission for Minority Educational Institutions Act, 2004 and National Commission for Minority Act, 1992 "unless the Hon'ble Supreme Court takes a different view in the instant case".

Himachal Pradesh favoured identification of minorities at the national level while YSR Congress-ruled Andhra Pradesh rooted for identifying religious minorities at state level. Himchal's reply is of September 2022 when the BJP was still in power in the state.

The Union Territories which responded said as they did not have elected legislature, they would go by what the Centre says but Puducherry said Hindus were a majority in the UT and it had no Bahaism of Judaism.

West Bengal said the state had a Minorities Commission Act of 1996 under which it has declared those speaking Hindi, Urdu, Nepali, Odia, Santali and Gurmukhi as linguistic minorities and Muslims, Sikhs, Christians, Buddhists, Parsis and Jains as religious minorities. It said that "the power to declare a community as minority should vest with the state government/UTs".

Odisha said that the six communities notified by the Centre are also minority in the state and added that as far as it is concerned, "there is no justification to remove any of these 6 minority communities from the list…".

RSS CHIEF MOHAN BHAGWAT'S COMMENTS ON HINDUS-AT-WAR TURN THE CLOCK BACK

Reading the lips of the RSS and its chief is fraught with challenge. The RSS doesn't speak much, or publicly. And when it does, context is crucial, ambiguities are rife and much can be lost in translation. Ever since the BJP came to power at the Centre with a single-party majority in 2014, and then swept the 2019 election too, the task of decoding the RSS has become even more arduous, and compelling. Sarsanghchalak Mohan Bhagwat's interview to editors of the Panchjanya and Organiser, both RSS-affiliated journals, is, therefore, a valuable peek into what lies at the heart — and in the mind — of the Sangh Parivar of which India's ruling party is a member. It shows signs of a softening, as on the question of LGBTQ rights and freedoms. But at the same time, it frames a dialling up of the divide on the Hindu-Muslim issue.

On the first, the RSS chief's comments – "… we have found a way… to provide them (LGBTQ) social acceptance… they are also human beings having inalienable right to live…" – can be located in a longer process of churn that came to the fore earlier when the Supreme Court decriminalised gay sex in 2018. At that time, and subsequently in a book written by national office-bearer, Sunil Ambekar, The RSS: Roadmaps for the 21st century (2019), the RSS broke a silence when it opposed criminalisation of same-sex relationships even as it maintained its reservation on same-sex marriage. Bhagwat's statements now can be read as the RSS taking a small, significant step towards tolerance of a sexual minority that faces popular discrimination. This movement forward is in contrast to a troubling move backward, in what Bhagwat said on "Hindu society" in the same interview. His statements about a "war for over 1000 years" are disquieting for their portrayal of a society under siege and engaged in unceasing hostilities within. His saying that it is "but natural for those at war to be aggressive", and talk of the "enemy within" can be read as justification of perilous majoritarian assertion in a diverse democracy. His advice to Muslims to "abandon their boisterous rhetoric of supremacy" is unwise counsel from someone who speaks to the majority community from a position of great authority.

This is more so when it is Bhagwat himself who, since his outreach via a lecture series in the national capital four years ago, had signalled a Sangh glasnost on the minority question. Compare and contrast what Bhagwat has said on "Muslims" and "Hindu society" now with his tone and tenor last year, addressing a gathering of swayamsevaks in Nagpur. Then, he commented on the Gyanvapi controversy by saying "roz ek jhagda kyun badhana hai (why create daily conflict)", let there be no more hunts in mosques for "shivlings". In 2018, he had said "The day it is said that Muslims are unwanted here, the concept of Hindutva will cease to be" and indicated a reading down of MS Golwalkar, who in his "Bunch of Thoughts" called Muslims "shatru" or enemy. Bhagwat's conciliatory stance in September 2018 came a few months ahead of the 2019 Lok Sabha polls. If his war-like comments now are seen in the context of next year's general election, the augury of polarisation seems clear — and disquieting. Bhagwat should not turn the clock back on a forward movement he threw his weight behind.

MAN WHO URINATED ON WOMAN ON AIR INDIA FLIGHT ACCUSED OF 'OUTRAGING HER MODESTY': WHAT IS THIS OFFENCE UNDER IPC?

Shankar Mishra, the Air India passenger accused of urinating on a woman on board a New York-New Delhi flight on November 26 last year, told a Delhi court on January 11 that while his act may have been obscene and revolting, it did not qualify as a case of outraging the woman's modesty. The court reserved its order but denied him bail, which is usually done when a prima facie case is made out.

What is the provision on "outraging the modesty of a woman" in the Indian Penal Code (IPC), 1860, what are the ingredients of the offence, and how did the court determine that Mishra's act did not qualify?

What is the crime of 'outraging the modesty of a woman'?

Under the Indian Penal Code, outraging the modesty of a woman is a punishable offence. IPC Section 354 prescribes either a jail term of up to five years or a fine or both for the offence. This section originally read:

"Assault or criminal force to woman with intent to outrage her modesty. — Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with impris-onment of either description for a term which may extend to two years, or with fine, or with both."

In 2013, Section 354 was amended to make the punishment more stringent, and the sentence was changed to not less than one year and up to five years.

And how is 'modesty' defined?

The Supreme Court clarified this issue in 2007, in the case of 'Ramkripal vs State of Madhya Pradesh', where it noted that although the IPC does not define what constitutes an outrage to female modesty, the "essence of a woman's modesty is her sex".

"What constitutes an outrage to female modesty is nowhere defined in IPC. The essence of a woman's modesty is her sex. The culpable intention of the accused is the crux of the matter. The reaction of the woman is very relevant, but its absence is not always decisive," the court held.

Deeming 'modesty' as a virtue which attaches to a female owing to her sex, the court went on to give examples such as the act of pulling a woman, removing her saree, coupled with a request for sexual intercourse with the knowledge that her modesty might be outraged is sufficient to constitute the offence even without any deliberate intention.

So what is Shankar Mishra's argument?

While arguing for Mishra's bail before Metropolitan Magistrate Komal Garg, lawyer Manu Sharma told the court that IPC Section 354 was not made out in this case as there has to be driving intent behind Mishra's act for it to be considered while booking him under this section.

The accused's lawyer also contended that age too must be considered in this case, arguing that the complainant was 72 and the accused was 34, thereby implying that there was no sexual desire on Mishra's part.

"The case is that I am inebriated… The question is, was the unzipping to satisfy a sexual desire? That is not the case. I am not running away from the fact that it was obscene… Her statement doesn't make the case in four corners of putting me as a lustful man," Sharma told the court.

Mishra's bail application also stated that the Air India crew had woken him up during the flight, informed him about the incident and suggested that he was the perpetrator, thereby implying that he had no knowledge or intent which is a requirement under Section 354 of the IPC.

His lawyer argued that while Mishra can be prosecuted under Sections 509 and 294 ("obscene act in any public place") IPC, he cannot be prosecuted under Section 354, because there was a lack of both intention and knowledge.

UNDER CONSTITUTION, LAW DECLARED BY THE SUPREME COURT IS BINDING ON ALL

The Supreme Court has held that its judicial pronouncements lay down the law. Article 141 of the Constitution mandates that a law declared by the Supreme Court is binding on all courts, even the Supreme Court.

This is what the court has been trying to convey to the government and high constitutional authorities like Mr. Dhankar in its oral observations and orders recently. That is, as long as the NJAC judgment, which upholds the Collegium system of judicial appointments, exists, the court is bound to comply with the verdict. Parliament is free to bring a new law on judicial appointments, possibly through a Constitution amendment, but that too will be subject to judicial review.

A Bench of Justices S.K. Kaul and A.S. Oka has told the Attorney-General to advise the government and constitutional authorities that "it is necessary that all follow the law as laid down by this court; otherwise sections of society may decide to follow their own course…"

Now, Mr. Dhankar had remarked that judicial review, as in the case of the NJAC law, diluted parliamentary sovereignty. He had used terms such as "one-upmanship". He had said he did not "subscribe" to the landmark Kesavananda Bharati judgment of 1973 which had propounded the idea of the Basic Structure, upheld judicial review and limited the Parliament's power under Article 368 to amend the Constitution.

'Checks and balances'

Yet, the very same Kesavananda Bharati verdict had made it clear that judicial review is not a means to usurp parliamentary sovereignty but only part of a "system of checks and balances" to ensure constitutional functionaries do not exceed their limits.

"We are unable to see how the power of judicial review makes the judiciary supreme in any sense of the word. This power is of paramount importance in a federal Constitution. Indeed, it has been said that the heart and core of a democracy lies in the judicial process," the top court had observed in the Kesavananda Bharati judgment.

A classic observation in this regard was made by Chief Justice Patanjali Shastri way back in 1952 in State of Madras versus V.G. Row.

He said judicial review was undertaken by the courts "not out of any desire to tilt at legislative authority in a crusader's spirit, but in discharge of a duty plainly laid down upon them by the Constitution". His words were reproduced by Chief Justice J.S. Khehar in his lead opinion for the Constitution Bench in the NJAC case in October 2015.

A reading of the NJAC judgment showed how the court had discussed instances when political parties, through Parliament, had intruded in the court's power of judicial review. The 42nd Constitution amendment introduced during the Emergency period was one. His statement that Constitution amendments constituted the "will of the people" has been repeated by successive governments in court.

"The same argument had been repeatedly rejected by this court. Article 368 postulates only a 'procedure' for amendment of the Constitution. The same could not be treated as a 'power' vested in Parliament to amend the Constitution so as to alter the 'core' of the Constitution, which has also been described as the 'basic features/basic structure' of the Constitution," the NJAC judgment had said, while upholding judicial independence as a basic feature of the Constitution.

JUDICIARY VS LEGISLATURE: A STORY FROM 1964

Vice President Jagdeep Dhankhar recently made waves when he raised the issue of the judiciary allegedly encroaching into the legislature's domain. In his first address to the Rajya Sabha as its Chairman, he said that the legislature, the judiciary and the executive should work in tandem stay in their respective domain. He added, "Any incursion by one, howsoever subtle, in the domain of the other, has the potential to upset the governance apple cart."

In the history of Indian democracy, the constitutional crisis in Uttar Pradesh in 1964 is one of the earliest examples of a confrontation between the judiciary and the legislature that led to the "derailment" of the "governance apple cart".

It started with Keshav Singh, a political worker from Gorakhpur, and two of his colleagues publishing a pamphlet in which they made corruption allegations against a Congress MLA. They then distributed the leaflet in and around the UP Legislative Assembly in Lucknow. The legislator complained to Madan Mohan Verma, the Assembly Speaker, that the pamphlet breached his rights and privileges as a legislator. The Speaker then referred the matter to the privileges committee, which recommended that the House reprimand Keshav Singh and his associates.

While his colleagues came to the Legislative Assembly and apologised, Keshav Singh expressed his inability to reach the legislature for lack of funds. As a result, the Assembly issued warrants for Singh's arrest. But he made quite a scene, first lying down on the platform at Lucknow railway station and then resisting the marshals' attempts to bring him to the bar of the House. That was not all: when he was carried into the Assembly, he turned his back on Speaker Verma and refused to identify himself. Singh also exacerbated the matter by writing to the Speaker, stating that the Assembly acted tyrannically by issuing a warrant for his arrest.

The issue escalated from breach of privilege of an MLA to contempt of the UP Legislative Assembly. The Constitution provides the legislature exclusive jurisdiction to deal with contempt and breach of privilege. Therefore, the UP Assembly passed a resolution sending Keshav Singh to Lucknow jail for seven days. But the matter did not end there. Five days passed without any developments, and on the sixth, a lawyer petitioned the Allahabad High Court for Keshav Singh's release on bail.

The petition was listed before a division bench of Justice Mirza Nasir Ullah Beg and Justice Gursaran Das Sahgal. Justice Beg, who studied law at Oxford, had adorned the bench for over a decade. Justice Sahgal, on the other hand, was a newcomer, and had been appointed an additional judge less than a year earlier. After lunch, the two judges heard the case and ordered Keshav Singh's release. The order was mechanical as just a few years ago, the Supreme Court had ruled that a legislature's privilege trumped fundamental rights.

The UP Assembly did not appreciate the judiciary's interference in its affairs. Two days after the High Court order, the Assembly discussed the matter at length. It passed a resolution that Justice Beg and Sahgal had committed contempt of the House and be brought before it. Not everyone was in favour of the resolution —126 MLAs voted for and 16 against it. One of them who voted against

the resolution was Kamlapati Tripathi, a senior government minister, and later UP CM. It was a first for the country, where the legislature and the judiciary were on a collision course. The administration was in a quandary: arresting the judges would result in contempt of the court, and not doing so would be contempt of the legislature.

The ball was now in the judiciary's court. Justice Beg and Sahgal approached the High Court stating that the Assembly had committed contempt of the court by summoning them. The High Court upped the ante by deciding that a bench of 28 judges would hear the petition. The idea was that the legislature could not arrest all 28 judges for contempt.

With the conflict getting out of hand, there was a meeting of Chief Minister Sucheta Kriplani, the High Court Chief Justice, the law minister and the advocate general of UP. The Assembly then softened its stance.

Meanwhile, the Union government headed by Prime Minister Jawaharlal Nehru stepped in. It recommended to President Dr Sarvepalli Radhakrishnan that he refer the matter to the Supreme Court for its opinion. This action temporarily diffused the situation. A few months later, the apex court, in a 4:1 judgement, decided that the high court judges were correct in ordering the release of Keshav Singh.

The dissenting Supreme Court judge summed up the entire episode stating that the "… result of the order of the Hon'ble Judges was to interfere with a perfectly legitimate action of the Assembly in a case where interference was not justifiable and was certainly avoidable. On the other hand, the Assembly could have also avoided the crisis by practising restraint and not starting proceedings against the Judges at once."

This episode is a case study about respect for institutional boundaries something the judiciary and the legislature should keep in mind while upholding the Constitution.

As for Keshav Singh, the court sent him back to jail for the remaining one day as ordered by the Assembly.

CHANDIGARH: APARTMENTALISATION AND URBANIZATION

Why in news?

— The Supreme Court on Tuesday **prohibited the "fragmentation/ division/ bifurcation/ apartmentalisation" of residential units in phase I of Chandigarh**, and directed the Chandigarh Heritage Conservation Committee to "take into consideration its own recommendations that the northern sectors of Chandigarh '(Corbusian Chandigarh)' should be preserved in their present form".

KEY TAKEAWAYS

Battle over building Rules

— In 2001, the Chandigarh Administrator, exercising powers under Sections 5 and 22 of The Capital of Punjab (Development and Regulation) Act, 1952, framed The Chandigarh Apartment Rules, 2001, allowing the division of single residential units into more than one apartment. Following an outcry from citizens who complained that the original character of the city was under threat, the 2001 Rules — as well as an earlier set of Rules from 1960 — were repealed in 2007.

— On November 7 that year, The Chandigarh Estate Rules, 2007 were notified. Rule 16 of the 2007 Rules prohibited the fragmentation or amalgamation of any site or building. In 2009, a committee was constituted to draw up the Chandigarh Master Plan, 2031 (CMP-2031); the draft CMP-2031 reintroduced the 2001 Rules. Meanwhile, in 2010, a Committee of Experts was set up to look at both the original concept of the city of Chandigarh as well as the maintenance of important heritage buildings in the UT.

— In the light of persistent public opposition to the draft CMP-2031, a Board of Inquiry and Hearing was set up in November 2013 to consider, among other things, objections to the proposal to re-introduce the 2001 Rules. The Board recommended that the 2001 Rules should not be brought back, and that the re-densification of any government residential/ institutional pocket in phase I sectors should only be done with approval from the Chandigarh Heritage Conservation Committee. These recommendations were accepted by the central government, and all references to apartments in the draft CMP-2031 were dropped in the final version of the plan that was notified in 2015.

— Even so, apartmentalisation in the city continued apace. Senior Advocate P S Patwalia, who appeared for the appellant Residents Welfare Association, told the Supreme Court that builders were getting around the law by constructing three apartments on three floors, and selling them to people who then entered into a Memorandum of Understanding (MoU) splitting the plot among themselves.

Supreme Court's order

— The Supreme Court Bench of Justices B R Gavai and B V Nagarathna banned the conversion or bifurcation of a single residential unit into apartments in phase I of Chandigarh, which covers the heritage zone comprising sectors 1 to 30. Deals that were in process, or MoUs/ agreements that were underway, are now null and void, and the floor area ratio (FAR) has been frozen.

— The order restricted the number of floors in phase I to three, with a uniform maximum height as deemed appropriate by the Heritage Committee, and directed the Administration not to formulate rules or by-laws without prior consultation with the Committee.

— It is high time that the "Legislature, the Executive and the Policy Makers at the Centre as well as at the State levels take note of the damage to the environment on account of haphazard developments and take a call to take necessary measures to ensure that the development does not damage the environment", the court said in its 131-page order. (Residents Welfare Association & Anr. v. The Union Territory of Chandigarh & Ors.)

CITY BEAUTIFUL: A MODEL AND A METAPHOR

— CHANDIGARH was developed into two phases, phase-I having sectors 1 to 30, and phase-II with sectors 31 to 47. Phase-I was for low-rise plotted development (bungalows) for a population of 1,50,000; phase-II sectors were to have a higher density. The distribution of population was to be hierarchical, with low density in the northern sectors, and increasing towards the south. It was conceptualised by the French architect Le Corbusier along with Pierre Jeanneret, Jane B Drew, and Maxwell Fry.

