

CURRENT AFFAIRS for UPSC

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DreamIAS



INTERNATIONAL

UNDERSTANDING THE RUSSIA-BELARUS NEXUS

The story so far:

In the latest escalation to the Russia-Ukraine war, Russian President Vladimir Putin announced last Saturday that Russia plans to station tactical nuclear weapons in Belarus. Tactical nuclear weapons refer to small nuclear warheads and delivery systems meant for use on the battlefield or for limited strikes.

Why the sudden announcement?

Mr. Putin said the announcement was prompted by the U.K.'s decision last week to supply armour-piercing rounds containing depleted uranium to Ukraine. Depleted uranium munitions augment the ability to overcome defences on tanks and have been described by the United Nations Environment Programme (UNEP) as "chemically and radiologically toxic heavy metal". Russia claims that the positioning of tactical nuclear weapons in Belarus by Russia does not violate any international agreements that Moscow has signed because the control over the weapons would remain with Russia just as the U.S. retains control over its nuclear weapons on its allies' territories. Moreover, there have been no arms control agreements between the U.S. and Russia on tactical nuclear weapons unlike in the case of strategic nuclear weapons. As Mr. Putin has said, "The U.S. has been doing this for decades. They have long placed their tactical nuclear weapons on the territory of their allies", referring to U.S. nuclear weapons stationed in Belgium, Germany, Italy, the Netherlands, and Turkey.

Interestingly, the announcement contradicts the joint statement made by Mr. Putin and Chinese President Xi Jinping last week where they asked nuclear states to refrain from deploying nuclear weapons abroad. Russia has already helped Belarus upgrade its warplanes so that they can carry nuclear weapons. It is for the first time ever that Russia is deploying nuclear weapons outside its borders. Stationing such weapons in Belarus will enable Russia to carry out strikes easier and faster.

Why Belarus?

A former Soviet state, which like Kazakhstan and Ukraine handed over its nuclear weapons to Russia after the dissolution of the Soviet Union, Belarus has developed close military and political ties with Russia. It is one of the closest and few remaining allies of Russia. It is predominantly Orthodox like Russia with its population almost entirely-Russian speaking. There are also only a few border controls between the two countries. Belarus is a member of the Russian-led military alliance, the Collective Security Treaty Organization, as well as the Eurasian Economic Union. Russia leases two military installations in Belarus, both inherited from Soviet times. Moreover, Belarus gets subsidised oil and natural gas imports from Russia. As was the case with Ukraine, Russia wants to keep Belarus in its sphere of influence and therefore supports the regime of Belorussian President Alexander Lukashenko (often dubbed 'Europe's last dictator'), which is seen as friendly by Russia.

Belarus' geo-strategic position, between Russia and Ukraine and between Russia and Poland, makes it very important for Russia. It also shares borders with three NATO members — Lithuania, Latvia, and Poland. For long, Belarus has been used as a forward base by Russia for power



projection, to give it strategic depth. In fact, Belarus has been used as a launchpad by Russia to send troops and launch strikes in the ongoing war. However, Russia-Belarus relations have had their fair share of trouble.

In 2014, Belarus refused to acknowledge the annexation of Crimea by Russia and even hosted the Minsk talks. It also resisted pressure from Russia to host a permanent military base. However, all this changed in 2020 when Belarus was rocked by anti-government protests following what is widely seen as rigged Presidential elections. Mr. Lukashenko was isolated by the West while Russia helped him with a \$1.5 billion loan, accepting the results of the elections and promising to intervene if required. The protests were suppressed brutally and a referendum in February 2022 changed the country's Constitution which specified that Belarus would be a nuclear-free zone and would remain neutral. However, in March 2021, Belarus had already agreed to the presence of a joint Belarusian-Russian military unit on its territory, effectively ending its neutrality. Since the outbreak of the Russia-Ukraine war, Belarus has time and again supported Russia during voting at the UN General Assembly resolutions. So, now Mr. Putin sees Mr. Lukashenko as a dependable ally. Belarus, on its part, is happy about Putin's announcement as it says it has long wanted nuclear weapons because of Western pressure aimed at changing its political and geopolitical trajectory. Minsk says that it needs these weapons to counter NATO's military build-up near its borders.

What lies ahead?

The latest move by the Kremlin clearly escalates the Russia-Ukraine war to an entirely new dimension — the nuclear realm — by bringing tactical nuclear weapons literally next door to NATO members. It is probably also meant to dissuade the West from giving more advanced weapons to Ukraine. But it also gives the West an opportunity to use this pretext to further escalate the war. The move does not bode well for peace.