— CORBUSIER incorporated the principles of light, space, and greenery in his plan, and used the human body as a metaphor for the city — the 'head' was the Capitol Complex; the 'heart' the Commercial Centre of sector 17; 'lungs' the leisure valley, open spaces and sector greens; 'intellect'

the cultural and educational institutions; 'viscera' the industrial area; and 'arms' the academic and leisure facilities. The 'circulation system' of the body were the seven types of roads in the city, known as 7Vs.

— Corbrusier's urban idea of a city would fulfill four functions — living, working, movement and recreation, or "care for the body and spirit". It was an idea presented at the 1933 Athens Charter, formulated by Congress International d'Architecture Modern (CIAM), an organisation that spearheaded the Modern Movement in the world.

— However, while Chandigarh became home to the wealthy and the government officials, the poor were excluded from Corbusier's master plan. Critics also mention that besides segregating housing based on income, another flaw was that the wage earners' location outside city limits made it tedious for them to access jobs. The saying goes that Chandigarh is a well-designed city, not a well-planned city.

QUOTA PANEL CALLS FOR TRANSFER OF SOME OBC GROUPS TO EWS BRACKET

Amid the clamour for increasing reservation from various castes and sub-castes in the State, the Karnataka Permanent Backward Classes Commission has pitched for fresh categorisation of castes. It has, among other recommendations in its interim report submitted to the government, suggested shifting some castes out of the OBC pool to the EWS category which has 10% reservation.

The commission has proposed to re-classify the backward classes list as per the provision under Rule 11 of the Backward Classes Commission Act, 1995. Since the last re-classification was done in 2002, it had decided to revisit the issue, said the commission's interim report to the government, which is part of the Cabinet note.

The note quoted the commission's recommendation that said if some castes listed in backward classes are moved to the EWS, the remaining castes in the backward classes will be left with more reservation within the available quota.

RESERVATION FOR VOKKALIGAS, LINGAYATS HITS ROADBLOCK AFTER HC ASKS KARNATAKA GOVT TO MAINTAIN STATUS QUO

The Karnataka government's plan to offer reservation to Vokkaligas and Lingayats received a jolt as the High Court passed an interim order Thursday to maintain status quo on reservation provided to various communities in the state.

According to the order, reservation offered to different groups will be according to the notification issued by the government in March 2002 and the new reservation categories announced by the state government — 2C for Vokkaligas and 2D for Lingayats — will be subject to judicial scrutiny, as per government sources.

The interim order was in connection with a Public Interest Litigation filed by D G Raghavendra, a resident of Bengaluru, who had sought directions from the court against granting reservation under 2A category to Panchamasalis — a sub-sect of Lingayats. It had also challenged the interim report submitted by the Karnataka State Commission for Backward Classes based on which the reservation was announced for Vokkaligas and Lingayats. The petitioner had contended that there

was no provision to submit an interim report under the Karnataka State Commission for Backward Classes Act.

At the hearing, senior advocate Prof Ravivarma Kumar, representing the petitioner, submitted that despite orders by the court, the Karnataka government had not placed the interim report of the Commission. He argued that there were concerns that the state government was granting reservation due to external pressure. Appearing for the government, Advocate General Prabhuling Navadgi submitted that the report will be placed before the High Court.

Following this, the division bench headed by Chief Justice Prasanna B Varale passed an interim order with directions to maintain status quo. The matter is next posted on January 30.

Over the last six months, the Karnataka government has decided to hike reservation for SC/ST communities, apart from carving out two new categories '2C' and '2D' to accommodate Vokkaligas and Lingayats under the 'moderately backward' category in the reservation matrix. The hike in reservation for SCs from 15 per cent to 17 per cent and STs from three to seven per cent had breached the 50 per cent reservation limit in Karnataka.

Subsequently, in December 2022, under pressure from the Panchamsali community — which had held numerous protests in a bid to arm twist the government towards granting reservation for the group — and Vokkaligas, the government announced that 3A and 3B category (under which reservation was granted to Vokkaligas and Lingayats) will be abolished. The communities will be offered reservation under 2C and 2D categories, it had said, and assured to increase their quota by rationalising the 10 per cent reservation granted for Economically Weaker Sections (EWS).

Meanwhile, the BJP-led Karnataka government's recent proposal to redistribute six per cent of the 10 per cent Economically Weaker Section (EWS) quota among the state's two dominant castes, Vokkaligas and Lingayats, has upset the upper caste Brahmin community, with the Akhila Karnataka Brahmin Mahasabha's president and former state advocate general, Ashok Haranahalli, calling the government's move "anti-Brahmin".

THE DELAY IN THE DECENNIAL CENSUS

The story so far:

The decennial Census of 2021 has been pushed forward yet again and is unlikely to start till September 2023, at least. The Additional Registrar General of India communicated to States on January 2, without specifying a reason, that the date of freezing of administrative boundaries has been extended till June 30. The Census can only begin three months after the boundaries have been frozen, and the completion of the Census in its two phases takes at least 11 months. Thus, even if started in an urgent fashion from October this year, the possibility of its fruition in 2023 or early 2024 is ruled out, as general elections are due in March-April 2024.

How is the Census conducted?

India's first proper or synchronous Census, one which begins on the same day or year across regions of the country, was carried out in 1881 by the colonial administration and has since happened every 10 years, except the one that was supposed to be carried out in 2021.

The decennial census is carried out by lakhs of enumerators empanelled and trained by the government in two phases. The first phase is the housing Census, where data on housing

conditions, household amenities and assets possessed by households are collected and the second phase is where data on population, education, religion, economic activity, Scheduled Castes and Tribes etc are collected.

How many times has the 2021 Census been delayed?

The Census is still conducted under the Census Act of 1948, which predates the Constitution. Notably, the Act does not bind the government to conduct the Census on a particular date or to release its data in a notified period. The Centre's intent to conduct the 2021 Census was notified in the Gazette of India on March 28, 2019. The freeze on administrative boundaries was to be effective from January 1, 2020 to March 31, 2021, before the COVID-19 pandemic. On December 14, 2022, Minister of State for Home Nityanand Rai informed the Rajya Sabha, "due to the outbreak of the COVID-19 pandemic, the Census 2021 and the related field activities have been postponed until further orders." According to UN statistics, multiple countries had delayed their census exercises due to the pandemic, but many of them, like the U.S., U.K., China, and Bangladesh, have completed the count by now.

What are implications of the delay?

The Census data is crucial for various administrative functions, welfare schemes, and other surveys. Former Union Home Secretary G.K. Pillai said that "the government should take a quick call and the delay is not good and has ramifications,". Explaining one of the implications, Mr. Pillai said that the Finance Commission allocates funds to States on the basis of Census figures and any delay could put them at a disadvantage.

Besides, outdated Census information (available from the last Census in 2011) often becomes unreliable and affects those who do and do not receive the benefits of welfare schemes. As per the National Food Security Act, 2013, 75% of the rural population and 50% of the urban population — totalling 67% of the country's population — are entitled to receive subsidised food grains from the government under the targeted public distribution system (PDS). According to the 2011 Census, India's population was about 121 crore, and PDS beneficiaries were approximately 80 crore. However, economists Jean Dreze and Reetika Khera have pointed out that population growth over the last decade means that if the 67% ratio is applied to 2020's projected population of 137 crore, PDS coverage should have increased to around 92 crore people.

Former chairperson of the National Statistical Commission, Pronab Sen, told data journalism portal IndiaSpend.com, that Census data are critical for other sample surveys conducted in the country as they use the Census data as a 'frame' or list from which a representative sample of the population is selected for surveys. For the latest edition of the National Family Health Survey (NFHS-5) released last year, it was the 2011 data that served as the sampling frame. Besides, the Census is crucial to determine the population of migrants and migration patterns. The start of the pandemic saw a sea of migrants on the country's roads, and the only data available with the government was from 2011, which could not answer queries on the numbers, causes and patterns of migration.

Former bureaucrats also advise, that the exercise of collecting data for the National Population Register (NPR), which was to happen with the first phase of the Census, should now be delinked, owing to its politically sensitive nature and the urgency of the Census.

HOME MINISTRY SEEKS ANOTHER SIX-MONTH EXTENSION TO FRAME RULES RELATED TO CITIZENSHIP ACT

The Union Home Ministry has sought another extension of six months to frame the rules of the Citizenship (Amendment) Act, 2019 (CAA) without which it cannot be implemented. This is the seventh such extension sought by the Ministry.

The Act, which was passed in 2019, fast tracks the citizenship of people from the Hindu, Sikh, Parsi, Christian, Buddhist and Jain communities from Pakistan, Afghanistan and Bangladesh who entered India before December 31, 2014 without any documents.

A senior government official told The Hindu that the Ministry sought an extension of six months from the subordinate committee on parliamentary legislation in both the Lok Sabha and the Rajya Sabha.

While the Rajya Sabha committee accepted the Ministry's request to grant the extension till June 30, a reply from the Lok Sabha committee was awaited.

Earlier, the Ministry had informed the Rajya Sabha committee that it needed time till December 31, 2022 to frame the rules, while it sought time till January 9, 2023 from the Lok Sabha committee.

On November 24 last year, at a media conclave organised by a news channel, Union Home Minister Amit Shah said the rules of the Act were under construction and there were some delays due to the pandemic.

"CAA is a law of the land and those who are dreaming that CAA won't be implemented are mistaken, it will be implemented," the Minister said.

Most parts of the northeastern States are exempted from the Act.

The tribal areas of Assam, Meghalaya, Mizoram or Tripura as included in the Sixth Schedule to the Constitution and the States of Arunachal Pradesh, Mizoram, Nagaland and Manipur are exempted from provisions of the Act. The undocumented migrants who will be deemed Indian citizens through the Act will not be able to settle down in the exempted areas. The legislation is contentious issue in West Bengal too. The Act is aimed at giving citizenship to the Matua community in West Bengal who trace their origins to present day Bangladesh. Chief Minister Mamata Banerjee has opposed the legislation.

The Manual on Parliamentary Work says that if a Ministry is not able to frame the rules governing a legislation within the prescribed period of six months after the law is passed, "they should seek extension of time from the Committee on Subordinate Legislation stating reasons for extension".

The CAA was passed by Parliament on December 11, 2019 and it received assent from the President on December 12 the same year. The Ministry notified that the Act would come into force from January 10, 2020. However, the rules have not been notified, making the legislation ineffective on the ground.

CONSTITUTION BENCH TO TAKE UP SECTION 6A OF CITIZENSHIP ACT FOR PRELIMINARY DETERMINATION

A Constitution Bench led by Chief Justice of India D.Y. Chandrachud on Tuesday said it will first take up for preliminary determination whether Section 6A of the Citizenship Act, 1955 suffers from any "constitutional infirmity".

Section 6A was a special provision inserted into the 1955 Act in furtherance of a Memorandum of Settlement called the 'Assam Accord' signed on August 15, 1985 by the then Rajiv Gandhi government with the leaders of the Assam Movement to preserve and protect the Assamese culture, heritage and linguistic and social identity.

The Accord came at the end of a six-year agitation by the All Assam Students Union (AASU) to identify and deport undocumented immigrants, mostly from neighbouring Bangladesh, from the State.

During the hearing, Solicitor-General Tushar Mehta said that Section 6A was valid. It was enacted as part of a statute, that is, the 1955 Act.

The petitions challenging the provision, filed after nearly 40 years since the enactment of Section 6A, should not be entertained.

Under Section 6A, foreigners who had entered Assam before January 1, 1966, and been "ordinarily resident" in the State, would have all the rights and obligations of Indian citizens. Those who had entered the State between January 1, 1966 and March 25, 1971 would have the same rights and obligations except that they would not be able to vote for 10 years.

'Discriminatory nature'

Petitions were filed challenging the "discriminatory" nature of Section 6A in granting citizenship to immigrants, illegal ones at that. The petitioners, including Assam Public Works and others, argued that the special provision was in violation of Article 6 of the Constitution, which fixed the cut-off date for granting citizenship to immigrants at July 19, 1948.

On December 2014, the Supreme Court had framed 13 questions covering various issues raised against the constitutionality of Section 6A.

In 2015, a three-judge Bench of the court had referred the case to a Constitution Bench.

All these years, the 'Section 6A' case had waited out even as the Supreme Court monitored the preparation and publication of the final Assam NRC list in August 2019, which saw the exclusion of over 19 lakh people.

The Bench listed the case for hearing from February 14, giving time to the parties to prepare and circulate the records before the hearing.

MUNICIPAL CORPORATIONS IN INDIA ARE GASPING FOR FUNDS

The combined budget of all the municipal corporations in India is much smaller than that of the Central and State governments, an RBI analysis of finances of urban local bodies concludes. The study titled "Report on municipal finances" reveals how municipal bodies are increasingly dependent on fund transfers from the State and the Centre, while their revenue earning capacity

is limited. Their revenue raising powers are curtailed, the study shows. Limited funds aside, about 70% of it gets spent on salaries, pensions and administrative expenses with the rest left for capital expenditure. And above all, the municipal corporations don't borrow much, leaving them gasping for funds.

Taxes earned by municipal corporations in India are grossly inadequate to meet their expenditure needs. In India, the own tax revenue of municipal corporations, comprising property tax, water tax, toll tax and other local taxes, formed 31-34% of the total revenue in the FY18-FY20 period. This share was low compared to many other countries and it also declined over time. The share of own revenue (both tax and non-tax) in the total revenue of urban local bodies in India has declined, while that of government transfers has increased.

Using budgetary data from 201 municipal corporations across India, the RBI report calculated their overall revenue receipts — consisting of own tax revenue, own non-tax revenue and transfers. In 2017-18 (actuals), it was estimated to be 0.61% of the GDP and according to budget estimates of 2019-20, it increased slightly to 0.72% of the GDP. This was much smaller than Brazil's 7% and South Africa's 6%.

Large variations can be observed if the municipal corporations' own tax revenue is sliced State-wise. The own tax revenue of municipal corporations as a share of the State's GDP in 2017-18 crossed the 1% mark in Delhi, Gujarat, Chandigarh, Maharashtra and Chhattisgarh, while it was 0.1% or less in Karnataka, Goa, Assam and Sikkim.

Another major issue with the municipal corporations' revenue raising capabilities was their dependence on property taxes. In 2017-18, the property taxes formed over 40% of the municipal corporations' own tax revenue. Despite such dominance, property tax collection in India was much lower compared to OECD countries due to undervaluation, and poor administration, the report argues.

A report published in the Chennai edition of this paper on Monday further highlights the problems plaguing property tax collection. Of the 13.27 lakh assessees in Chennai, only 6.94 lakh paid the property tax, while 6.33 lakh were yet to pay. Shortage of tax collectors has further impacted the revenues.

The corporations are mostly dependent on transfers with their revenue raising potential being limited. Property taxes are not efficiently collected. The generated funds are mostly spent on revenue expenditure, leaving a much smaller pie for capacity building.

CAPITAL STALEMATE

The victory of the Aam Aadmi Party in the recent Municipal Corporation of Delhi (MCD) elections has added a fresh backdrop to the unceasing face-off between the Lieutenant Governor of the National Capital Territory and the elected government. Several Governors, who are all too eager to further the Bharatiya Janata Party's politics, confront elected Chief Ministers from Opposition parties, but Delhi's case is unique, given the vast executive power at the command of the Lieutenant Governor. The most recent flashpoint between Chief Minister Arvind Kejriwal and Lieutenant Governor Vinai Kumar Saxena came ahead of the January 6 election of the Mayor and Deputy Mayor of the MCD, when Mr. Saxena appointed 10 aldermen and a BJP councillor to preside over the polls. The AAP alleged that Mr. Saxena had bypassed the tradition of appointing the senior-most councillor as the presiding officer. It has alleged that the aldermen appointed by

Mr. Saxena were given voting rights in violation of the MCD Act, a question that remains unclarified. The party has pointed out that the Lieutenant Governor is ignoring the Council of Ministers and issuing orders to the bureaucracy directly on all matters, regardless of the division of power established by the Supreme Court between the two entities.

Technically, the Lieutenant Governor has executive control over only the three reserved subjects of police, public order and land; all other subjects (transferred subjects) lie with the elected government. But by virtue of being in control of the bureaucracy, and exercising the power to transfer, suspend or take any action against any employee of the Delhi government, the Lieutenant Governor's authority extends beyond those. As its earlier interventions have not settled the dispute between the Lieutenant Governor and the elected government, the Supreme Court is currently examining the question afresh. Meanwhile, the relations between the Chief Minister and the Lieutenant Governor are sliding further. The Lieutenant Governor sought a meeting with the Chief Minister, but then refused to give him time. Till October, the Lieutenant Governor and the Chief Minister used to have weekly meetings. The Supreme Court's calls for statesmanship and wisdom by actors have not resolved the stalemate, which is seriously impacting governance in the national capital. The heightened political competition between the AAP and the BJP has worsened the situation, but the root of it all is the legal ambiguity that needs to be dispelled.

'WHY HAVE AN ELECTED GOVERNMENT IN DELHI IF CENTRE CALLS THE SHOTS?'

What is the point of having an elected government in Delhi if the administration of the national capital is supposed to be carried out at the "beck-and-call" of the Centre, a Constitution Bench of the Supreme Court asked the Union Government on Thursday.

A five-judge Bench headed by Chief Justice of India D.Y. Chandrachud is hearing a dispute between the Aam Admi Party regime and the Centre over who has control over civil servants allocated to the various departments of the Delhi government.