P;A NEW CHAPTER

Scotland has made history in electing as its First Minister Humza Yousaf, 37, who is, as the son of Pakistani immigrants, the first ever Muslim and person of Asian descent to take up the role, and also the youngest leader in that capacity. A career politician who studied politics at university, Mr. Yousaf has been a Member of the Scottish Parliament for 12 years and an insider of the Scottish National Party's politics, serving variously as Transport Minister, Justice Secretary and Health Secretary. In rising to the top, Mr. Yousaf is stepping into the shoes of his predecessor, Nicola Sturgeon, who set the tenor of Scottish politics for nearly a decade, especially in the context of Scotland's role in the United Kingdom and on the complex question of Brexit. Mr. Yousaf won 52% of the votes in the SNP leadership contest for running a campaign that committed to delivering Scottish independence from the U.K. and re-joining the European Union. Scots will now be watching to see whether Mr. Yousaf will live up to his reputation as a "continuity candidate" in the context of these big political questions, and equally, whether he steers their country through the choppy waters of the ongoing cost-of-living crisis, the challenging transition to renewable energy, and the long-promised reform of the National Health Service and other vital public services.

Yet, the very nature of the task facing the current First Minister is different from what it has been in the past. According to recent polling, Scottish support for independence from the U.K. dropped to 39%, less than the 44.7% who voted for the campaign in the 2014 referendum, and significantly less compared to the 58% that it received in 2020 in the wake of the Scotland's response to the COVID-19 pandemic. Although Mr. Yousaf has vowed to reinvigorate the independence campaign by speaking to ordinary Scottish people across the land, and that his would be "... the generation



that delivers independence for Scotland”, U.K. Prime Minister Rishi Sunak is already reported to have rejected Mr. Yousaf’s call for independence. Further, London has sent a clear signal that a referendum cannot lead to the breakup of the U.K. unless Westminster approves it — and that is unlikely. To make things worse, the SNP, in the words of its President, Michael Russell, is in a “tremendous mess”, and the scars of infighting are yet to heal. Between the apparently insurmountable barriers to a successful referendum for Scottish independence, the tantalising but distant prize of EU reintegration, and the very real dangers of uncontrolled inflation and energy price rises, Mr. Yousaf certainly has his work cut out.

AUNG SAN SUU KYI’S PARTY DISSOLVED: WHAT THIS MEANS FOR HER, MYANMAR

The dissolution of Myanmar’s main political party, the National League for Democracy (NLD), led by Aung San Suu Kyi since its inception in 1988, signals that the military is drawing further inward as it seeks to hold on to its power grab through an “election”.

The run-up

The junta’s election talk began in January this year, ahead of the second anniversary of the February 1, 2021 military coup, erasing the NLD’s 2020 election victory that crushed the United Solidarity and Development Party (USDP), a military proxy.

Under the military-drafted 2008 Constitution, a state of emergency can be imposed only for two years, and thereafter, elections have to be held within six months. But on February 1, the junta extended the emergency by another six months, which will end on August 31. This means that an election could be held by February 2024, unless another extension is planned.

Junta chief Senior General Min Aung Hlaing promised a “free and fair” election, but if an electoral exercise under the auspices of the military was always going to be questionable, new election rules announced in late January removed all doubts that this was to be an election made by the junta for the junta.

New election law

What worries the Army most is Suu Kyi’s overwhelming popularity, as established in the 2012 bye-elections two years after her release, then in the 2015 and 2020 elections. The party won more than four-fifth of the seats in the parliament in 2020, an increase over its 2015 triumph. The coup was triggered by fears that with her absolute majority, Suu Kyi might rewrite the military-drafted Constitution to exclude it from politics.

Even with the NLD leader in jail since the coup, the military is unsure about victory. The new laws seem aimed to write the NLD fully out of the equation. Under the Political Parties Registration Law announced on January 26 by the country’s military-manned Election Commission, existing parties got 60 days to re-register or be automatically dissolved. The NLD, which had announced it would not contest the election, did not register. As such, it was dissolved on March 28.

Out of the 92 parties before the coup, less than 60 had re-registered by the deadline. Parties that have registered must contest. The new law imposes other tough conditions on national parties. They have to show 100,000 party members within 90 days of registration (the previous requirement was for 1,000); and 100 million kyat (or about \$ 35,000) in the party’s registered bank account. They must open party offices in half of the 330 townships within 180 days, and contest at least half the constituencies countrywide, against just three previously.



With some 80 of its leaders in prison, including the 77-year-old Suu Kyi who is serving a 33-year sentence, even if the NLD had registered, it would have found it difficult to fulfil any of these conditions. The law openly favours the USDP, which is the only other party with a presence across Myanmar's majority Bamar-dominated regions.

Most parties that have registered are ethnic political groups that will contest only in one state. Conditions for them are not as strict — they only have to show 1,000 members, a bank balance of \$3,500, five party offices in their state/region, and contest just three seats. The junta has also spoken about scrapping the first past the post system for the proportional representation system, which will again favour the USDP.

But can the elections be held at all? Unlike previous military dispensations, Myanmar's current junta has failed to establish control over the country. Civilians in the Bamar areas have grouped into hundreds of autonomous People's Defence Forces (PDFs) to resist the coup. They have the support of some ethnic armed organisations (EAOs), who control large swathes of territory and are training civilians in the use of weapons.