Solicitor General Tushar Mehta said the Centre retained administrative control over the bureaucrats but the "functional control" was left to the Ministers in charge of the respective departments in which the civil servants served.

Chief Justice Chandrachud said such an interpretation would present an anomalous situation.

"Suppose an office is not discharging its functions properly. If the Centre retains the administrative control, that is, powers of appointments, transfers, postings, etc... the Delhi government will have no role? It cannot shift this officer and get someone else? Can that be?" the CJI asked Mr. Mehta

The Solicitor General said in such cases the Delhi government or the Minister concerned could write to the Lieutenant-Governor, who would forward the complaint to the cadre-controlling authority at the Centre for action.

Mr. Mehta said the L-G was an 'administrator' in every term though his nomenclature was different.

The law officer said it was necessary for the Centre to retain disciplinary control over bureaucrats in the national capital, considering the fact that there may be sensitive problems, including terrorism activities, which may require a national outlook and cooperation with the neighbouring States.

"Union Territories are extensions of the Union government by definition. The very purpose of demarcating a particular geographical area as a Union Territory suggests that the Union itself wants to administer it through its officers… Hence all Union Territories are administered by central services officers," Mr. Mehta submitted.

"Then what is the point of having an elected government? If the administration is to be carried out at the beck-and-call of the Union government, why have an elected government?" the CJI said.

BAD AND UGLY

Expectations of unsavoury events tend to fulfil themselves. The address of Tamil Nadu Governor R.N. Ravi to the Legislative Assembly to open the new year's first session yielded the sort of drama that many foresaw. Mr. Ravi has been voicing controversial political views for quite some time. His indiscreet remarks in recent days to the effect that the State should not call itself 'Tamil Nadu' and that its politics was "regressive" portended tension when he came to address the House. What was unfortunate about Mr. Ravi's approach was that this baiting of the DMK regime was carried into the legislature, of which he is an integral part. Against this backdrop, Mr. Ravi chose to skip portions of the prepared text, including a reference to the "Dravidian model of governance" and words commending the law-and-order situation in the State. There have been instances of Governors deviating from the prepared texts, but unlike in other States, this evoked an immediate backlash from Chief Minister M.K. Stalin. The constitutional convention is that the President or the Governor should not depart from the text, as it is nothing but a statement of policy of the elected government. Most Chief Ministers have in the past avoided confrontation despite the occasional departure from the convention. Mr. Stalin, however, chose to hand out an immediate riposte in the very presence of the Governor through a resolution that said the House record would reflect only the prepared text, and not the one with impromptu additions or deletions made during delivery by the Governor.

As soon as he realised the import of Mr. Stalin's speech in Tamil, Mr. Ravi walked out, apparently treating the move to adopt the resolution as an affront. The Governor need not have reacted in such a manner, as there is no reason why a deviation from convention on the Governor's part should not be met with an immediate response that was also a deviation from convention. The events highlight the consequences of a confrontationist attitude on the part of constitutional functionaries. Future confrontations can be avoided if the Governor gives up his penchant for making politically loaded remarks and is heedful of the State's political sensibilities. In the longer term, the role of the Governor in the country's constitutional scheme needs a thorough overhaul, so that incumbents in Raj Bhavan give up their sense of overlordship and focus on their core constitutional functions such as granting assent to Bills.

TAMIZHAGAM OR TAMIL NADU? LOST IN TRANSLATION IN GOVERNOR-DMK TUSSLE

Tamil Nadu Governor RN Ravi's remark that "Tamizhagam" is a more "appropriate" name for the state than Tamil Nadu has drawn flak from the ruling DMK, which has questioned his right to suggest a different name for the state and accused him of unnecessarily interfering in state politics. While the BJP has defended Ravi and taken on the DMK, the Opposition AIADMK has disagreed with the Governor's comment.

At the centre of the debate is the word "Nadu" that means "geographical boundary" or "land". But a misreading of Tamil history and the complexities of translation have resulted in "Nadu" coming to mean "country" or "nation-state". Thus, an essentially linguistic matter has turned into a

political one in a state where mainstream politicians have been at the centre of nationalism and sub-nationalism debates for decades, and "Nadu" is viewed through the lens of Tamil nationalism.

Referring to this idea of the meaning of Tamil Nadu, Ravi said at an event at the Raj Bhavan on January 4, "Here in Tamil Nadu, a different kind of narrative has been created. Everything applicable for the whole of the country, Tamil Nadu will say no. It has become a habit. So many theses have been written — all false and poor fiction. This must be broken. Truth must prevail. Tamizhagam is a more appropriate word to call it. The rest of the country suffered a lot of devastation at the hands of foreigners for a long time."

Pushing back against the Governor's suggestion, DMK MP Kanmiozhi said, "The name Tamil Nadu indicates our language, tradition, politics and life itself. It was CN Annadurai who made that name official in the state Assembly. This land will remain Tamil Nadu forever."

Calling the idea of "Tamil Nadu" unique, state sports minister and Chief Minister MK Stalin's son Udhayanidhi Stalin said, "Anna (Annadurai), the founder of DMK, gave this name after a long battle. CM Stalin who follows the paths of Annadurai and M Karunanidhi will protect it."

DMK mouthpiece Murasoli criticised Ravi and wrote, "He says the name Tamil Nadu indicates a sovereign nation. Does the name Rajasthan sound like Pakistan, Afghanistan, Uzbekistan, or Turkmenistan to you? Isn't Maharashtra a secessionist name for its name indicates the land of Marathas? Kerala's tourism slogan, 'God's own country', may also be a demand for a nation-state status. Isn't it problematic for you to find a 'Desam (land)' in Telugu Desam Party?"

Reminding the Governor that "India is a British creation", the DMK mouthpiece asked him to thank the British for creating India instead of feeling proud of an imaginary "Akhand Bharat".

The AIADMK, DMK's key rival and a BJP ally, too disagreed with Ravi's proposal. Claiming that the party, too, follows Annadurai's political line, former minister D Jayakumar said, "It will always be Tamil Nadu for us."

The BJP, however, lashed out at the ruling party, with its state president K Annamalai saying that "the DMK has long been trying to bury their secessionist past, their ideological parent party (Dravidar Kazhagam or DK founded by social reformer Periyar) wanting a separate Dravida Nadu, later a separate Tamil Nadu".

1967 resolution and Dravida Nadu

In a resolution tabled in the Assembly in 1967 to change the name of the state from Madras to Tamil Nadu, Annadurai, then the CM, left no ambiguity about the new name and its meaning, saying, "It is a state in India and it is not a separate country."

A senior Tamil historian, who did not wish to be named, also said that though "Nadu" in the local context does not mean nation-state, it assumed political meaning due to Tamil sub-nationalism. "Tamil sub-nationalism is seen as nationalism in the modern era because of its long history, literature, and culture. Even though there were different dynasties in Tamil Nadu, ancient literary references to the land of the people and its borders show that 'Tamil Nadu' is the appropriate word for 'Tamil land'. The cultural and political history of the land justifies it. But the word 'Tamizhagam' wasn't there, it wasn't in the picture at all and it doesn't have enough history to be claimed as an appropriate usage."

The idea of "Nadu" finds mention in ancient texts. The Tamil epic Silappathikaram, written in the 5th or 6th Century CE, geographically defines Tamil Nadu as "vadavengadavum thenkumariyum" or "north Tirupati to south Kanyakumari", marking Tirupati as the northern border of Tamil Nadu. Silappathikaram, penned by poet Ilango Adigal, was one of the first texts to imagine the idea of a unified Tamil Nadu.

"The tragic love story between Kannaki and Koavalan reveals Adigal's goal," said a Tamil scholar. "Kannagi and Kovalan came from Kaveripumpattanam, the Chola capital. Kovalan moves to Pandya's Maduraikkandam, now Madurai. He was killed for stealing an anklet, which he didn't do. Kannaki burned Madurai in retaliation and moved to Vanchi in Chera country, now known as early Kerala, where she died. When Adigal's Silappathikaram took place in these three countries, we can see that the famous Chera ruler, Cheran Chenkuttuvan, went to the place where Kannaki died and built a temple in her honour."

The scholar added that many studies believe Adigal wrote the epic to send the message back home that the Chera, Chola, and Pandya dynasties should work together.

In this long-running historical and cultural discourse surrounding the idea of Tamil "land", the demand for a country for Tamils, or Dravida Nadu, emerged from Dravidian politics in the last century. Annadurai's main means of getting his message across to people was through his newspaper called Dravida Nadu. It found resonance with the youth of the time, several of whose parents were strong supporters of the Congress Party and Mahatma Gandhi.

Starting in the 1920s, anti-Hindi agitations started in the then Madras Presidency. These agitations took place every decade thereafter and came to a head in the 1950s. Around the time of Indian independence, the idea of reorganising the territory on linguistic lines had gathered momentum. Some south Indian states demanded "lost" or "imagined" language-based territories. Potti Sriramulu fought to separate Andhra Pradesh from Madras. His death in a hunger strike forced Prime Minister Jawaharlal Nehru's hand and the Union government agreed to reorganise the land by language. As Andhra Pradesh was created, it sowed the seeds for a Kerala-Madras split. An emotive subject, Tamil Congress stalwart and former CM K Kamaraj is still blamed for not doing enough to help Tamil Nadu get its fair share from Kerala.

"The Dravidian movement, especially the DMK and its parent party Dravidar Kazhagam, reshaped nationalism over the past century," said a Tamil scholar. "Dravidian parties wanted a Dravida Nadu, Annadurai's newspaper on these lines gained huge traction at one point. Conservatives and Congress supporters feared this new movement would corrupt a generation. However, Dravida Nadu did not happen because DMK had to surrender the idea before Annadurai's death." The scholar also added that "Nadu" had more historical credibility than "Tamizhagam".

THE 'UNION' GOVERNMENT SENDS OUT A MESSAGE OF UNITY AND CONFLUENCE

The Tamil Nadu government's decision to shun the usage of the term 'Central government' in its official communications and replace it with 'Union government' is a major step towards regaining the consciousness of our Constitution. Seventy-one years since we adopted the Constitution, it is time we regained the original intent of our founding fathers beautifully etched in the parchment as Article 1: "India, that is Bharat, shall be a Union of States". If a student of Indian polity attempts to trace the origin of the term 'Central government', the Constitution will disappoint him, for the Constituent Assembly did not use the term 'Centre' or 'Central government' in all of its 395 Articles in 22 Parts and eight Schedules in the original Constitution. What we have are the 'Union' and the

'States' with the executive powers of the Union wielded by the President acting on the aid and advice of the Council of Ministers headed by the Prime Minister. Then, why did the courts, the media and even the States refer to the Union government as the 'Centre'?

Even though we have no reference to the 'Central government' in the Constitution, the General Clauses Act, 1897 gives a definition for it. The 'Central government' for all practical purposes is the President after the commencement of the Constitution. Therefore, the real question is whether such definition for 'Central government' is constitutional as the Constitution itself does not approve of centralising power.

Intent of Constituent Assembly

On December 13, 1946, Jawaharlal Nehru introduced the aims and objects of the Assembly by resolving that India shall be a Union of territories willing to join the "Independent Sovereign Republic". The emphasis was on the consolidation and confluence of various provinces and territories to form a strong united country.

Many members of the Constituent Assembly were of the opinion that the principles of the British Cabinet Mission Plan (1946) be adopted, which contemplated a Central government with very limited powers whereas the provinces had substantial autonomy. The Partition and the violence of 1947 in Kashmir forced the Constituent Assembly to revise its approach and it resolved in favour of a strong Centre. The possibility of the secession of States from the Union weighed on the minds of the drafters of the Constitution and ensured that the Indian Union is "indestructible". In the Constituent Assembly, B.R Ambedkar, the Chairman of the Drafting Committee, observed that the word 'Union' was advisedly used in order to negative the right of secession of States by emphasising, after all, that "India shall be a Union of States". Ambedkar justified the usage of 'Union of States' saying that the Drafting Committee wanted to make it clear that though India was to be a federation, it was not the result of an agreement and that therefore, no State has the right to secede from it. "The federation is a Union because it is indestructible," Ambedkar said .

The usage of 'Union of States' by Ambedkar was not approved by all and faced criticisms from Maulana Hasrat Mohani who argued that Ambedkar was changing the very nature of the Constitution. Mohani made a fiery speech in the Assembly on September 18, 1949 where he vehemently contended that the usage of the words 'Union of States' would obscure the word 'Republic'. Mohani went to the extent of saying that Ambedkar wanted the 'Union' to be "something like the Union proposed by Prince Bismarck in Germany, and after him adopted by Kaiser William and after him by Adolf Hitler". Mohani continued, "He (Ambedkar) wants all the States to come under one rule and that is what we call Notification of the Constitution. I think Dr. Ambedkar is also of that view, and he wants to have that kind of Union. He wants to bring all the units, the provinces and the groups of States, everything under the thumb of the Centre."

However, Ambedkar clarified that "the Union is not a league of States, united in a loose relationship; nor are the States the agencies of the Union, deriving powers from it. Both the Union and the States are created by the Constitution, both derive their respective authority from the Constitution. The one is not subordinate to the other in its own field... the authority of one is coordinate with that of the other".

The sharing of powers between the Union and the States is not restricted to the executive organ of the government. The judiciary is designed in the Constitution to ensure that the Supreme Court, the tallest court in the country, has no superintendence over the High Courts. Though the Supreme

Court has appellate jurisdiction — not only over High Courts but also over other courts and tribunals — they are not declared to be subordinate to it.

In fact, the High Courts have wider powers to issue prerogative writs despite having the power of superintendence over the district and subordinate courts. Parliament and Assemblies identify their boundaries and are circumspect to not cross their boundaries when it comes to the subject matter on which laws are made. However, the Union Parliament will prevail if there is a conflict.

Word play

The members of the Constituent Assembly were very cautious of not using the word 'Centre' or 'Central government' in the Constitution as they intended to keep away the tendency of centralising of powers in one unit. The 'Union government' or the 'Government of India' has a unifying effect as the message sought to be given is that the government is of all. Even though the federal nature of the Constitution is its basic feature and cannot be altered, what remains to be seen is whether the actors wielding power intend to protect the federal feature of our Constitution.

As Nani Palkhivala famously said, "The only satisfactory and lasting solution of the vexed problem is to be found not in the statute-book but in the conscience of men in power".

THE STALEMATE BETWEEN TELANGANA AND AP

The story so far:

More than eight years after the bifurcation of the erstwhile united Andhra Pradesh, division of assets and liabilities between the two States remain elusive as the States make their own interpretation of the provisions under the Andhra Pradesh Reorganisation Act 2014. Several bilateral meetings between the two States as well as those convened by the Union Home Ministry failed and the Andhra Pradesh government has now approached the Supreme Court seeking "just, reasonable and equitable apportionment" of assets and liabilities.

What assets are to be divided?

There are 91 institutions under Schedule IX and 142 institutions under Schedule X of the Act. The division of another 12 institutions not mentioned in the Act has also become contentious between the States.

The issue involves 245 institutions with a total fixed asset value of ₹1.42 lakh crore — headquarter assets under Schedule IX institutions are pegged at ₹24,018.53 crore while institutions under Schedule X are at ₹34,642.77 crore. The other 12 institutions are valued at ₹1,759 crore.

What are AP government's claims?

The AP Government is firm on the implementation of the recommendations given by the expert committee headed by retired bureaucrat Sheela Bhide for bifurcation of 89 out of the 91 Schedule IX institutions. But it lamented that the Telangana government had selectively accepted the recommendations leaving others which was resulting in delays in division of assets and liabilities.

"The Andhra Pradesh Government has been of the view that the recommendations of the expert committee be accepted in toto so as to expedite the process of division and put quietus on the division of these institutions," the petition said.

RJD MINISTER UNDER FIRE OVER CONTROVERSIAL COMMENTS ON RAMCHARITMANAS

RJD leader and Bihar education minister Chandra Shekhar is facing criticism from the Opposition as well as the ruling alliance partners following his controversial remarks on the religious epic Ramcharitmanas, based on Ramayana.

While the RJD has maintained that the minister was quoted out of context, the Congress, an ally in the the Mahagathbandhan in Bihar, has slammed the comment as "unacceptable" and Chief Minister Nitish Kumar has said he will speak to his Cabinet colleague.

The BJP has demanded the minister's ouster for hurting Hindu sentiments and the Lok Janshakti Party (Ramvilas) has sought Professor Chandra Shekhar's apology over the same.

The minister, meanwhile, has stuck to his guns, saying he will seek "expunction of all verses from the book that condone social discrimination".

The minister, while addressing the convocation at Nalanda Open University on Wednesday, has said that Manusmriti, Ramcharitmanas and A Bunch of Thoughts (by M S Golwalkar) are "divisive texts" and B R Ambedkar was right in opposing Manusmriti.

Asked about his controversial statement, Prof Chandra Shekhar told reporters on Thursday, "I have not said anything regarding Ramcharitmanas but certain verses found in Uttarkand and Aranyakand in the book." He said he was ready to engage in a debate with religious preachers over the "discriminatory verses" and wanted them removed from the book.

Terming the RJD leader's statement "anti-Hindu", the BJP dared him to speak against Islam.

BJP spokesperson Nikhil Anand said, "The (Bihar) education minister's remarks are not only unfortunate but anti-Hindu. They show his lack of education."

BJP's Bisfi (Madhubani) MLA Haribhushan Thakur said, "If Professor Chandra Shekhar has such tremendous knowledge of religious texts, can he dare to speak a word against Islam?"

Chief Minister Nitish Kumar, while replying to queries on his minster's comments in Darbhanga district, which he visited as part of his state-wide outreach programme 'Samadhan Yatra', said: "I don't know about the matter. But I will enquire (with the minister)."

Attacking the Chief Minister, BJP leader Ravi Shankar Prasad said: "Why is Nitish Kumar silent? He should answer. The country will not tolerate if Lord Ram is disrespected. He should take his (minister) resignation and apologise for hurting the country's sentiments."

LJP (Ramvilas) head and Jamui MP Chirag Paswan termed the minister's comment "incendiary". "It does not behove a state education minister to speak like this. He has hurt popular sentiments and should apologise," he said.

Congress spokesperson Pawan Khera said any scripture is a reflection and product of the times from which it comes. "To try and reinterpret the context, misinterpret the context and make such remark is not right, because these remarks at the end of the day, divide. Such remarks are absolutely unacceptable to the Congress party," he told reporters.

RJD national spokesperson Subodh Kumar Mehta told The Indian Express: "The BJP has overlapped the thought of the education minister, who was referring to culture hegemony and the

Constitution's spirit of mutual respect and equal opportunity. The Constituent Assembly had a debate that wanted to transform medieval India into modern India on basis of scientific education and division of labour." On the minister's remarks, Mehta said: "He should have ignored the medieval thought process as the state believes in constitutionalism."

CHICKEN FOR CHILDREN: WEST BENGAL GOVT HAS DONE WELL TO MAKE ITS MID-DAY MEAL SCHEME PROTEIN RICH

Several studies have shown that the Mid-Day Meal Scheme (MDMS) has played a significant role in reducing malnutrition amongst children, besides increasing school enrolment. These studies have, however, also indicated that the scheme, rechristened PM Poshan in 2021, ought to have done more. In large parts of the country, the programme's potency has been undermined by considerations — including identity politics and the myth that India is a vegetarian nation — that have little to do with providing children with adequate quantities of proteins, fats, and micronutrients. The West Bengal government's decision, last week, to introduce chicken and seasonal fruits in the schools it runs is, therefore, a welcome initiative. The step could also address an urgent imperative. West Bengal is amongst the states that bucked the national trend by reporting an increase in "stunting" amongst children below the age of five in the National Family Health Survey-5. The state had brought down the proportion of children with this nutritional deficit-related problem from 45 per cent in 2005 to 32.5 per cent in 2016. But NFHS-5, 2021, reveals a reversal — 33.8 per cent children in the state under five have low height for weight.

On paper, the MDMS is supposed to provide primary school children with hot cooked meals that have 450 calories and at least 12 grams of protein. Students attending upper primary schools should obtain at least 700 calories and 20 grams of protein. However, several reports and surveys have revealed that state authorities do not always adhere to these guidelines. Cereals and millets constitute the largest part of the menu and protein-rich foods do not receive adequate importance. The inclusion of eggs in the MDMS has been a particularly contentious issue in several parts of the country. Currently only 13 states and three Union Territories provide eggs in the school meals. And by all accounts in most states, where this rich source of protein — and a widely acknowledged bulwark against malnutrition — figures in the MDMS menu, its frequency varies from every alternate day to once a week, even once a month.

The MDMS schemes of several states have also been hobbled by fund constraints. The West Bengal government has said it has money to include chicken in the MDMS menu only till April. The state government has been criticised by the Opposition — the BJP, Congress, and CPM — for enhancing the scope of the scheme with an eye on the panchayat polls, scheduled in April-May. It must not whittle under pressure — financial or political — but continue with the new menu.

FUND MISUSE CHARGE: CENTRE ORDERS REVIEW OF PM-POSHAN SCHEME IN WEST BENGAL

Days after West Bengal Leader of the Opposition Suvendu Adhikari wrote to Education Minister Dharmendra Pradhan alleging "misappropriation" of midday meal funds by the Trinamool-led government, the Centre on Friday ordered a joint mission for sweeping review of the PM-Poshan scheme in the state.

According to the PM-Poshan guidelines, these joint missions, also called JRMs, "shall visit eight to 10 states every year to review the implementation of the scheme at state, district and school levels on defined parameters".

In a statement, the Education Ministry said that the mission formed for West Bengal will examine various aspects of the implementation of mid-day meal of PM-Poshan scheme ranging from "fund flow from state to schools" to "convening the meetings of district-level committee under chairpersonship of senior most Member of Parliament".

To be sure, the terms of references are in tune with the guidelines. However, it also assumes significance as Adhikari's letter to Pradhan coincided with the decision of the Mamata Banerjee government to add meat and seasonal fruits to the mid-day meal menu.

The announcement, which comes ahead of the panchayat elections in the state where the BJP is trying to make inroads, triggered a political row. And the formation of the joint mission is set to escalate the tensions between the state and the Centre.

The Education Ministry said that the JRM includes officials from the Centre, state, and nutrition experts. Its terms of reference include "reviewing" the fund flow from state to schools, delivery mechanism of food grains, and identification of children who are undernourished and over nourished.

Under the scheme, renamed as PM-Poshan last year, most components including cooking cost are split in a 60:40 ratio between the Union government and the states and UTs with legislatures, and 90:10 with the Northeastern states, Jammu and Kashmir, Himachal Pradesh and Uttarakhand. The cost of food grains is borne entirely by the Centre.

In his letter to Pradhan on January 5, Adhikari had alleged that "irregularities" in PM-Poshan was "one of the biggest scams" in West Bengal. "The misappropriation of the funds granted by the Central government in this regard has been systematically diverted unethically by the state government on a regular basis to serve their own interests," he had alleged.

NCPCR DRAFT GUIDELINES: ON ASSESSING IF MINORS CAN BE TRIED AS ADULTS

Why in news?

— The National Commission for Protection of Child Rights (NCPCR) has come up with draft guidelines on the preliminary assessment of whether certain minors are to be tried under law as adults in particular cases, under the Juvenile Justice (Care and Protection of Children) Act. The 12-page draft guidelines, prepared after consultation with experts, are open for inputs and comments from the general public till January 20.

What is preliminary assessment as per the JJ Act?

— Earlier, all children under the age of 18 were considered minors by the law, but through an amendment in 2015, a provision was added to the JJ Act for trying a child in conflict with the law as an adult. Under this, a child in the age group of 16-18 years could be tried as an adult in case of heinous offences. Section 15 (1) of the Act states that the Juvenile Justice Board shall conduct a preliminary assessment to determine whether to try such a child as an adult or a minor.

— The Act directs that the Board shall consider the mental and physical capacity of the child for committing the alleged offence, the ability to understand the consequences of the offence, and the

circumstances in which the offence was committed. It states that the Board can take the assistance of experienced psychologists or psychosocial workers or other experts. The Act also gives a disclaimer that the assessment is not a trial, but is only to assess the capacity of the child to commit and understand the consequences of the alleged offence.

— After the assessment, the Board can pass an order saying there is a need to try the said child as an adult and transfer the case to a children's court with the relevant jurisdiction. If tried as a minor, the child could be sent to a special home for a maximum of three years. If tried as an adult, the child can be sentenced to a jail term, except being sentenced to death or life imprisonment without the possibility of release.

Why has the NCPCR come up with draft guidelines now?

— On July 13, 2022, the Supreme Court while hearing a case related to the murder of a Class 2 student in Haryana, allegedly by a 16-year-old, said the task of preliminary assessment under the J J Act is a "delicate task". It said that the consequences of the assessment on whether the child is to be tried as an adult or a minor are "serious in nature and have a lasting effect for the entire life of the child".

— It said that the assessment requires expertise and directed that appropriate and specific guidelines be put in place. It had left it open to the Central government and the National and State Commissions for the Protection of Child Rights to consider issuing the guidelines.

— The NCPCR has framed guidelines which it describes the key procedures to conduct the preliminary assessment. It said that while the course of assessment may differ from child to child, the guidelines are meant to frame essential components and the basic mechanisms to address any ambiguity.

What do the draft guidelines say?

— The draft relying on already existing provisions in the Act says that the preliminary assessment has to determine four aspects:

a. Physical capacity of the child: To determine the child's 'locomotor' abilities and capacities, particularly with regard to gross motor functions such as walking, running, lifting, throwing…such abilities as would be required to engage in most antisocial activities.

b. Mental capacity: To determine the child's ability to make social decisions and judgments. It also directs assessments pertaining to mental health disorders, substance abuse, and life skills deficits.

c. Circumstances in which the offence was allegedly committed: Psychosocial vulnerabilities of the child. This is to include life events, any trauma, abuse, and mental health problems, stating that the offence behaviour is a cumulative consequence of a lot of other circumstances.

d: Ability to understand the consequences of the alleged offence: To determine the child's knowledge or understanding of the alleged offence's social, interpersonal and legal consequences. These include what others will say or perceive him, how it might affect his personal relationships and the knowledge of relevant laws, respectively.

CAN FOREIGN UNIVERSITIES SET UP CAMPUSES IN INDIA NOW?

The story so far:

Foreign universities and educational institutions could soon be allowed to set up campuses in India as per the draft regulations made public by the University Grants Commission (UGC).

What has the UGC proposed?

The UGC announced the draft regulations for 'Setting up and Operation of Campuses of Foreign Higher Educational Institutions in India' and invited feedback from stakeholders. The proposal allows a foreign university among the top 500 global rankings or a foreign educational institution of repute in its home jurisdiction to apply to the UGC to set up a campus in India. Such a campus can evolve their 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. However, such universities and colleges cannot "offer any such programme of study which jeopardises the national interest of India or the standards of higher education in India." They will also be allowed cross-border movement of funds.

There have been several moves towards bringing in foreign universities in the past. In 2010, the UPA-II government brought the Foreign Educational Institutions Bill, which was not passed as the BJP, the Samajwadi Party and left parties opposed it for multiple reasons including concerns of Western influence on Indian ethos.

What are foreign players saying?

"It is still early days, but the UGC move is a good one. They have provided autonomy in admission criteria, fee and have not imposed restrictions on hiring Indian nationals and also allowed repatriation of surplus funds, which are all enabling provisions," Ravneet Pawha, Vice-President (Global Alliances) & CEO (South Asia), Deakin University said. But she further added that, "If foreign institutions want to hire foreign faculty to offer students a differential, where will we get them from? Secondly, while India wants to be a global destination for higher education what about the infrastructure needed to support that ambition. Thirdly, those Indians who have the aspiration to go abroad to live there will still continue to do so, which means we have to look at those who want a foreign education within the country at a reduced cost and we will need to provide that keeping in mind their paying capacity. "

What does the NEP say?

The National Education Policy (NEP) says that the top 100 universities in the world will be facilitated to operate in India through a legislative framework. According to Fuqran Qamar, a former adviser for education in the erstwhile Planning Commission, "the draft regulations don't follow the text of the NEP, rather uses it as a pretext." He explains that while the NEP talks about creating a legislative framework, the government is following the regulatory route. Critically, the NEP also proposes attracting the top 100 universities, while the UGC draft permits universities with top 500 global rankings. The objective in promoting India as a global education destination is apparently aimed at saving loss of foreign exchange. Nearly 13 lakh students were studying abroad in 2022 and as per the RBI, ₹5 billion was lost in foreign exchange due to students going abroad in FY 2021-2022. The larger goal of the NEP is to take the gross enrollment ratio (GER) in

colleges and universities to 50% by 2035 from the current 27%. But online education and private institutions will not benefit those who have no access to education; it will merely offer more choices to the upper and middle class who have 100% GER, says Mr. Qamar.

PRAVASI BHARATIYA DIVAS 2023

Why in news?

— The 17th edition of the Pravasi Bharatiya Diwas (PBD), or the day for Non-Resident Indians (NRIs) that is commemorated annually on January 9, was marked by the Central government with events in Indore, Madhya Pradesh.

Diaspora: Reliable partners for India's progress in Amrit Kaal was the theme for this edition.

— Over 3,500 diaspora members from nearly 70 different countries registered for the PBD Convention, according to its press release. The Special Guest of Honour was Suriname President Chandrikapersad Santokhi and the Chief Guest was Dr. Mohamed Irfaan Ali, President of Guyana.

KEY TAKEAWAYS

Why is Pravasi Bharatiya Day celebrated?

— A High-Level Committee on Indian Diaspora, headed by jurist and Parliamentarian LM Singhvi, had recommended in January 2002 that the government must renew and strengthen linkages of overseas Indians to their place of origin, and with each other.

— The committee recommended that a Pravasi Bharatiya Bhavan should be set up to emerge as the focal point for networking between India and its overseas Indian community; and as a suitable place which to commemorate the stories of the Indian Diaspora.

— January 9 was selected as it was the date when Mahatma Gandhi returned to India from South Africa in 1915. Over the years, he has often been described as the first non-resident Indian of the most famous NRI by various politicians.

— An award called The Pravasi Bharatiya Samman Award is given out as part of the programme. According to the official website, "It is the highest honour conferred on a Non-Resident Indian, Person of Indian Origin; or an organisation or institution established and run by them."

"A jury-cum-awards committee, with (the) Vice President as the chairman and External Affairs Minister as the vice-chair and other distinguished members from various walks of life considered the nominations…and unanimously selected the awardees," the Ministry of External Affairs stated in a release.

— This year, it was awarded by President Droupadi Murmu to 27 people based in countries such as Australia, Ethiopia, Israel, Japan and more. The Chief Guest of the event and the President of Guyana, Dr. Mohamed Irfaan Ali, was also awarded.

— Also on the list of awardees was Dr Darshan Singh Dhaliwal, a US-based NRI who was sent back from Delhi's IGI Airport on the night of October 23-24, 2021, over his alleged involvement in organising a langar for protesting farmers at Delhi borders against the three farm laws.

— A Commemorative Postal Stamp 'Surakshit Jaayen, Prashikshit Jaayen' was released to underline the importance of safe, legal, orderly and skilled migration. A first-ever digital

Exhibition for the event, on the theme "Azadi Ka Amrit Mahotsav – Contribution of Diaspora in Indian Freedom Struggle" was held.

Note on Indian Diaspora

Sourav Roy Barman writes:

— The term diaspora traces its roots to the Greek diaspeiro, which means dispersion. The Indian diaspora has grown manifold since the first batch of Indians were taken to counties in the east pacific and the Caribbean islands under the 'Girmitiya' arrangement as indentured labourers.

— The 19th and early 20th centuries saw thousands of Indians shipped to those countries to work on plantations in British colonies, which were reeling under a labour crisis due to the abolition of slavery in 1833-34.

— As part of the second wave of migration, nearly 20 lakh Indians went to Singapore and Malaysia to work in farms. The third and fourth wave saw professionals heading to western countries and workers going to the Gulf and west Asian countries in the wake of the oil boom.

Various classifications

— Overseas Indians are classified into three categories: Non-Resident Indians (NRI), Persons of Indian Origin (PIOs), Overseas Citizens of India (OCIs).

— NRIs are Indians who are residents of foreign countries. The PIO category was abolished in 2015 and merged with the OCI category. However, existing PIO cards are valid till December 31, 2023, by which the holders of these cards have to obtain OCI cards.

— According to the MEA, PIO refers to a foreign citizen (except a national of Pakistan, Afghanistan Bangladesh, China, Iran, Bhutan, Sri Lanka and Nepal) who at any time held an Indian passport, or who or either of their parents/ grandparents/great grandparents was born and permanently resided in India as defined in Government of India Act, 1935, or who is a spouse of a citizen of India or a PIO.

— A separate category of OCI was carved out in 2006. An OCI card was given to a foreign national who was eligible to be a citizen of India on January 26, 1950, was a citizen of India on or at any time after January 26, 1950, or belonged to a territory that became part of India after August 15, 1947. Minor children of such individuals, except those who were a citizen of Pakistan or Bangladesh, were also eligible for OCI cards.

Numbers and geographical spread

— According to an August 22, 2022 report of the Parliamentary committee on external affairs, as on December 31, 2021, there were 4.7 crore Indians living overseas. The number includes NRIs, PIOs, OCIs, and students. Excluding students, the number stands at 3.22 crore, including 1.87 crore PIOs and 1.35 crore NRIs.

— According to the World Migration Report, prepared by the International Organisation for Migration under the United Nations, India has the largest emigrant population in the world, making it the top origin country globally, followed by Mexico, Russian and China.

— Numbers shared by the government in Parliament in 2022 show that the geographical spread of the Indian diaspora is vast. The countries with over 10 lakh overseas Indians include United

States of America (44 lakh), United Kingdom (17.6 lakh), United Arab Emirates (34 lakh), Sri Lanka (16 lakh), South Africa (15.6 lakh), Saudi Arabia (26 lakh), Myanmar (20 lakh), Malaysia (29.8 lakh), Kuwait (10.2 lakh) and Canada (16.8 lakh).

Remittances

— Remittances, according to the World Bank, are a vital source of household income for low- and middle-income countries like India. The latest World Bank Migration and Development Brief, released in November 2022, said, "For the first time a single country, India, is on track to receive more than $100 billion in yearly remittances."

— The World Migration Report notes that India, China, Mexico, the Philippines and Egypt are (in descending order) among the top five remittance recipient countries, "although India and China were well above the rest". In 2020, the two neighbours received the largest amounts of international remittances in Asia, with a combined total of more than $140 billion, it added.

The governments of India and the U.K. marked Pravasi Bharatiya Divas on January 9 by kicking off the Young Professionals Scheme, which will permit up to 3,000 of their degree-holding citizens aged between 18 and 30 to live and work in each other's countries for a period of two years.