The National Unity Government, comprising winning candidates from the last election who stand in political opposition to the junta, have declared the PDFs as their armed wing, while the supporting EAOs are in a loose coalition. Together, the PDFs and EAOs may control more territory than the junta. Myanmar has branded them all "terrorists".

Senior General Min said earlier this week at a military parade to celebrate the Myanmar Armed Forces Day that the military would take "decisive action" against the resistance. Myanmar is bracing for more violence in the days ahead, as the junta tries to establish its writ, and the pro-democracy forces get ready to offer resistance. Some of the groups are fighting with more sophisticated weapons than earlier, given to them by the EAOs, or purchased from flourishing arms black markets.

The junta's determination to hold the elections may only worsen the situation. While the junta appears to believe that an election might help it establish better control than rule by emergency, without the NLD's participation, the election is likely to remain a flawed exercise in the eyes of both the people of Myanmar and the international community.

But like the Taliban in Afghanistan, the Myanmar military is immune to international pressure. Even China, which carries influence over the Tatmadaw (the military), seems to have limited say. The ASEAN five-point plan from Myanmar has so far yielded no progress, though Indonesia, now in the chair of the grouping, is said to be making some efforts.

What next for the NLD

The party has been through many trials but has so far emerged stronger after each. The first election it contested and won was in 1990, and, as it did three decades later, the military annulled the results and took over. Suu Kyi spent most of the next 20 years under house arrest. The NLD was banned in the mid-2000s. When the junta lifted the ban, it was to give the 2008 Constitution drafted by it some legitimacy. Suu Kyi was released in 2010, but the NLD boycotted the elections. The party split. The breakaway group contested the election, faring poorly. From 2012 to 2020, the NLD went from strength to strength, until it was tripped up again by the military. From the NLD's early decision not to contest, it appears Suu Kyi still exerts control over the party. But it is unclear for how long. Her long sentence means it could be years before she comes out, by when the generation gap in the party might become impossible to bridge.



NATION

IN INDIA'S G20 PRESIDENCY YEAR, RECALLING ITS DIPLOMATIC ROLE IN THE KOREAN WAR SEVEN DECADES AGO

In its G20 year, India has declared it will represent the voice of the “Global South” for peace. Prime Minister Narendra Modi’s message to Russian President Vladimir Putin that “This is not the era of war” has won him plaudits from the Western alliance that is backing Ukraine. It has given rise to expectations in some quarters that India, which often casts itself in the role of “Vishwaguru”, could use its good offices with both Kyiv and Moscow to help bring the war to an end.

It has also rekindled interest in the only other diplomatic intervention by India in a distant war seven decades ago — one that revealed both its international heft as well as exposed its limitations.

Outbreak of the Korean war

As the 1950 Korean War pitted Cold War opponents against each other, Prime Minister Jawaharlal Nehru made a huge diplomatic push to prevent an escalation into another world war, and for the parties to arrive at a quick ceasefire.

The efforts were only partially successful. Even so, India is counted among the countries that contributed to bringing the war to a close. New Delhi also discharged an important role in the months after the truce, as chair of a committee to repatriate prisoners of war.

In a 2013 essay, ‘Between the Blocs: India, the United Nations, and Ending the Korean War’, published in The Journal of Korean Studies, British historian Robert Barnes documented the efforts of Nehru and his envoys to bring the war to a “swift conclusion, prevent the UN from adopting a policy that might lead to its escalation, and to reconcile the divergent positions of the two superpower blocs”.

A couple of attempts by India to bring about a ceasefire ended in failure. However, its 1952 proposals for the exchange of prisoners enabled the July 1953 armistice agreement, which marks 70 years this year.

On June 25, 1950, North Korean forces invaded South Korea. The peninsula had been divided at the end of World War II along the 38th Parallel, with Soviet and US forces occupying the North and South respectively. In 1948, after the two Koreas declared themselves separate countries, and held their own elections, the occupying forces departed. However, neither the North nor the South accepted the other and to this day, both claim the entire Korean peninsula and the islands on either side.

India at the UN

At the time of the invasion, India was among the six non-permanent members of the Security Council, and held its rotating presidency that month. Three resolutions on the war came up in quick succession.

* The USSR was boycotting due to the UN’s refusal to replace Taiwan with the People’s Republic of China in the Security Council — and with no threat of a Soviet veto, the US moved the first



resolution on the same day as the invasion, calling for a withdrawal of North troops from South territory.

New Delhi voted in favour, pleasantly surprising the US. Barnes wrote that India's UN representative Benegal Rau and the UK representative persuaded the US to tone down the language of the resolution — calling the North's action a "breach of peace" rather than an "act of aggression".

* A second US-sponsored resolution on June 27 asked UN members to offer "such assistance as may be necessary" to South Korea to repel the invasion. President Harry S Truman announced he would deploy the Seventh Fleet to the Taiwan strait, and step up assistance to the French in Indo-China.