The launch of the scheme, which was conceived as part of an India-U.K. Migration and Mobility MoU signed in May 2021, was announced in November at the G20 summit in Bali, where U.K. Prime Minister Rishi Sunak held talks with Prime Minister Narendra Modi.

IN INDORE, A HOME FOR THE PRAVASIS WHO FOUGHT FOR INDIA'S INDEPENDENCE

On Monday, when Prime Minister Narendra Modi arrives in Indore for the 17th Pravasi Bharatiya Divas convention, he will inaugurate a temporary museum at the venue to highlight the contribution of the diaspora freedom fighters in India's Independence.

Over 3,500 diaspora members from 70 countries are expected in Indore for the convention, which is being organised as a physical event after a gap of four years.

Titled 'Contribution of Diaspora in Indian Freedom Struggle', the technology-heavy exhibition, spread over 10,000 sq feet, is being pitched as the centrepiece of the venue, aiming to inculcate, what officials call, a feeling of "nationalism and oneness among persons of Indian origin".

Starting with Mohandas Karamchand Gandhi as "the first Pravasi" – who reached Bombay on January 9, 1915, after living in South Africa for more than two decades – it highlights the contribution of 150 such ethnic Indians to the Independence struggle, covering 50 countries, officials say. It was in 2003 that the government decided to celebrate January 9 every year as Pravasi Bharatiya Divas to mark Gandhi's return to India.

Official sources say the list of PIOs whose contributions are being highlighted have been sourced by the Ministry of External Affairs through its missions abroad. Besides the popular PIOs including Mahatma Gandhi, Netaji Subhas Chandra Bose and Swami Vivekananda, the focus is on highlighting lesser-known heroes of the freedom struggle, who may not have lived in India always, but their contribution to the homeland needs to be acknowledged, say officials.

For instance, there is a corner for Shyamji Krishna Varma from Gujarat, who founded the India House and The Indian Sociologist in 1905. India House emerged as a meeting point for radical nationalists among Indian students in Britain.

The design, planning and execution of the exhibition has been done by Delhi-based firm Tagbin, which has earlier worked with the government on flagship projects such as the Pradhanmantri Sangrahalaya in Delhi, and Netaji's hologram statue at India Gate.

The temporary museum space at the venue – the Brilliant Convention Centre – has been divided into several sections. The opening section focuses on the contribution of personalities like Gandhi, Vivekananda and Dadabhai Naoroji who was elected to the British Parliament in 1892, becoming the first Indian to do so. Gandhi comes alive as a hologram, wherein one of his famous speeches from 1931 has been recreated.

There is also a special section on Bhikaji Cama, who helped in India's freedom struggle, while a part of the exhibition is also devoted to Bose and Azad Hind Fauj.

Besides, every evening, there will be a 20-minute light and sound show on the building's facade – in English and Hindi – on the theme of 'Gauravshaali Bharat: From Ancient India to G20 Presidency'. The temporary museum will later be turned into a permanent feature in the state, Bhaik says, adding that locations in Indore and Bhopal are being considered for it.

As partner state, the Madhya Pradesh government has also curated tourism offerings for the visiting NRIs including complimentary entry to all state-run archaeological museums, monuments and national parks; and shuttle service for the Ujjain Mahakal temple to visit the newly inaugurated Mahakal Lok Corridor.

OVER 3.12 LAKH INDIAN RAILWAYS POSTS LYING VACANT, SAYS MINISTRY

The Indian Railways is reeling under a crushing staff shortage with 3.12 lakh non-gazetted posts lying vacant across 18 zones in the country as on December 1, 2022.

This was disclosed by Ashwini Vaishnaw, Minister of Railways, Communications, Electronics and Information Technology, in response to a starred question in the Rajya Sabha.

The highest number of posts is vacant in the northern zone (38,754), followed by the western (30,476), eastern (30,141), and central (28,650) zones.

Last November, the National Railway Mazdoor Union (NRMU) of the Central Railway staged a protest at the Chhatrapati Shivaji Terminus in front of the Divisional Railway Manager's office after duty hours to express discontent over the vacancies.

50% in safety category

In the Central Railway, of the 28,650 vacant posts, almost 50% of the vacancies (14,203) are in the safety category that primarily include operation and maintenance staff, such as inspectors of various kinds, drivers, train examiners, shunters and several others. Non-gazetted posts include a range of employment categories, from engineers and technicians to clerks, stationmasters, ticket collectors and more. The inability to fill posts has led to employees working overtime.

A 29-year-old employee working in the Central Railway ticket booking office in Mumbai, said, "I have been working double shifts for up to 16 hours at a stretch, because we don't have staff to relieve us. I have not been able to take leave to study, because of staff shortage."

The employee is preparing for his law exams and hopes for an inter-departmental transfer to the legal section, once he passes.

The shortage of staff has led to numerous ticket booking windows being rendered non-operational, leading to long queues and congestion. "This has also led to outsourcing of ticketing services. The Railways employs private parties who earn ₹3 on every ₹100 worth of tickets sold outside the ticket booking window. The job should have been done by the railway staff in the first place," an NRMU employee said.

Continuous process

According to the official response tabled by the Railway Ministry in Parliament, "Occurrence and filling up of vacancies is a continuous process and the vacancies are filled by way of promotion and also through placement of indents with recruiting agencies as per operational requirements." The response further stated, "Recruitment process for filling up 35,281 direct recruitment vacancies...for Non-Technical Popular Categories has been completed."

VISTADOME COACHES: TRIAL RUN ON KALKA-SHIMLA HERITAGE ROUTE SOON

People taking the train on the Kalka-Shimla heritage line may soon get to travel in advanced vistadome narrow gauge coaches which will have glass roofs and large windows and offer a panoramic view of the scenic route.

The Rail Coach Factory (RCF) here has commenced production of these coaches, which are expected to be ready by next month. These coaches will have a trial run on the Kalka-Shimla route before they are put into service, officials said.

The production of the vistadome narrow gauge coaches commenced following successful oscillation trials of two prototype coaches on the Kalka-Shimla heritage track in December last year.

The British laid the first rail link to connect Shimla in 1903. In 2009, the Kalka-Shimla rail track was declared a World Heritage site by UNESCO.

There are 103 tunnels on the rail line, 800 bridges, 919 curves and 18 railway stations.

WHAT ARE VILLAGE DEFENCE COMMITTEES, WHICH J&K LOCALS WANT REVIVED AMID MILITANT ATTACKS

After militants killed six people in two days in the Upper Dangri village of Jammu and Kashmir this Sunday and Monday, locals have demanded that they be provided weapons to take on attackers. Responding to the demands, Lt Governor Manoj Sinha on January 2 assured the people that they would get a Village Defence Committee (VDC) on the lines of those in Doda district.

The same was echoed by Director General of Police Dilbagh Singh, who visited the village, on the outskirts of Rajouri town, after the twin attacks.

What is a VDC?

The VDCs were first formed in the erstwhile Doda district (now Kishtwar, Doda and Ramban districts) in mid 1990s as a force multiplier against militant attacks. The then Jammu and Kashmir administration decided to provide residents of remote hilly villages with weapons and give them arms training to defend themselves.

The VDCs have now been renamed as Village Defence Guards (VDG). The new scheme to set up VDGs in vulnerable areas of J&K was approved by the Union Ministry of Home Affairs in March last year. Like a VDC member, each VDG will be provided a gun and 100 rounds of ammunition.

How are VDGs different from VDCs?

Both VDG and VDC is a group of civilians provided guns and ammunition to tackle militants in case of attack until the arrival of security forces.

Under the new scheme, the persons leading the VDGs will be paid Rs 4,500 per month by the government, while others will get Rs 4,000 each. In the VDCs, only the Special Police Officers (SPOs) leading them were provided a remuneration, of Rs 1,500 monthly. The SPOs, the lowest rank in the J&K Police, used to be retired army, para military or police personnel.

Who will have control over the VDGs?

The VDGs, officials said, will function under the direction of the SP/SSP of the district concerned.

What was the composition of VDCs?

A minimum of 10-15 ex-servicemen, ex-policemen and able-bodied local youth were enrolled in each VDC on a voluntary basis. On an average, at least five of them were provided .303 rifles and 100 rounds each, through the district Superintendent of Police. The allotment of weapons could go up depending on the credentials of the volunteers, total population of a village and its security requirements, as assessed by the district magistrate and SSP concerned.

Why was the need to set up VDCs felt?

The militancy that began in Kashmir in the early 1990s had spread to the adjoining Doda district by mid 1990s. The demand for arming the civilian population first rose after the massacre of 13 people in Kishtwar in 1993. As the killings increased, prompting the migration of Hindus from villages to nearby towns, the Home ministry in 1995 decided to set up the VDCs so as to stop this exodus, coming after Kashmiri Pandits were forced to flee the state in the early 1990s.

Later, the scheme was expanded to other areas of the Jammu division as militants extended their activities to Udhampur, Reasi, Rajouri, Poonch, Kathua and Samba districts.

How did the idea to arm civilians come up?

The idea was taken from the 1965 and 1971 Indo-Pak wars, when the government armed ex-servicemen and abled-bodied youth in villages along the border to guard against infiltration of Pakistani spies. The scheme saw success, with locals guarding their areas at night and even providing information to Army troops that led to decimation of Pakistani posts and arrest of Pakistani spies.

VDCs' contribution in the fight against militants

During the peak of militancy in most parts of Jammu division, especially areas falling in Chenab Valley and Pir Panjal regions, the hills of Udhampur, and Reasi and Kathua districts, the VDCs played a significant role in combating militancy. They were the most-feared armed groups among militants in areas where poor road networks delayed the arrival of security forces. The villagers, well-versed with the local topography, averted many militant attacks and helped in their capture and killings.

What controversies did the VDCs get into?

Along with the successes, the VDCs also faced allegations of human rights violations and other crimes, including murder, rape and extortions. As per official figures placed on the floor of the erstwhile Jammu and Kashmir Legislative Assembly in 2016, 27,924 civilians were serving in 4,248 VDCs across the state. There were 221 FIRs against them, including 23 cases murders, seven cases of rape, rioting (15), NDPS Act (3) and 169 other cases.

Disarming of VDC members

After peace returned, there were demands from certain quarters to disband the VDCs in 2002. Since then, the demand has been raised from time to time, but successive governments have stopped short of disbanding them. However, over a period of time, the number of VDC members has dropped significantly, either because of their involvement in a criminal case, or the government taking back their weapons once they turned 60. Apart from this, many VDC members have surrendered their weapons in the absence of remuneration.

The fresh demand for arming civilians

The demand for revival of VDCs started after militant activities revived in areas where peace had returned long ago. A spurt was witnessed in infiltration attempts from across the border, and drones were used to drop weapons, explosives and cash at various places, especially in border areas of Jammu, Samba and Kathua districts.

What do the police say about the current situation in the UT?

According to official figures, a total of 186 militants, including 56 foreigners, were killed in 98 successful encounters in J&K during 2022. The year saw a 37 per cent decline in local youth joining terror ranks, from the previous year.

Of the 100 youth who joined militancy in this period, 17 were arrested and 65 killed in encounters. Hunt is on for the remaining 18, said the police. Apart from this, the police have busted 146 terror modules, each comprising 4-5 people, and seized 188 AK series rifles, 275 pistols, eight M4 carbines, 354 grenades, 61 IEDs and sticky bombs, among others.

A total of 649 people were booked under PSA for supporting militancy, while 55 vehicles were seized and 28 houses attached for being used for militant activity.

HOW THE VSHORAD MISSILE SYSTEM WILL BOOST THE INDIAN ARMY'S MOUNTAIN WARFARE PROWESS

The Defence Acquisition Council (DAC) Tuesday accorded Acceptance of Necessity (AoN) to procure the Very Short Range Air Defence System or VSHORAD (IR Homing) missile system, designed and developed by the Defence Research and Development Organisation (DRDO), among other weapon systems for the Army and Navy at a total cost of Rs4,276 crore.

The development comes amid the ongoing military standoff with China at the LAC in eastern Ladakh and reports of air violations by China along the LAC last year.

India has been in talks with Russia since 2018 to procure the Igla-S air defence missiles at a cost of $1.5 billion under the VSHORAD programme in a bid to replace the Russian Igla-M systems which have been in use with the Army.

However, defence officials indicated that there has been little progress on that front and it has been put on hold for now with the strong government pitch for atmanirbharta (self -dependence) in defence. The latest AoN granted to the procurement of the DRDO-developed VSHORAD testifies that.

What is the missile system?

Meant to kill low altitude aerial threats at short ranges, VSHORADS is a man portable Air Defence System (MANPAD) designed and developed indigenously by DRDO's Research Centre Imarat (RCI), Hyderabad, in collaboration with other DRDO laboratories and Indian Industry Partners.

The DRDO, in September last year, conducted two successful test flights of the VSHORADS missile from a ground based portable launcher at the Integrated Test Range, Chandipur, off the coast of Odisha.

As per the defence ministry, the missile—which is propelled by a dual thrust solid motor—incorporates many novel technologies including miniaturised Reaction Control System (RCS) and integrated avionics, which were successfully proven during the tests conducted last year. The DRDO has designed the missile and its launcher in a way to ensure easy portability.

How will it help India?

While the exact specifications of the missile are not immediately known, officers in the Army explained that being man portable and lightweight compared to the other missile systems in the Army's armoury, it can be deployed in the mountains close to the LAC at a short notice.

"When it comes to man portable air defence missiles, there was a critical gap in the Army's inventory, especially for the eastern and northern borders, though not so much for the western borders with Pakistan, for which India has the Soviet-vintage OSA AK missile systems," an officer told The Indian Express.

"Others like the Akash Short Range Surface to Air Missile System are heavier with a theatre air defence umbrella of up to 25 km and can be deployed further away from the LAC for static formations," he said, adding that they may not be the best bet for mountains.

When inducted, they will be a critical air defence missile for the forces, even for an all-equipped infantry unit, and will be the best option for mountain warfare, the officer said.

In a statement Tuesday, the defence ministry said that in view of the recent developments along the northern borders, there is a need to focus on effective Air Defence weapon systems which are man portable and can be deployed quickly in rugged terrain and maritime domain.

It added that the procurement of VSHORAD, as a robust and quickly deployable system, will strengthen India's air defence capabilities.

When are they expected to be inducted?

The AoN is the first step in the long capital procurement process in defence. Not all AoNs accorded necessarily culminate into a final order.

However, with flight tests having taken place, defence officials estimate the missile systems can be delivered to the forces in another three to four years with industry support if the orders are placed on time.

YOUNGER DIABETICS ARE ON THE RISE IN MOST STATES

In five States — West Bengal, Andhra Pradesh, Uttarakhand, Goa and Tripura — more than 8% of men aged below 35 had a random blood glucose level higher than 140 milligrams per decilitre (mg/dl), according to the National Family Health Survey-5 conducted between 2019 and 2021. The trend holds true for women aged below 35 in West Bengal and Tripura as well.

Not only was the share higher in these States, the increase from 2015-16 (NFHS-4) was also considerable. In West Bengal, the share of men aged below 35 with high blood glucose level increased by 2.6% in the five-year period. Among the women, the increase was even higher at 3%. Among the men in Tripura, the increase was much higher at 5.6% and among women, it was 3.5%.

The NFHS classified an individual as having high blood glucose if the random blood glucose level was above 140 mg/dl. Less than 140 was considered normal. The high glucose level is used to identify patients who are potentially diabetic. However, further tests have to be conducted to confirm the diagnosis.

While the share of young people with high blood glucose levels was alarming in the above-mentioned States, the rest of India was not far behind. In the southern States of Tamil Nadu and Telangana, the north-eastern States of Assam, Meghalaya, Sikkim and Mizoram, and Gujarat and Odisha, the share of young men with high blood glucose levels crossed 6% in 2019-21.

In 20 out of the 29 States analysed, the share of such young men increased. Of the nine States where the share decreased, Kerala's decline was notable. From 8.8% young men with high blood glucose level in 2015-16, the share reduced to 3.9% in 2019-21. Among women, an increase was observed in 21 States.

Young women in general had lower blood glucose levels than men. Except in West Bengal and Tripura, in other States the share of such young women was less than 6% in 2019-21. The increase from 2015-16 was also relatively muted compared to young men.

The above conclusions consider people aged between 15 and 34. If only those in their thirties are considered, the share of potentially diabetic young persons were much higher. Close to 9% of Indian women in their thirties were either on medication to control diabetes or had a high random blood glucose level in 2019-21. And the figure for men was even higher at 11.3%.

Most of the trends observed among the younger population holds true even if we include the older age-groups.

Indian women in general are less susceptible to diabetes than men. The number of men with a high random blood glucose level was relatively higher in Goa, West Bengal, Tripura and the southern States of Kerala, Andhra Pradesh, Tamil Nadu and Telangana. This was closely followed by Uttarakhand, Odisha and the north-eastern States of Meghalaya, Assam and Mizoram. The trend mostly holds true among women too. So, in general, diabetic incidence is higher in the eastern, north-eastern and southern States.

WE WON'T PAY A FARTHING MORE, SAYS UNION CARBIDE

The Union Carbide Corporation (UCC) on Tuesday said it is not willing to pay a "farthing" more if a settlement with the Centre in 1989 is set aside by the Supreme Court even as a Constitution Bench asked the government why ₹50 crore of the $470 million paid by the company has still not reached the Bhopal gas leak tragedy victims after all these years.

The Centre, in a curative plea, has contended that the 1989 settlement is seriously impaired. It has sought additional funds of over ₹7,400 crore from the pesticide company. The government said there is fresh data of more suffering caused by the incident.

"My client is not willing to pay a farthing more. They say this is what they settled for, and if you [government] don't want the settlement, let the law take its course," senior advocate Harish Salve, for UCC, apprised the court.

Justice Sanjay Kishan Kaul, the lead judge on the five-member Bench, said the government was walking a "slippery slope" by seeking to "re-open" the settlement after over 30 years through a curative petition.

Attorney-General R. Venkataramani, appearing for the Centre, said the tragedy presented an extraordinary situation. The government was not looking to reopen the settlement but only wanted to "add" to it. "The settlement was not just," he said.

"So why did you settle then? One of the parties to the settlement was the Union of India no less, not a weak party… Let's say, on the other hand, a situation arises that the actual scenario is less horrific than made out to be… Can the other side [UCC] come out and say that an excess amount was paid in the settlement and they want it back? Can we permit that?" Justice Kaul asked.

Justice A. S. Oka said a 1991 decision of the top court, while refusing to reopen the settlement, had made it clear that it was the duty of the government to pay any additional compensation to the victims if there was a shortfall.

WHY IS THE LAND SINKING IN JOSHIMATH?

The story so far:

Cracks first appeared in a few houses in Uttarakhand's Joshimath town in October 2021. Over a year later, by January 11, 2023, 723 houses in all of the nine wards in the town had developed major or minor cracks on the floors, ceilings and walls. In response, 145 families have been temporarily moved to safer locations within the town.

Where is the town of Joshimath situated?

At a height of 6,107 feet, Joshimath is a busy town in the Chamoli district of Uttarakhand. Despite a population of only about 23,000, it has been heavily built-on, with hotels, resorts, and a bustling market that caters mainly to tourists, pilgrims, trekkers and personnel of the Army and the Indo-Tibetan Border Police (ITBP).

After the 1962 India-China war, Joshimath emerged as a place of strategic importance as it leads to villages along the India-China border. It is also en route to Barahoti, a disputed territory along the border. The town is also a gateway to noted sites of pilgrimage — Badrinath for Hindus and

Hemkund Sahib for Sikhs; the international skiing site of Auli; and the Valley of Flowers, a UNESCO World Heritage site.

However, today, Joshimath is overly burdened with structures built without any regard for the land's load-bearing capacity.

How vulnerable is Joshimath?

Joshimath's geological setting, together with the unplanned and rampant construction in and around the town, has resulted in land subsidence. The signs of sinking first appeared in October 2021, when 14 families in the Chhawani Bazar locality noted cracks in their houses. Subsequently, cracks continued to appear around town and residents resorted to repairs. The situation became particularly alarming towards the end of 2022 and the beginning of 2023, when large parts of the town experienced sudden land-sinking and several houses developed major cracks.

Joshimath is built on the deposits of an old landslide, which means that the slopes can be destabilised even by slight triggers. The town is also in Zone V, which, as per India's seismic zonation scheme, denotes the highest risk. It lies between two thrusts, the Main Central Thrust (MCT) and the Vaikrita Thrust (VT), and thus occupies a seismically active terrain. Geologist Navin Juyal, who conducted research on land subsidence in the town in 2022, said that because of the MCT, the area around Joshimath is highly active in terms of slope mobility.

Joshimath is also prone to extreme weather. "Climatologically, Joshimath lies in a region that frequently receives high-intensity, focussed rainfall," Mr. Juyal said. Extreme rains, for example, could trigger landslides, since the slopes are precariously balanced, he said.

A report on Joshimath published by the Uttarakhand State Disaster Management Authority (USDMA) in September 2022 said that the floods of June 2013 and February 2021 heightened erosion in the area. Very heavy rains in October 2021 — 190 mm in 24 hours — worsened the subsidence and vulnerability to landslides, it stated.

Land subsidence was noticed in the area decades ago. The then Uttar Pradesh government (Uttarakhand was then a part of Uttar Pradesh) formed a committee led by M.C. Mishra to study its causes. The committee's report of 1976 warned against heavy and unscientific construction in the town, writing: "Joshimath is a deposit of sand and stone … hence was not a suitable place for the coming up of a township. Vibrations produced by blasting and heavy traffic will also lead [to] disequilibrium in natural factors." However, Joshimath continued to develop exactly the way the Mishra committee had advised against.

What is the role of the NTPC?

Locals have blamed the National Thermal Power Corporation's (NTPC) 520-MW Tapovan Vishnugad hydropower project, under construction in the area, for exacerbating Joshimath's land subsidence. On December 24, 2009, a tunnel boring machine punctured an aquifer some three km from Selang village, which is only about five km from Joshimath. The tunnel is nearly a kilometre under Auli, near Joshimath. The puncture released water at 700-800 litres per second, enough to meet the needs of at least two million people every day, as per a 2010 article by researchers affiliated with the Dehradun-based Uttarakhand Disaster Mitigation and Management Centre and the Srinagar Garhwal-based Hemvati Nandan Bahuguna (HNB) Garhwal University.

O.P. Dimri (50), a Joshimath local, said, "After the (2009) incident, water sources in our town started to dry up." Additionally, while the amount of discharge has reduced over the years, it has

still not stopped, stated Puran Billangwal (43), another Joshimath resident. Atul Sati, convener of the Joshimath Bachao Sangharsh Samiti, which has been protesting against projects detrimental to Joshimath since 2004 and is currently leading protests demanding adequate relief and rehabilitation for Joshimath's residents whose houses have been damaged, believes that the water released in 2009 is a major contributor to the subsidence. This month, water laden with muck and some volatile chemicals, began surfacing in the town's Marwari ward. "Several of us believe the water is from the February 7, 2021 flood that would have entered into the (under-construction) tunnel of the Tapovan Vishnugad project and is now surfacing in Joshimath," Mr. Sati said, adding that the water has been sent to Dehradun for tests.

However, there have been no scientific studies establishing links between the puncture and the subsidence in Joshimath. Therefore, the NTPC in a January 5 press release denied any role in the ongoing crisis.

What about the Char Dham project?

The six-km Helang-Marwari bypass, being built by the Border Roads Organisation (BRO), is also under scrutiny for weakening slopes and further destabilising the local topography. The bypass is part of the 825-km Char Dham highway expansion project in Uttarakhand, which experts have already questioned for unscientific slope-cutting, which resulted in several landslides.

Mr. Juyal, the geologist, was a former member of the High Powered Committee that the Supreme Court appointed to review the project. He had recommended that the bypass be built only after a geotechnical feasibility study. He told The Hindu that the project was built despite warnings from a few committee members. Residents stated that the BRO was using drills and explosives to construct the bypass.

Yaspal Sundriyal, a geologist at the HNB Garhwal University who has studied land subsidence in Joshimath, said, "Heavy construction work for the road is weakening the foundations on which Joshimath stands. It could be detrimental to the town's existence."

On January 5, the Chamoli district administration temporarily halted work on the bypass and the NTPC dam in a desperate bid to slow the subsidence.

What are the other issues which have contributed to land subsidence?

The 2022 USDMA report also pointed to a lack of drainage and wastewater disposal systems as being part of the subsidence problem. According to Mr. Sati, about 85% of buildings in the town — including those owned by the Army — aren't connected to a sewerage system and have soak pits instead.

The 1976 Mishra committee report had warned that these pits could create "cavities between soil and boulders", as well as that inadequate drainage could lead to landslides. Garhwal University's Mr. Sundriyal has said that such cavities result in land subsidence as well.

Kavita Upadhyay is an independent journalist and researcher from Uttarakhand, and has been researching and writing on disasters in the region for a decade.

WHAT IS A COLD WAVE, WHY NORTHWEST INDIA IS SHIVERING

Delhi and other parts of northwest India have been reeling under a cold wave spell that set in last week.

What is a cold wave?

The IMD marks a cold wave in terms of minimum temperatures – when the minimum temperature in the plains is 4 degrees or less or when the minimum temperature is less than 10 degrees and 4.5 to 6.4 degrees below the normal.

One of the major factors contributing to colder than normal temperatures over north India this month is the large-scale fog cover, according to RK Jenamani, scientist, IMD. "While westerly and northwesterly winds of around 5 to 10 kmph in the afternoon have also been contributing to the dip in temperature, an important factor this month is fog, which has been lasting for longer durations, preventing sunlight from reaching the surface and affecting the radiation balance. There is no heating in the day time, and then there is the impact of the night. Foggy or cloudy nights are usually associated with warmer nights, but if the fog remains for two or three days, cooling begins even at night," he explained.

TAME, NOT LAME

Come Pongal and many parts of Tamil Nadu are alive with preparations for jallikattu, a traditional sport involving bulls. On December 8, a five-member Constitution Bench of the Supreme Court reserved its verdict on a batch of pleas challenging the Tamil Nadu law allowing jallikattu. The court is expected to give its judgment before the commencement of this year's event, which goes on for nearly four months in various parts. It is likely to rule on the validity of the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017, which does not talk of the "taming of bulls" while giving legal sanction to jallikattu. Though the traditional sport was not allowed for a few years thanks to the apex court's ruling in May 2014, the demand for its revival assumed serious proportions soon after the death of Chief Minister Jayalalithaa in December 2016. As the court had declared void the Tamil Nadu Regulation of Jallikattu Act, 2009, which referred to the "taming of bulls", the framers of the 2017 law defined jallikattu as "an event involving bulls conducted with a view to follow tradition and culture". On hearing petitions against the latest law, the court had sought to address the questions of whether jallikattu should be granted constitutional protection as a collective cultural right under Article 29 (1); and whether the 2017 law and rules "perpetuate cruelty to animals" or were a means to ensure "the survival and well-being of the native breeds of bulls".

In a democracy, no one can overlook the cultural sensitivity of the people. Six years ago, the perception that those in power, both at the Centre and in the State, did not respect this factor gained ground, compelling the Union and the State governments to come up with a State-specific amendment to the Prevention of Cruelty to Animals Act, 1960, a Central law. The amendment, allowing the event subject to rules and regulations, had ended the crisis that had engulfed the State then in the wake of a huge assembly of people on the Marina Beach for days together. But the revised law, by itself, could not ensure that no human lives were lost, let alone prevent instances of torture to the animal. There is a need to reinforce stricter enforcement of regulations. Also, the bureaucracy should sensitise local communities to the need for the safe and smooth conduct of jallikattu. Every traditional practice undergoes changes over time and jallikattu is no exception to this rule. This message should be conveyed forcefully to all the stakeholders.

FREQUENT OUTBREAKS OF BIRD FLU IN KERALA REQUIRE DIAGNOSTIC STUDIES'

Frequent outbreaks of avian flu in Kerala have critically hit the poultry industry and the livelihood of hundreds of farmers. Five outbreaks have been reported in the last three or four months alone.

Experts demand diagnostic studies to control the infection. "Duck farming is one of the traditional farming systems in the State, especially in the Kuttanad area. Investigations are required on whether contamination occurs through soil and water. We need to check whether there is any change in salinity and pH of water and soil over the period."

Kerala's wetlands, which habitats more than 80% of duck population, are under threat due to outbreaks of bird flu. Many of these wetlands come under Ramsar sites with rich biodiversity. The Kuttanad area, a Ramsar site, is under constant threat of Avian influenza.

"There is no effective vaccination against bird flu. It spreads mainly through migratory birds," says B. Ajithbabu, Deputy Director, Department of Animal Husbandry.

HAS HUMAN-ANIMAL CONFLICT INCREASED IN WAYANAD?

The story so far:

In the latest in a series of wild elephant attacks in Kerala, Subair Kutty, a daily worker, was attacked by a rouge elephant at Sulthan Bathery town adjacent to the Wayanad wildlife Sanctuary in the early hours of January 6. Subair, who was taken to a hospital with injuries, had a miraculous escape. The same elephant further charged at a bus and destroyed crops grown by three farmers on the same day. Meanwhile, a herd of elephants raided a field of 500 plantains belonging to two farmers at Kallur, some 10 kms away from Sulthan Bathery. After a three-day search, the elephant, codenamed Pandalur Makhna-2 or PM2, was caught and has since been relocated to the elephant kraal at Muthanga in Wayanad.

What has led to the spike?

An increase in the intrusion of people into wildlife habitats and the change in land use patterns by cultivators have exacerbated the trouble. Furthermore, these cultivators, who are often development-oriented and believe that the prime job of the forest department is to protect their interests, are less tolerant of crop raids by wild animals, Dr. Easa points out.

What is the way out?

The only solution is mitigation of conflict. For this, both government and society should work together as a single entity and alter perspectives towards wildlife and human existence in the forest and on its fringes. Parallelly, forest conservation must be made more effective, through participatory programmes involving the people, Dr. Easa says.

GANGA VILAS SAILS TODAY: HERE IS WHAT THE VARANASI-DIBRUGARH CRUISE OFFERS TOURISTS

On January 13, Prime Minister Narendra Modi will flag off the Ganga river cruise from Varanasi, his Parliamentary constituency. The 51-day cruise, being pitched as the world's longest river cruise, is expected to reach its final destination — Dibrugarh in Assam — on March 1.

The route

Set to sail from Varanasi, the cruise ship, MV Ganga Vilas, will cover 3,200 km over 51 days, crossing 27 river systems and several states before ending its journey at Dibrugarh. The voyage is packed with visits to 50 tourist spots, including World Heritage spots, national parks, river

ghats, and major cities like Patna in Bihar, Sahibganj in Jharkhand, Kolkata in West Bengal, Dhaka in Bangladesh and Guwahati in Assam.

It will make pit-stops to cover the famous Ganga Arti in Varanasi, the Buddhist site of Sarnath; and even Majuli, the largest river island in Assam. The travellers will also visit the Bihar School Of Yoga and Vikramshila University. The cruise will traverse through the Sunderbans in the Bay of Bengal delta, as well as the Kaziranga National Park.

The Ministry of Ports, Shipping and Waterways is the coordinator of this ship tourism project. While speaking on the safety of the tourists travelling through the international borders of India and Bangladesh, Union Minister for Tourism, G Kishan Reddy, said, "All the facilities and security protocols have been taken care of for the tourists. The Government of India is taking several steps to promote cruise tourism in the country."

Even as the tourists boarded the cruise on January 10, they have spent the first two days in local sightseeing.

The cruise liner

The vessel has three decks,18 suites on board with a capacity of 36 tourists, with all the luxury amenities.The maiden voyage has 32 tourists from Switzerland signing up for the entire length of the journey. It will cost approximately Rs 25,000 per person per day.

While it will be managed by private operators, the Inland Waterways Authority of India (IWAI), under the Ministry of Shipping, Ports and Waterways (MoPSW), has supported the project.

The operator has told The Indian Express that they have already planned MV Ganga Vilas's next voyage for the month of September this year, and bookings will open shortly. The tickets can be booked from the website of Antara river cruises.

River tourism

Highlighting the need to develop river cruise tourism in the country, Union Shipping & Ports Minister Sarbananda Sonowal said that the sector would generate employment opportunities in the hinterland. He said the river tourism circuits will be developed and integrated with the existing tourism circuits for maximum exposure and rapid development of this sector in the country.

The 51-day cruise, being pitched as the world's longest river cruise, is expected to reach its final destination — Dibrugarh in Assam — on March 1.

In India, eight river cruise vessels are operational between Kolkata and Varanasi while cruise movement is also operation on National Waterways 2 (Brahmaputra), the government statement said.

The government of India has taken several initiatives to boost the country's cruise tourism industry, including infrastructure upgrades, rationalisation of port fees, removal of ousting charges, priority berthing for cruise ships, and the provision of e-visa facilities. India aims to increase cruise passenger traffic from 0.4 million at present to 4 million. The economic potential of cruise tourism is expected to rise from $110 million to $5.5 billion in the coming years.

SHARAD YADAV: MANDAL FLAG-BEARER

Sharad Yadav, who died at 75 on Thursday, was a product of the JP movement. Along with Mulayam Singh Yadav and Lalu Prasad, he represented the Mandal upsurge in the 1990s that changed the face of politics in northern India. If Mulayam and Lalu were charismatic organisers, Sharad Yadav was more of a socialist ideologue and strategist, who commanded wide respect but lacked the capacity or resources to win elections on his own. The absence of a home base forced him to hop between parties and coalitions. He was elected to the Lok Sabha seven times, was Rajya Sabha MP for four terms and served as minister in the V P Singh and Vajpayee governments.

Sharad Yadav's entry into electoral politics was dramatic. In 1974, at the peak of the Navnirman and Bihar movements, a by-election was announced for the Jabalpur Lok Sabha seat. It became a test for the Opposition, which was rallying around Jayaprakash Narayan in its battle against then Prime Minister Indira Gandhi. JP chose a young graduate from the local engineering college as the joint Opposition candidate. Sharad Yadav, 27 years old, caused an upset by defeating the Congress candidate. The Jabalpur bypoll was a pointer that the tide was turning against Mrs Gandhi. In the Emergency that followed after the Allahabad High Court ruled against her election, Sharad Yadav, now a first-term MP, was jailed with scores of other Opposition politicians. When the Janata experiment failed and the party split, he joined Charan Singh and later, the Janata Dal, which soon came to head the National Front government in 1989. Mandal catapulted Sharad Yadav to the JD's national leadership. His election as JD president in 1996 led to a split in the party with Lalu Prasad forming the Rashtriya Janata Dal. Sharad Yadav soon hitched his wagon to Nitish Kumar. His finest moment in electoral politics followed in 1999, when he defeated Lalu Prasad in Madhepura; and his lowest point was when he opposed the women's reservation bill in Parliament claiming that it would only benefit privileged upper class women.