Rau initially refused to vote, but Nehru eventually accepted the resolution after the British High Commissioner in India conveyed there was "no room for neutrality when it came to aggression".

* India abstained on the third resolution on July 7, which gave US forces command over combined international forces under UN auspices. Not wanting to be seen as shirking an international call to duty by the UN, India sent the 60th Parachute Field Ambulance, which did outstanding work treating wounded soldiers.

Nehru's view at this time was that giving the People's Republic of China admission into the Security Council could provide resolution in Korea. The USSR returned to the Security Council at the end of August, and blocked further US resolutions, including one on sanctioning China.

Due to the Soviet vetoes, the US shifted the action to the UN General Assembly. Here India failed in an effort to block a US-British resolution for UN forces to cross into North Korea. As international troops crossed the 38th Parallel, Chinese forces entered the fray, and it seemed the crisis might spiral out of control.

Nehru's proposal for a truce, and talks with the communist side on Korea and Taiwan after cessation of hostilities found traction at the UN. Rau was appointed to a three-member committee to come up with ceasefire proposals that were overwhelmingly approved by the General Assembly.

But Beijing rejected the proposals, and in February 1951, a US resolution in the General Assembly for sanctioning China was adopted with a decisive majority. Stung by repeated failure, Nehru cooled off.

India and Prisoners of War

Months later, in 1952, when the Panmunjom talks for an armistice between the UN and the communist side (comprising Chinese and North Korean officials) unravelled over the fate of the PoWs, India got into the act again. The UN negotiators insisted that no PoW would be repatriated against his will — by their count, only 70,000 of 170,000 prisoners in their custody wanted to be sent back. The communists wanted a full exchange.

Nehru put the forceful V K Krishna Menon on the job of finding a way to break the impasse. Backed by Britain and Canada, Menon proposed a commission of four representatives, two from each bloc — Sweden, Switzerland, Czechoslovakia, and Poland — plus a fifth country as "umpire", that would take charge of all PoWs at war's end. Those willing to be repatriated would be sent home



immediately; the fate of the unwilling would be decided over the next six months. The UNGA adopted the proposal, but with the Soviet bloc opposing and China rejecting, it had to be shelved.

But when armistice negotiations resumed in April 1953, the proposal became the basis for the eventual solution on the PoWs. A Neutral Nations Repatriation Committee was set up with the same four member countries. India was selected to chair the committee; Nehru sent Lt Gen K S Thimayya for the job, and P N Haksar as his political adviser.

The committee would hold the PoWs for 90 days; the Korean conference would discuss the fate of the unrepatriated for 30 days; after this the prisoners would be either released or handed over to the UN General Assembly. Maj Gen S S P Thorat was appointed Commander of the Custodian Force India, which would take custody of over 22,000 PoWs who were unwilling to go back.

The Armistice Agreement was signed on July 27, 1953.

As the world grapples to find an end to the war in Ukraine, President Volodymyr Zelenskyy's invitation to President Xi Jinping to visit his country has led to speculation that Beijing, after stitching up the Saudi-Iran peace deal, might be readying for a more high-profile peacemaking role.

Brazil's President Luiz Inácio Lula da Silva has said he wants to launch a "peace club" of countries, including China and India, that can work together to find a way out in Ukraine. Any role India might want to play is likely to be informed by its experience in trying to end another war, 70 years ago.

TRACING THE ORIGIN OF 'HUE AND CRY' NOTICE ISSUED AGAINST AMRITPAL SINGH: FROM ENGLAND'S KING EDWARD-I TO PUNJAB POLICE

The 'hue and cry' rule simply meant that if a suspect or a criminal was running down the street in front of some bystanders, then each of them had to yell to help the police identify and catch them.

While informing the Punjab and Haryana High Court that despite "best efforts" it has not been able to arrest Amritpal Singh, the Punjab government said Amritsar Rural police has issued a "hue and cry notice" against the fugitive pro-Khalistan preacher.

The notice with Amritpal's photograph describes his appearance and says that he is "6 feet" tall with "fair wheatish complexion", and "if any person is having any knowledge/information about his whereabouts, they may inform police". The notice has been sent to district police heads across the country.

The British roots

The phrase 'hue and cry' in contemporary terms is often associated with a strong protest or public anger or disapproval on any issue. However, in policing terms, the phrase traces its origin to 1285 when England's King Edward I signed the "Statute of Winchester" to deal with security and peacekeeping on a local level by revamping the existing police system. The Statute made it a law stating that "if citizens saw a crime, they not only had to report it, but take up a cry to alert the police."

The 'hue and cry' rule simply meant that if a suspect or a criminal was running down the street in front of some bystanders, then each of them had to yell to help the police identify and catch them. The Statute said that "anyone, either a constable or a private citizen, who witnessed a crime shall

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



make hue and cry, and that the hue and cry must be kept up against the fleeing criminal from town to town and from county to county, until the felon is apprehended and delivered to the sheriff”.