For most of his political life, Sharad Yadav was an Opposition politician — he stood against the dominant pole of national politics. If the Lohiaite anti-Congressism defined his politics in the 1970s and '80s, the last phase saw him ally with the Congress. His political allies and affiliations would change, but he was steadfast in his allegiance to socialist and social justice agendas.

SS RAJAMOULI AND MM KEERAVANI DO NAATU NAATU HOOK STEP AFTER RRR'S GOLDEN GLOBE WIN, RAJINIKANTH PENS CONGRATULATORY MESSAGE

The RRR team struck gold at the Golden Globes 2022 after the song Naatu Naatu, composed by MM Keeravani, won the award for Best Original Song. Congratulations flowed in from all quarters for the team, including from Shah Rukh Khan, Kamal Haasan, Rajinikanth, all expressing their pride for the team. Prime Minister Narendra Modi extended his wishes for the RRR team as well. The song features Ram Charan and NTR Jr doing an impeccably synchronised dance-off showdown with the British officers in the historical epic.

A new video of SS Rajamouli and Keeravani dancing to Naatu Naatu holding the Golden Globe award is going viral on social media.

Rajinikanth had tweeted, "THANK YOU Keeravani and Rajamouli for making us proud and bringing home the Golden Globe for Indian cinema."

Kamal Haasan also congratulated the team and wrote, "India continues to gain popularity. The song #GoldenGlobes) directed by @ssrajamouli has won an award for the song #NaatuNaatu

@mmkeeravaani the film #RRR . This so#NaatuNaatuady crossed #GoldenGlobess on YouTube. Congratulations (sic)," he tweeted.

RRR's Naatu Naatu has been shortlisted for the Oscars 2023. The nominations would be announced at the end of this month. In an interview for NBP podcast, Charan was asked if he would dance on the Oscars stage with Jr NTR if Naatu Naatu gets nominated. The actor answered, "Of course, if they are going to give us an award, why not." Earlier, Ram Charan had talked about shooting for the 'beautiful torture' that was Naatu Naatu, saying, "My knees still wobble talking about it. Ya, it was what it is, it is a beautiful torture and look where it got us! We are standing here, talking to you today on this carpet, thanks to it."

A PUSH FOR GLORY

For Odisha's tribal-dominated hockey cradle Sundargarh district, where people are used to seeing a goat as a trophy in a rural tournament, the conduct of the Men's World Cup at Rourkela, a joint host of the mega event along with Bhubaneswar, will be a dream opportunity to watch the best teams compete from Friday. It took a generous decision from the Odisha government to sponsor the Indian national teams and then hold the World Cup in Bhubaneswar in 2018. It took an even bigger decision by Odisha Chief Minister Naveen Patnaik to organise it in two cities, officially for the first time, in 2023. The State government had to adopt a three-pronged approach to tackle logistical issues. It spent ₹260 crore to build a new stadium which has the capacity to hold 20,000 spectators; constructed a 225-room five-star facility to accommodate players and officials; and readied an airport for commercial flights in Rourkela within a limited time frame. The pandemic was a major impediment, but the Odisha government was strong-willed. India will now become the first country to hold the World Cup in consecutive editions and for the fourth time. Steel City Rourkela will be the fourth Indian city to organise the event. Sundargarh was exposed to hockey by the Christian missionaries in the 1860s. It has come a long way since then to produce top stars including former India captain and current Hockey India president Dilip Tirkey, Ignace Tirkey, Prabodh Tirkey, Lazarus Barla, William Xalxo, Birendra Lakra, Jyoti Sunita Kullu, Subhadra Pradhan and Deep Grace Ekka. The district will now see two of its sons — vice-captain Amit Rohidas and Nilam Sanjeep Xess — sport India colours on its soil.

For the first time in over four decades, India is approaching a World Cup as an Olympic medallist following its 2021 bronze win in Tokyo. The hunger for success will be intense as India — which bagged a bronze medal in 1971, a silver in 1973 and a gold in 1975 — had its last podium finish in a World Cup nearly 48 years ago. Coached by the Australian World Cup and Olympic medallist Graham Reid, the home team, which was a quarter-finalist in the last edition and is now a blend of youth and experience, will be keen for a fruitful campaign. Irrespective of where India finishes, the 16-team event is all set to bolster Odisha's reputation to organise big-ticket sporting events.

ANALYSING THE 'CHEATING' IN CHESS

The story so far:

The chess world was rattled in late 2022 when Magnus Carlsen, the current world champion, accused Hans Niemann, a 19-year-old U.S. chess grandmaster, of cheating using a chess-playing artificial intelligence (AI) system. Niemann had defeated Carlsen, prompting Carlsen's accusation; Niemann asserted that he had defeated Carlsen fairly even though he later admitted to having cheated twice in online chess games at the ages of 12 and 16.

A month later, a 72-page investigation report drafted by Chess.com claimed that Niemann had "likely cheated" more than a hundred times while playing online chess. But the report also said, "There is no direct evidence that proves Hans cheated at the September 4, 2022, game with Magnus."

How can you tell when a player has cheated?

First, researchers build a statistical model using the database of millions of finished chess matches. Then they estimate the probability that a human player's move will coincide with a move made by a chess engine using the fitted model.

By feeding records of Niemann's games into chess engines, some experts discovered that Niemann had played a lengthy series of AI-recommended moves in tournament games and that his tactics were frequently similar to those of a computer. But some experts contended that the onboard movements in actual games of many players could resemble those of an AI, since human players' training, preparation, and practices are now affected by these engines as well.

The Carlsen-Niemann dispute may finally be decided in court: Niemann has sued Carlsen, Chess.com and chess prodigy Hikaru Nakamura, who also accused Niemann of cheating in online games, for $100 million for defamation.

How reliable is statistics?

An infamous criminal case from the U.K. involving a woman named Sally Clark is a prime example of how the use of false statistics resulted in an injustice.

Following the untimely deaths of two of her infant children from sudden infant death syndrome (SIDS) on separate occasions, Clark was accused of murder. A paediatrician said that the probability of a random SIDS death when the mother is older than 26, affluent, and a nonsmoker, is 1 in 8,543.

So the probability of two such deaths, the expert continued, was computed as 1/8,543^2, or 1 in 73 million. Clark was promptly convicted in 1999.

But the Royal Statistical Society disagreed and said there was "no statistical basis" for the paediatrician's figure. In fact, the paediatrician had committed the 'prosecutor's fallacy' by wrongly considering the two deaths to be independent. When Ray Hill, a mathematics professor at the University of Salford, examined additional data in 2002, he concluded that the chance of a second child dying of SIDS given that a first child had died of SIDS might be as high as only 1 in 60! Clark was thus released from jail in 2003.

Carlsen has expressed a belief that cheating is "an existential threat" to chess. It might be tempting, against this backdrop, to see the future of this 1,500-year-old game lying even in part in the hands of the Carlsen-Niemann case, specifically in the proper use of statistics and their interpretation. But there will be several ways to calculate and interpret them, just as the case itself can swing either way.

For example, according to analysis by an anonymous Chessbase user called gambit-man, Niemann has an unusually high number of games with near 100% engine correlation.

Niemann's defence might be that his play is far less computer-like than Carlsen's has been in the recent past.

There is a metric called centipawn loss: it measures how much worse a player's moves were compared to the engine's top choice. A lower value indicates a closer match to the engine's choice. There's another metric called depth: the number of forthcoming moves by a single player that a chess engine tries to predict. Compared to the open-source chess engine Stockfish (v. 15) at depth 18, Niemann's and Carlsen's centipawn loss scores are 25.6 and 16.9, respectively.

So who wins the argument?

It's hard to say. Perhaps we will never know for sure if Niemann really cheated because statistical analyses only suggest whether cheating may have occurred; they don't provide absolute verdicts. The only thing of which we can be reasonably certain is that whoever wins the case, an honest game of chess needn't hang in the balance — but not for the reasons Carlsen is concerned about.

BUSINESS & ECONOMICS

IT'S TIME INDIA LIFT ITS BAN ON WHEAT EXPORTS

The Narendra Modi government is said to be exploring the possibility of lifting its ban on wheat exports imposed last May. The apparent rationale for its reconsideration is the discontinuation of the Pradhan Mantri Garib Kalyan Yojana, which provided 5 kg of free rice or wheat to ration cardholders in addition to their existing monthly entitlement under the National Food Security Act. The scheme's non-extension after December has certainly reduced the requirement of grain for the PDS, thereby opening a window for restoration of normal trade. India shipped out record quantities — 7.2 million tonnes (mt) of wheat and 21.2 mt of rice — in 2021-22, along with all-time-high 105.2 mt of the two cereals being channeled through the PDS. Clearly, both together were not sustainable. Given that the extra free-grain scheme has ended — it was specifically intended as a post-Covid distress alleviation measure — exports can potentially be allowed.

But the Modi government is unlikely to lift the ban soon for three reasons. First, wholesale wheat prices are currently around Rs 28 per kg in Delhi, as against Rs 20 a year ago. Retail cereal inflation, at 12.96 per cent in November as per official data, is also far too high. Second, public wheat stocks, at just over 19 mt on December 1, were the lowest in six years for this date. It limits the government's ability to undertake open market operations in the event of any price rise. Third, the next wheat crop will start arriving in the markets only towards end-March. Although farmers have sown an unprecedented 33.2 million hectares area this time, no realistic assessment of production can be made now: One must be wiser from last year's experience, when a sudden spike in temperatures after mid-March took a heavy toll on yields. The export ban was forced only due to government wheat procurement plunging to 18.8 mt, from the previous year's 43.3 mt.

That said, it's good if the government is thinking in terms of re-allowing exports. Trade restrictions should be resorted to only in extreme situations. Last year's ban was sudden, coming just days after the commerce minister's claims about Indian farmers "feeding the world". It dented the country's image as a reliable supplier. One must hope for a bumper crop and India reentering the world market at the earliest.

GREEN BONDS OUT JAN 25: WHAT THEY ARE, WHAT THEY MEAN FOR INVESTORS, ENVIRONMENT

On Friday (January 6), the Reserve Bank of India (RBI) announced that it will, for the first-time, issue Sovereign Green Bonds (SgrBs) worth Rs 16,000 crore, in two tranches of Rs 8,000 crore each in the current financial year. The RBI said it will issue 5-year and 10-year green bonds of Rs 4,000 crore each on January 25 and February 9.

What are Green Bonds?

Green bonds are bonds issued by any sovereign entity, inter-governmental groups or alliances and corporates with the aim that the proceeds of the bonds are utilised for projects classified as environmentally sustainable. The framework for the sovereign green bond was issued by the government on November 9, 2022.

Why are these bonds important?

Over the last few years, Green Bonds have emerged as an important financial instrument to deal with the threats of climate change and related challenges. According to the International Finance Corporation (IFC), a World Bank Group's institution, climate change threatens communities and economies, and it poses risks for agriculture, food, and water supplies.

A lot of financing is needed to address these challenges. It's critical to connect environmental projects with capital markets and investors and channel capital towards sustainable development – and Green Bonds are a way to make that connection.

How beneficial is it for investors?

Green Bonds offer investors a platform to engage in good practices, influencing the business strategy of bond issuers. They provide a means to hedge against climate change risks while achieving at least similar, if not better, returns on their investment. In this way, the growth in Green Bonds and green finance also indirectly works to disincentivise high carbon-emitting projects, as per the IFC.

When did Govt plan these bonds?

In August last year, the government said it stands committed to reduce Emissions Intensity of GDP by 45 per cent from the 2005 level by 2030, and achieve about 50 per cent cumulative electric power installed capacity from non-fossil fuel-based energy resources by the same year.

In line with the commitment to significantly reduce the carbon intensity of the economy, the Union Budget 2022-23 made an announcement to issue Sovereign Green Bonds.

The country's climate actions have so far been largely financed from domestic resources and it is now targeting generation of additional global financial resources. The issuance of the Sovereign Green Bonds will help the Indian government in tapping the requisite finance from potential investors for deployment in public sector projects aimed at reducing the carbon intensity of the economy.

Where will the proceeds go?

The government will use the proceeds raised from SGrBs to finance or refinance expenditure (in parts or whole) for various green projects, including in renewable energy, clean transportation, energy efficiency, climate change adaptation, sustainable water and waste management, pollution and prevention control and green buildings. In renewable energy, investments will be made in solar, wind, biomass and hydropower energy projects.

RBI'S REVISED GUIDELINES FOR LOCKER MANAGEMENT

The story so far:

In order to enhance the safety, transparency and effective management of safe deposit lockers provided by banks, apex banking regulator Reserve Bank of India (RBI) released a list of revised guidelines, which came into force from January 1, 2022. The guidelines followed observations made by the Supreme Court in Amitabha Dasgupta vs United Bank of India (February 2021). The agreements with existing customers were to be renewed by January 1, 2023.

What changes for banks?

Now, while allotting lockers, banks have to enter into an agreement with the customer on duly stamped paper, with a copy being provided to both parties. The terms of the contract must not be "more onerous than required in the ordinary course of business to safeguard the interests of the bank". The provisions entail ensuring the safety of the locker, its management, rent collection and verification for transfer or revealing the contents.

Banks would now be allowed to obtain a 'term deposit' at the time of allotment to a consumer. It would cover three years' rent and the charges for breaking open a locker should the locker-hirer neither operate it nor pay rent. The central idea here is to ensure the prompt payment of locker rent. In the event of a merger, closure or shifting of a branch that would require physical relocation of lockers, the banks would be required to give notices in at least two newspapers with customers intimated at least two months in advance along with the option to change or close the facility. Further, if the locker rent is collected in advance, the proportionate amount would require to be refunded to the customer should s/he surrender the account. Banks would not be under any liability to insure the contents of the locker against any risk whatsoever. Additionally, under no circumstances can it offer insurance products to its customers for insuring the contents.

What is new for customers?

For lockers operated through an electronic system, the bank must institute measures to safeguard it against any breach of security. It must also devise a standard operating procedure for issuing a new password should the customers have lost or forgotten them. Customers must also inform the bank immediately if they lose the locker key.

Banks would reserve the discretion to break open the locker with regards to due procedure if the rent stands pending for three years in a row. They must however inform the user and accord him 'reasonable opportunity' to withdraw the deposited contents. The break-open process would take place in the presence of a bank officer and two independent witnesses and the entire process needs to be taped. The idea is to collect evidence in case of any dispute or in the future.

What happened in the Amitabha Dasgupta case?

Union Bank customer Amitabha Dasgupta submitted that the lender broke his locker illegally citing an incorrect assertion that he had not paid dues between 1993-94. The Chief Manager of the bank admitted to having incorrectly broken the locker and apologised for the same. When Mr. Dasgupta went to the collect the contents of the locker later, he could find only two of the seven ornaments that had been deposited in the locker in a non-sealed envelope. In its verdict the Court noted that "imposition of liability upon the bank with respect to the contents of the locker is dependent upon provision and appreciation of evidence in a civil suit for such purpose". While the SC eventually ordered the lender to compensate Mr. Dasgupta, it separately added that the existing regulations on locker management were "inadequate and muddled" with no uniformity in rules.

₹2,600-CR. INCENTIVE FOR BANKS TO PROMOTE DIGITAL PAYMENTS

The Union Cabinet approved an outlay of ₹2,600 crore to promote payments using RuPay cards and the Unified Payments Interface (UPI), said Union Minister Bhupendra Yadav on Wednesday. Banks will be provided this incentive money to promote such digital payments, an official press release said.

The fund will be paid to banks in view of the lack of a Merchant Discount Rate (MDR) — a commission on digital transactions — for UPI and RuPay transactions. This regime has led to complaints from the Reserve Bank of India and banks, the Cabinet said, which have been worried about the sustainability of building digital payments infrastructure in the absence of payments needed to maintain them.

THE STORY OF DE LA RUE: CURRENCY PRINTING FIRM AT CENTRE OF CBI'S MAYARAM CASE

The CBI has registered an FIR against former finance secretary Arvind Mayaram for alleged cheating, criminal conspiracy, and corruption. Mayaram, whose premises in Delhi and Jaipur were searched on Thursday, is accused of extending undue favours to the UK-based company De La Rue by giving a three-year extension to its "expired contract" for supply of exclusive colour shift security thread for Indian currency notes when he was finance secretary.

What is the background of De La Rue, the company at the centre of the case?

De La Rue is a British firm, now listed on the London Stock Exchange, which designs and prints currency notes and produces other features used in banknotes like security thread and security holograms for central banks across the world.

For decades, the company was a major supplier of these sensitive materials to India too, but it has not been able to win any major contract since 2016, when its name cropped up in the Panama Papers with evidence that it had authorised a payment of a 15% commission via its subsidiary company, Portals, to its Indian agent for securing banknote contracts.

What was the role of former finance secretary Mayaram in the controversy?

De La Rue has been linked to several controversies in India during the decades it did active business with the government. Mayaram is in trouble over developments dating back to 2012, by which time De La Rue was already in the crosshairs of agencies like the Central Vigilance Commission (CVC). A year previously, in 2011, it was at the centre of a controversy over consignments of its banknote paper headed for India failing quality parameters.

On September 1, 2017, The Indian Express first reported that a CBI inquiry had been initiated against Mayaram as to why he had given extensions for the supply of colour shift security thread to De La Rue without a tender. That inquiry has now been converted into a formal case — the CBI, in its FIR, has alleged that the extension given to De La Rue was an "illegal" act, and that the UK company did not possess the exclusive India patent that they were meant to work with.