It said that all able-bodied men, upon hearing the shouts, were obliged to assist in the pursuit of the criminal. “The whole hundred... shall be answerable” for the theft or robbery committed, it said, adding “those who raised a hue and cry falsely are themselves guilty of a crime”.

In 13th and 14th centuries, when people in England lived in small-knit communities, this form of “community policing” was quite successful, and it was everyone’s responsibility to help the police.

Carrying over colonial past

With several colonial era laws, rules and terms still continuing to be in practise in India even after 75 years of Independence, ‘hue and cry’ has managed to retain its place in policing lexicon. Police rules in several states, including Punjab, have ‘hue and cry notices’ as a legal procedure in their rulebooks. Police issues a ‘hue and cry notice’ when it requires help of public in cases such as locating missing persons, identifying unclaimed bodies, looking out for a suspect among others.

For instance, Rule 23.18 of Punjab Police Rules, Volume III, says: “Whenever it is required to have a search made for an absconding suspect, or to issue warnings for precautions to be taken against a particular type of offence or particular individuals, the officer in charge of the police station or the investigating officer shall issue a hue and cry notice”.

The Urdu connect

Ajnala DSP Sanjeev Kumar said that ‘hue and cry notice’ was broadly an English translation of “ishtihar-e-shor-e-goga”, one of the many Urdu phrases which Punjab Police continue to use in its daily procedures after partition in 1947. The Urdu phrase also translates to “create a noise or outcry about something which needs immediate public attention.” In current times, Punjab Police issues “ishtihar-e-shor-e-goga” in newspapers in case of missing persons and unidentified bodies.

THIS WORD MEANS: SARBAT KHALSA — THE SIKH ASSEMBLY THAT AMRITPAL SINGH WANTS CALLED

In a video statement issued from hiding, Amritpal Singh, the head of Waris Punjab De, has asked Akal Takht Jathedar Giani Harpreet Singh to call the Sarbat Khalsa on Baisakhi Day (April 14) at the Takht Sri Damdama Sahib in Talwandi Sabo. Amritpal Singh has been on the run since March 18, when the Punjab Police moved to take him into custody.

Deliberative assembly

The word sarbat means ‘all’, and literally, the Sarbat Khalsa is an assembly of all factions of Sikhs (Khalsa). The idea of a deliberative assembly of Sikhs dates back to the 18th century.

Following the death of the tenth Guru, Guru Gobind Singh, the Sikh misls (military units) began to convene the Sarbat Khalsa to discuss political, social, and religious issues of great importance to the community, which was then in the midst of its struggle against the Mughals.

These gatherings, called twice a year on the occasion of Baisakhi and Diwali, had the power to issue directions to all Sikhs. The Sarbat Khalsa was first institution of Sikhs that took shape after the tradition of Guru in human form came to end, and turned out to be very effective amid the internal conflicts among the misls.



The historian Henry Prinsep, who wrote one of the earliest histories of the Sikhs in the first half of the 19th century, recorded that despite their fierce sense of independence, all the Sikh misls sat together at the Sarbat Khalsa without any conflict.

Nawabi to a stableman

After the Mughals executed Baba Banda Singh Bahadur, the commander of the Khalsa army, in 1716, the Sikhs began a guerrilla war that caused considerable damage to the state. To stop the Sikh raids, Zakarya Khan, the Mughal governor of Lahore, offered them the title of Nawab.

There was resistance to accepting this offer among the Sikhs, and the issue was discussed at the Sarbat Khalsa. After long deliberation, it was decided to accept the offer — however, instead of someone in the top leadership, a stableman named Kapur Singh was asked to take the title. The intention was to send a message to Zakarya Khan that the title of Nawab does not mean much for Sikhs.

Nawab Kapur Singh proved to be a very capable leader of the community, who combined the various Sikh militias into the Dal Khalsa. Subsequently, Sardar Jassa Singh Ahluwalia was appointed by the Sarbat Khalsa to lead the Dal Khalsa.

Fading of the practice

The establishment of the Sikh kingdom by Maharaja Ranjit Singh in 1799 ended the era of the Sikh misls, and also the primary need for the institution of the Sarbat Khalsa. This was also the beginning of a period in which Sikhs experienced independence for the first time, which solved most of their issues.

In the 20th century, the formation of the Shiromani Gurdwara Parbandhak Committee (SGPC) further reduced the need for an institution like the Sarbat Khalsa. Over the years, the SGPC has set up a well-oiled mechanism for taking decisions on behalf of the community.

A few exceptions

In 1920, the Sarbat Khalsa was called to discuss control over gurdwaras and subsequently, the SGPC was born.

After the Army action at the Golden Temple in 1984, some organisers called the Sarbat Khalsa, but prominent Sikh bodies including the SGPC were not part of the call. One of the most important of these gatherings was called on January 26, 1986, when radical Sikhs sought to discuss kar sewa at the Akal Takht, which had been damaged in Operation Blue Star. A panthic committee that was formed to decide on the future of the Sikh struggle later that year, gave a call for Khalistan.

More recently, Sikh bodies opposed to the Shiromani Akali Dal (Badal) called the Sarbat Khalsa on November 10, 2015. Resolutions were passed to remove Jathedars of the Akal Takht, Takht Damdama Sahib, and Takht Kesgarh Sahib, and to appoint other, parallel Jathedars. This Sarbat Khalsa impacted Punjab politics in a number of ways.

SEDITION LAW STRUCK DOWN IN PAKISTAN: SUPREME COURT OF INDIA IS ALSO FACED WITH THE QUESTION OF WHETHER THE LAW HAS BECOME MANIFESTLY ARBITRARY

The ghost of its colonial past still haunts the subcontinent. One particularly vexing poltergeist is Section 124A of the Indian Penal Code which provides for the offence of sedition and has similar



counterparts in the penal codes of Bangladesh and Pakistan. Of these, the latter recently struck down the law for being unconstitutional. The Lahore High Court declared unconstitutional the provision which provides that disaffection against federal or provincial governments in Pakistan would be considered sedition, for being in violation of freedom of expression guaranteed under Article 19 of Pakistan's Constitution. The Indian section 124A does not distinguish between state and central governments but refers to "Government established by law in India".

However, this is not the first time in the subcontinent that the law of sedition has been struck down for being unconstitutional. The High Court of Punjab in 1951 held that the text of the law itself does not suggest that there must be incitement of public disorder for invocation of section 124A, and that would make mere words and actions, without any overt violent act, seditious. Therefore, it had no doubt that section 124A was a restriction on the freedom of speech granted under Article 19(1)(a) of the Indian Constitution and tested it to see whether it was protected as a restriction under Article 19(2) or not.

The Court held that the colonial sedition law was not appropriate in a sovereign democratic country like India. The law of sedition, if strictly interpreted, would make even unsuccessful attempts to excite bad feelings against the State an offence, even though such an act would not undermine or tend to overthrow the State. The High Court thus held that after the adoption of the Constitution, such restrictions on free speech would make the provision void and unconstitutional.

The Punjab High Court relied on two 1950 judgments of the Supreme Court in *Romesh Thappar vs State of Madras* and *Brij Bhushan vs State of Delhi*, which had observed that section 124A would be unconstitutional as the Constituent Assembly had deleted "sedition" as a restriction on free speech and therefore the provision would be in violation of the fundamental right to speech and expression. However, the two judgments had not explicitly declared section 124A as unconstitutional as the court was adjudicating on the constitutionality of other provisions.

Parliament, however, negated the judgment by way of the Constitution (First Amendment) Act, 1951, and retrospectively modified Article 19(2) to protect the State's power to provide "reasonable" restrictions on freedom of speech. It did so by extending the power in the interest of public order, security of State, friendly relations with foreign states, and to prevent incitement of an offence.

After the amendment, various high courts were again called upon to test the constitutionality of section 124. In 1954, the Patna High Court declared that it was constitutional, in 1955 the Judicial Commissioner of Manipur held that section 124A was partially unconstitutional to the extent it sought to impose restrictions on the freedom of speech in so far as a speech merely excites or tends to excite disaffection against the Government without actually inciting violence. However, the Allahabad High Court went the whole hog in 1958 and declared the law to be completely unconstitutional.

This stalemate was finally resolved by the Supreme Court in *Kedar Nath Singh vs State of Bihar* in 1962. A constitution bench of the Supreme Court read the "public order" test into section 124A to protect it from the scourge of unconstitutionality and held that section 124A would be within the permissible limits of reasonable restriction laid down in Article 19(2) of the Constitution. Basically, it clarified that section 124A was a valid law, subject to it being invoked only in cases of alleged seditious actions leading to public disorder or violence.



However, the Court did not define what would constitute public disorder and thus section 124A continued to be abused by various governments till May 2022 when the Supreme Court put the law in abeyance after various petitions challenging its constitutionality were filed before it. This was based on the central government's submission that it was re-looking at the law.

The thrust of the present petitions before the Supreme Court is that section 124A has been turned into a weapon to suppress dissent and create a chilling effect on free speech. This is reportedly similar to the grounds of challenge against Pakistan's section 124A. The Supreme Court of India is also faced with the question of whether the law has become manifestly arbitrary. While it is to be seen whether the Lahore High Court judgment is upheld by the Supreme Court of Pakistan or not, it will be a closely watched case even in India thanks to the similarity between our laws.

There is a possibility though that the Indian Parliament may recast the law altogether which may then lead to a fresh round of constitutional challenges. Only time will tell.

SUPREME COURT VERDICT ON UAPA IS FRAUGHT WITH RISK OF MAKING IT LEGAL FOR AGENCIES TO ACT LAWLESSLY WHILE CLAIMING TO FIGHT TERRORISM AND PRESERVE STATE'S SECURITY

"A major problem of human society is to combine that degree of liberty without which law is tyranny with that degree of law without which liberty becomes license."