And were there any reports of wrongdoing by De La Rue for Indian contracts prior to the allegations faced by Arvind Mayaram?

It was in 2010 that De La Rue was embroiled in its first commercial controversy in India, and was subsequently denied security clearance by the Home Ministry for currency paper contracts.

The Indian Express reported on September 21, 2011 that the company itself had informed the Indian government that its internal inquiry had found that some of the watermarked currency paper it had supplied to India had failed quality parameters.

The company also admitted that some of its employees had "falsified" test certificates submitted to the Reserve Bank of India, and that British enforcement agencies had been informed of the incident.

Then finance minister Pranab Mukherjee had ordered an inquiry into the faulty currency paper supplies. Towards the end of 2010, he approved a proposal to suspend supplies from De La Rue. At this stage 2,000 metric tonnes of "faulty" watermarked Indian currency paper was lying in godowns in India and UK.

What was the fallout of this controversy and later, revelations in the 2016 Panama Papers on De La Rue?

With De La Rue, the biggest player in the currency paper and security features import business for India, being blacklisted and denied security clearance in 2010, a war of words began among the company's competitors. The CVC received bulky complaints (signed by unnamed officials of the Finance Ministry) about other supplier companies as well. The allegations were that other companies such as the French firm Arjo Wiggins, Crane AB of the US, and Louisenthal of Germany, too, had failed tests conducted by the Bharatiya Reserve Bank Note Mudran Private Ltd (BRBNMPL), which signs currency note contracts but had cleared the re-tests in foreign laboratories.

After the publication of the Panama Papers, the RBI had advised the Home Ministry to continue the blacklisting of De La Rue.

What is the status of De La Rue vis-à-vis Indian contracts at present?

Currency paper industry insiders say that for the past several years — and certainly after 2016 — De La Rue has not secured any major Indian contract for supply of currency paper or even security threads and security holograms. In January 2016, a new subsidiary named De La Rue India Private Limited was formed; trade documents show that this company deals with the manufacture of special purpose machinery.

Officials say that De La Rue was frequently attempting to pitch for current and on-going BRBNMPL contracts via this subsidiary company, but the trail of controversies, and the fact that India was trying — and has partly succeeded — in achieving self-reliance in this sensitive sector, stood in the way of its making a fresh breakthrough.

AFTER CCI ORDER ON ANDROID, GOOGLE RESPONDS: BLOW FOR DIGITAL ADOPTION, DEVICES TO GET COSTLY

Google has said that the order passed by the Competition Commission of India (CCI) against Android's operating system policies will result in devices getting expensive in India and lead to proliferation of unchecked apps that will pose threats for individual and national security. The CCI's order "strikes a blow" at the efforts to accelerate digital adoption in the country, Google said.

The Competition Commission of India (CCI), last year, slapped two penalties on Google in separate cases. One of the fines, worth over Rs 1,300 crore, has been imposed on the company for allegedly "abusing its market dominant position" in multiple categories related to the Android mobile device ecosystem in the country. But, beyond the monetary value of the fine, Google is irked by other requirements the regulator has ordered, which analysts say could topple the company's financial viability in the market.

These include conditions that Google should not deny access to its Play Services plugins to "disadvantaged" original equipment manufacturers (OEMs), and the licencing of Play Store to OEMs should not be linked to the requirement of pre-installing Google search, Chrome browser, YouTube, Google Maps, Gmail or any other Google application. It has also asked Google not to restrict the ability of app developers to distribute their apps through side-loading — offering their apps outside of Google's Play Store.

"Predatory apps that expose users to financial fraud, data theft and a number of other dangers abound on the internet, both from India and other countries. While Google holds itself accountable for the apps on Play Store and scans for malware as well compliance with local laws, the same checks may not be in place for apps sideloaded from other sources," Google said in a blog post Friday.

"Unchecked proliferation of such apps on less secure devices can expose vast swathes of Indian users to risk of their data being exposed and pose threats for individual and national security."

Google said that having multiple versions of Android, called 'forks', "harms the consistent and predictable ecosystem that has benefitted users and developers for over 15 years". It claimed that these forks will not support the security and user safety features that Google provides, and OEMs will ultimately have to foot that bill. "This will result in higher costs for the OEMs, and consequently, more expensive devices for Indian consumers," the tech giant said.

Google also warned that if the CCI's orders were to be followed, app developers will have to pay higher costs. "In a forked Android environment, small developers will be forced to prioritise which of the various incompatible Android 'forks' they write and maintain apps for, as their costs will increase with each additional version they support," the company wrote.

"They will no longer have the level playing field they have today with Android, and larger developers, who can support a wider range of incompatible forks, will be able to dominate the market based on their scale, rather than the quality of their product."

Google had appealed CCI's decision with the National Company Law Appellate Tribunal (NCLAT), which declined to stay the antitrust watchdog's order. Google has challenged the NCLAT's order before the Supreme Court which has agreed to hear the company's plea on January 16.

NCLT ALLOWS JET AIRWAYS OWNERSHIP TRANSFER TO JALAN-KALROCK CONSORTIUM

The National Company Law Tribunal (NCLT) on Friday allowed the Jalan-Kalrock Consortium (JKC) — the winning bidder — to take over Jet Airways.

The Mumbai bench of the tribunal also gave the consortium six months' time beyond November 16, 2022 to make payments to lenders. With this, the consortium will have time till mid-May 2023 to make payments to all the creditors and employees.

The counsel for the lenders Rohan Rajadhyaksha had sought a two-week stay on the order but the plea was rejected by the tribunal.

According to the resolution plan approved in June 2021, the Jalan-Kalrock consortium has so far deposited bank guarantees worth Rs 150 crore with the lenders. The consortium has to make cash payments of Rs 185 crore to financial creditors. A total cash infusion of Rs 1,375 crore, including

Rs 475 crore for payment to stakeholders, has been proposed by the consortium. The remaining Rs 900 crore was to be infused for capital expenditure and working capital requirements.

The consortium comprises UAE-based non-resident Indian Murari Lal Jalan, who will hold shares in Jet Airways in his personal capacity, and Florian Fritsch who will hold shares through his investment holding company Kalrock Capital Partners Ltd, Cayman.

The airline was originally promoted by Naresh Goyal and had operated its last flight on April 17, 2019.

The Directorate General of Civil Aviation (DGCA), in May 2022, granted Jet the crucial Air Operator Permit (AOP). This was after the airline completed the required set of 'proving flights' with key DGCA officials on board. Proving flights involve DGCA-ordered diversions from a flight plan to test an airline's readiness.

Jet Airways had suspended flights in April 2019. The airline reported a standalone net loss of Rs 308.24 crore in the three months ended September 2022. The airline had reported a net loss of Rs 305.76 crore in the same period a year ago, according to a regulatory filing.

JKC had emerged as the winning bidder under the insolvency resolution process that had started in 2019.

DGCA SENDS SHOW CAUSE NOTICE TO GOFIRST

Concluding that Go First was at fault in leaving 55 passengers in the bus at Bengaluru airport on Monday, the Directorate General of Civil Aviation (DGCA) has issued a show cause notice to the airline.

"In the instant case, multiple mistakes such as lack of proper communication, coordination, reconciliation and confirmation have resulted in a highly avoidable situation and therefore, DGCA has issued Show Cause notice to Accountable Manager/Chief Operation Officer of M/s Go First as to why enforcement action should not be taken against them for dereliction of their regulatory obligations," said a statement from the DGCA, which has given the airline two weeks to reply to the notice.

On Monday, Go First flight G8116 (Bengaluru to Delhi) departed at 6:30 am without 55 passengers, who were left behind on the bus. The passengers had their boarding passes and checked-in their luggage but were left stranded at the tarmac.

The incident came to light after passengers, who were left behind, tweeted about it. Based on those and media reports the DGCA sought reply from the airline. The aviation regulator said that the standard operating procedures were not followed and that led to such a situation.

NOTAM SYSTEM FAILURE DISRUPTS US FLIGHTS: WHAT HAPPENED

Thousands of flights, within, into or out of the United States were delayed or cancelled due to a technical glitch Wednesday, the AP reported. The US Federal Aviation Administration's (FAA) system, which alerts pilots and other flight personnel about hazards or any changes to airport facility services and relevant procedures, was not processing updated information, the civil aviation regulator's website showed.

In an advisory, the FAA said its NOTAM (Notice to Air Missions) system had "failed". There was no immediate estimate for when it would be back, the website showed, though NOTAMs issued before the outage were still viewable.

After hours of delay, the FAA claimed that normal operations "have resumed" at 7:20 am Eastern Time. We take a look.

The system relays information about changes in conditions such as weather, volcanic activity, airspace restrictions and other factors, as well as unusual events such as parachute jumps, rocket launches and military exercises. It also advises pilots of extraordinary situations at airports, including icing, malfunctioning lights and the presence of flocks of birds, reported Simple Flying.

LIFE & SCIENCE

OZONE HOLE, FILLING UP NOW: WHAT THIS MEANS FOR CLIMATE ACTION

Why in news?

— The ozone 'hole', once considered to be the gravest danger to planetary life, is now expected to be completely repaired by 2066, a scientific assessment has suggested. In fact, it is only the ozone layer over Antarctica — where the hole is the most prominent — which will take a long time to heal completely. Over the rest of the world, the ozone layer is expected to be back to where it was in 1980 by 2040 itself, a UN-backed scientific panel has reported.

— The recovery of the ozone layer has been made possible by the successful elimination of some harmful industrial chemicals, together referred to as Ozone Depleting Substances or ODSs, through the implementation of the 1989 Montreal Protocol. The assessment has reported that nearly 99 per cent of the substances banned by the Montreal Protocol have now been eliminated from use, resulting in a slow but definite recovery of the ozone layer.

Damage to the ozone layer

— The depletion of the ozone layer, first noticed in the early 1980s, used to be the biggest environmental threat before climate change came along. Ozone (chemically, a molecule having three Oxygen atoms, or O3) is found mainly in the upper atmosphere, an area called stratosphere, between 10 and 50 km from the Earth's surface. It is critical for planetary life, since it absorbs ultraviolet rays coming from the Sun. UV rays are known to cause skin cancer and many other diseases and deformities in plants and animals.

— Though the problem is commonly referred to as the emergence of a 'hole' in the ozone layer, it is actually just a reduction in concentration of the ozone molecules. Even in the normal state, ozone is present in extremely low concentrations in the stratosphere. Where the 'layer' is supposed to be the thickest, there are no more than a few molecules of ozone for every million air molecules.

— In the 1980s, scientists began to notice a sharp drop in the concentration of ozone. This drop was much more pronounced over the South Pole, which was later linked to the unique meteorological conditions — temperature, pressure, wind speed and direction — that prevail over Antarctica. The ozone hole over Antarctica is the biggest during the months of September, October, and November.

— By the middle of 1980s, scientists had figured out that the chief cause of ozone depletion was the use of a class of industrial chemicals that contained chlorine, bromine or fluorine. The most common of these were the chlorofluorocarbons, or CFCs, that were used extensively in the airconditioning, refrigeration, paints, and furniture industries.

Improvement in the situation

— The ozone hole has been steadily improving since 2000, thanks to the effective implementation of the Montreal Protocol.

— The latest scientific assessment has said that if current policies continued to be implemented, the ozone layer was expected to recover to 1980 values by 2066 over Antarctica, by 2045 over the Arctic, and by 2040 for the rest of the world.

— The elimination of ozone-depleting substances has an important climate change co-benefit as well. These substances also happen to be powerful greenhouse gases, several of them hundreds or even thousands of times more dangerous than carbon dioxide, the most abundant greenhouse gas and the main driver of global warming. The report said that global compliance to the Montreal Protocol would ensure the avoidance of 0.5 to 1 degree Celsius of warming by 2050. This means that if the use of CFCs and other similar chemicals had continued to grow the way it did before they were banned, the world would have been 0.5 to 1 degree Celsius warmer than it already is.

— In fact, it was with this climate change objective in mind that the Montreal Protocol was amended in 2016 to extend its mandate over hydrofluorocarbons, or HFCs, that have replaced the CFCs in industrial use. HFCs do not cause much damage to the ozone layer — the reason they were not originally banned — but are very powerful greenhouse gases. The Kigali Amendment to the Montreal Protocol seeks to eliminate 80-90 per cent of the HFCs currently in use by the year 2050. This is expected to prevent another 0.3 to 0.5 degree Celsius of global warming by the turn of the century.

Precedent for climate action

— The success of the Montreal Protocol in repairing the ozone hole is often offered as a model for climate action. It is argued that emissions of greenhouse gases can also similarly be curtailed to arrest rapidly rising global temperatures.

— However, the parallels of elimination of ODSs with greenhouse gases are limited. The use of ODSs, though extensive, was restricted to some specific industries. Their replacements were readily available, even if at a slightly higher cost initially. The impact of banning these ozone-depleting chemicals was therefore limited to these specific sectors. With some incentives, these sectors have recovered from the initial disruption and are thriving again.

— The case of fossil fuels is very different. Emission of carbon dioxide is inextricably linked to the harnessing of energy. Almost every economic activity leads to carbon dioxide emissions. Even the so-called renewable energies, like solar or wind, have considerable carbon footprints right now, because their manufacturing, transport, and operation involves the use of fossil fuels.

— The emissions of methane, the other major greenhouse gas, comes mainly from agricultural practices and livestock. The impact of restraining greenhouse gas emissions is not limited to a few industries or economic sectors, but affects the entire economy, and also has implications for the quality of life, human lifestyles and habits and behaviours. Climate change, no doubt, is a far more difficult and complex problem than dealing with ozone depletion.

Before 1979, scientists had not observed atmospheric ozone concentrations below 220 Dobson Units (DU; measure of the total amount of ozone in a vertical column of air above the Earth's surface). In the early 1980s, scientists using ground-based and satellite measurements began to realise that the Earth's natural sunscreen was thinning dramatically over the South Pole each spring. This thinning of the ozone layer over Antarctica came to be known as the ozone hole. The stratospheric ozone layer protects life on Earth by absorbing ultraviolet light, which damages DNA in plants and animals (including humans) and leads to sunburns and skin cancer.

THE SUPERBUGS ARE HERE – AND THEY ARE RESISTANT TO ANTIBIOTICS

Antimicrobial resistance (AMR), often also called antibiotic resistance, is a global health challenge and a looming public health crisis. The WHO has declared it as one of the top 10 health threats facing humanity. Microorganisms (bugs) are everywhere with some being helpful like the yoghurt-making lactobacillus and some being harmful like the typhoid-causing salmonella. Antimicrobials, chemicals or molecules that kill harmful bugs, are the backbone of modern medicine. Improperly used antimicrobials create selective pressure on bugs. The bugs most vulnerable to the drugs die quickly, while the most resilient ones survive, replicate and become superbugs. AMR occurs when superbugs develop and antimicrobials stop working.

Reversing AMR and or finding solutions for it is a tall order since we are up against natural selection — Darwinian evolution, the process by which we evolved. The Covid-19 pandemic has given us a painful reminder of what it means to have no vaccine or medicine to tackle an emerging pathogen. AMR is bad news on a similar scale except it's a silent killer. Covid has also taught us that in a global crisis government, industry and society can come together and work together to find solutions.

Tackling AMR and coming up with solutions means navigating complex domains of science and society to develop cross-disciplinary solutions. AMR national action plans (NAPs) have been implemented in several surveyed economies including India for human health. However, the development and implementation of antimicrobial plans for animals and the environment that equally impact AMR hasn't been adequate.

Some recipes for reducing and potentially reversing AMR can be implemented by each one of us individually or collectively at the ground level.

The first prescription is prevention. Disease prevention and wellness are key to public health and thus preventing infections whenever and wherever possible is equivalent to averting resistance. We need to spearhead sanitation drives, ensure a clean water supply and support hospital-driven infection-control programmes. Reducing AMR also requires prescribing antimicrobials judiciously and only when they are absolutely needed. There is also a need for more cohesion within management strategies. Coordination across the animal industry and environmental sectors to prevent the unnecessary use of antibiotics in farms — this nurtures drug-resistant organisms in our food supply — is necessary. Vaccines are also a powerful tool to prevent infections and have the potential to curb the spread of AMR infections. However, immunisation programmes are not comprehensive and exhaustive yet for many infectious diseases. A second prescription closely connected with prevention is the development of robust surveillance systems that allow us to detect resistant pathogens of all kinds in the environment and hospitals that would eventually allow containment.

The third prescription is to invest heavily in research and development through both government and private funding. There is an urgent need for a strong pipeline of new antibiotics; an essential component in restoring the balance and ensuring that we have new tools in the fight against AMR. Bringing a new antibiotic from basic research through clinical trials takes more than a decade and requires upward of $1 billion. However, the profits on these drugs are negligible. Hence, the fourth prescription would be to formulate new types of financial incentives to measure return on investment and measure profitability by the social value of the antibiotic, breaking the conventional link between sales and profits. Last but not least, we need to bring a collective moral

vision to AMR and start thinking of antibiotic/antimicrobial drugs as limited resources that should be available to all.

Although seemingly distant and abstract, AMR is in the air and potentially catastrophic for those burdened by it. Longer hospital stays due to prolonged illness, death and disability are huge financial challenges for those impacted. The success of modern medicine, women's health, infectious diseases, surgery and cancer would be at increased risk for lack of working antimicrobials. The cost of AMR to the economy is significant and it is critical to develop policies and implement them through a holistic "One Health" approach.