The decision by a three-judge bench of the Supreme Court last Friday (Arup Bhuyan vs The State Of Assam Home Department) holding that mere membership of a banned association is sufficient to constitute an offence under the Unlawful Activities (Prevention) Act, 1967, is a severe blow to principles of fundamental justice. The verdict has done away with the distinction between active and passive membership of proscribed organisations, which has been the basis of court rulings since 2011.

The judgment is fraught with the risk of making it legal for agencies to act lawlessly while claiming to fight terrorism and preserve the State's security. Unless there is a specific intent to enhance the material abilities of a terrorist or unlawful organisation, permitting the conviction of a person as a member is abhorrent to the rule of law. The verdict also suffers from substantive contradictions in its reasoning.

The Court has struck down three of its previous rulings from 2011: Arup Bhuyan vs State of Assam, Sri Indra Das vs State of Assam and State of Kerala vs Raneef. While the Raneef judgment had put a narrow construction on Section 10(a)(i) of UAPA, Arup Bhuyan and Indra Das had read down Section 3(5) of the Terrorist and Disruptive Activities (Prevention) Act (TADA), 1987.

SC QUESTIONS KERALA HC STAY ON FAIZAL CONVICTION

THERE CAN'T be different rules for MPs and MLAs and others, the Supreme Court said on Wednesday as it raised questions on the Kerala High Court order staying the conviction of Lakshadweep MP Mohammad Faizal P P of the NCP in a 2009 attempt to murder case.

Hearing an appeal by the Union Territory administration challenging the HC order, the bench comprising Justices K M Joseph and B V Nagarathana disagreed with the HC's observation that the disqualification following the conviction will lead to elections and put a burden on the exchequer.

"According to us it should not have been touched upon, prima facie," said Justice Joseph.

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SC SLAMS 'SILENCE OF STATE' ON 'VICIOUS CIRCLE' OF HATE AGAINST MINORITIES

The Supreme Court on Wednesday slammed the “silence of the state” on spiralling incidents of hate speeches made against minority communities, including Muslims.

However, the Centre pushed back, and asked the court why it did not take suo motu cognisance of a video clip from Kerala showing a child being made to threaten Hindus and even Christians.

When a Bench of Justices K.M. Joseph and B.V. Nagarathna asked the Maharashtra government for an explanation about hate speech incidents in the State, Solicitor-General Tushar Mehta asked the court to take a moment and see what was happening in other States such as Kerala and Tamil Nadu.

“A spokesperson of the DMK party says that if you want equality you should butcher all the Brahmins.... No FIR has been registered. He continues to be a spokesperson of the party... Now, please hear this clip from Kerala. This is shocking. It should shock the conscience of this court. A child has been made to say this. We should be embarrassed. He says ‘Hindus and Christians should prepare for final rites’,” Mr. Mehta addressed the court.

“Yes, we know,” Justice Joseph responded. “Then Your Lordships should have taken suo motu cognisance,” Mr. Mehta said.

Justice Joseph said the country was caught in a “vicious circle of hate” and the solution lay in expunging religion from politics. “The moment religion is separated from politics, all this will stop,” Justice Joseph said.

But Mr. Mehta refused to agree that hate had anything to do with politics. “No, this has everything to do with politics. Politicians make use of religion,” Justice Joseph stood firm.

Justice Nagarathna said hate speeches have made cracks in the idea of fraternity. She said hate speeches were made by “fringe elements” of all sides who have “no stuff in them”.

“When Vajpayee and Nehru spoke, people came from rural areas to hear them... Unfortunately now, people with no stuff in them, fringe elements from every side are making these hate speeches... where are you taking India? Now are we going to start taking contempt action against every person in India... where are we taking this court... is there no restraint on freedom of speech... If there is intellectual deprivation, you can never take this country to the number one position in the world. Intellectual deprivation comes only when there is intolerance, lack of knowledge and lack of education. That is where we should concentrate first... We should as a society take a pledge to restrain ourselves from saying these things,” Justice Nagarathna said. Justice Joseph said “before we think of trying to be a superpower, we should first follow the rule of law”. The court said hate speech strikes a mortal blow to dignity.

“The most important thing is dignity. If it is demolished on a regular basis... look at the statements being made ‘Go to Pakistan’... They are people who chose this country. They are like your brothers and sisters. Remember what you pledged in school ‘All Indians are my brothers and sisters... Maybe I am too old-fashioned... I am retiring in four months, turning 65... Seventy-five years ago we as a nation started a journey. Our objective was to be a country that will follow the rule of law... We should never go down to that level of hate,” he said.



HIGH COURT SEEKS CHATGPT'S RESPONSE ON BAIL PLEA

As the usage of Artificial Intelligence (AI) continues to grow globally, the Punjab and Haryana High Court, in a first-of-its-kind attempt, sought a response from ChatGPT — an AI chatbot — to assess the worldwide view on bail when the assault was laced with “cruelty”.

The court, however, made it clear that the AI reference in the matter is only intended to present a broader picture on bail jurisprudence, where cruelty is a factor. Justice Anoop Chitkara, in the order, made it abundantly clear that any reference to ChatGPT and any observation made is neither an expression of opinion on the merits of the case nor shall the trial court advert to these comments.

The case pertained to the alleged murder of Ramandeep Singh in Ludhiana district in 2020. The accused had approached the court for bail. Justice Chitkara, while dismissing the bail plea, observed that causing death is cruel but if the cruelty causes death, the tables turn and when the physical assault is done with an element of cruelty, the parameters of bail change. “When the offence is heinous and the crime is brutal, cruelty becomes one of the factors in granting or refusing bail. The impact of individuals who act with cruelty is devastating not only for those on whom the direct harm and pain is inflicted but also on a systemic level. Cruel individuals contribute to sustain the greater deficiencies of society like gender, economic and social inequalities...”

The question put forth to ChatGPT was, “What is the jurisprudence on bail when the assailants assaulted with cruelty?”

ChatGPT responded: “The jurisprudence on bail for cases where the assailants have assaulted with cruelty will depend on the specific circumstances of the case and the laws and regulations of the jurisdiction where the case is being tried. However, in general, if the assailants have been charged with a violent crime that involves cruelty, such as murder, aggravated assault, or torture, they may be considered a danger to the community and a flight risk. In such cases, the judge may be less inclined to grant bail or may set the bail amount very high to ensure that the defendant appears in court and does not pose a risk to public safety.”

THE QUOTA KERFUFFLE IN KARNATAKA

The story so far:

At the Cabinet meeting in Karnataka on Friday, the BJP government did away with the nearly three-decade-old 4% reservation for Muslims in the Other Backward Classes (OBC) category and distributed it equally among the Veerashaiva-Lingayats and Vokkaligas, two dominant land-owning communities in the State, at 2% each. Quick on its heels, the government also accorded internal reservation for 101 Scheduled Castes (SC). Both these decisions have come under intense political debate.

How has OBC and SC reservation changed?

The Cabinet decided to exclude Muslims from the OBC category and scrapped the 4% reservation given to them under Category 2B.

This has been divided equally among Vokkaligas and Veerashaiva-Lingayats for whom new categories of 2C and 2D have been created respectively. Following the change, the reservation

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quantum for Vokkaligas and others in the group went up from 4% to 6% and for Veerashaiva-Lingayats and others in the group, from 5% to 7%.

Earlier, the two communities were under 3A and 3B respectively, which stand scrapped.

The Cabinet also recommended internal reservation among the 101 SCs, a long pending demand of the SC (left) faction to the Union Government. Of the 17% reservation given to SCs in Karnataka, it has sliced up 6% to SC (left), 5.5% to SC (right), 4.5 % to SC (touchable) and 1% to SC (others).

While the basis for internal reservation was the recommendation of the A. J. Sadashiva Commission report of 2012 when reservation to SCs was pegged at 15%, the Government has adjusted the share, based on a Cabinet sub-committee report, as per the new reservation quota that has been hiked to 17%.

How are Muslims losing out?

The BJP, which does not count Muslims among its voter base, has scrapped the reservation for Muslims, arguing that backward classes reservation is not based on religion.

Since 1995, the community has been given 4% reservation under Category 2B on grounds of being socially and educationally backward. Since the community has now lost its social and educational backwardness reservation status, it can claim reservation under the 10% quota for Economically Weaker Sections. This change has to be approved by the Centre.

However, Christians, Jains, Sikhs, Buddhists and converted Christians continue to remain in the backward classes category.

Also, nomadic Muslims in Category 1 continue to remain there.

Why was such a decision made?

The BJP, which draws strength from the numerically-strong Panchamasalis, a sub-sect among Veerashaiva-Lingayats, was under pressure as the community led by Kudalasangama Seer Sri Jayamruthyunjaya Swami has been agitating for two years seeking 2A status in the OBC list for the community. As far as Vokkaligas are concerned, the decision came much before they mounted any serious pressure on the BJP who is struggling to break into the Old Mysore region, which is the Vokkaliga heartland.

What is the likely political fallout?

While the BJP leaders argue that the OBC reservation quota cannot be extended based on religion, experts argue that Muslims were included based on the recommendations by the L.G. Havanur and Chinnappa Reddy Commissions constituted earlier. The Sachar Committee report also recommends the same. Legally, it is pointed out that any addition or deletion of a community from the reservation matrix should be based on an empirical study by the Karnataka Backward Classes Commission. No study was undertaken to exclude Muslims nor was the commission's final report submitted to argue for enhancement of reservation for Vokkaligas and Veerashaiva-Lingayats. In fact, the Commission has not even started work on the Vokkaliga demand.

However, the splitting of the Muslim reservation equally among Vokkaligas and Veerashaiva-Lingayats does not meet the demands of the two communities. While Vokkaligas had demanded 12% reservation based on population, the Panchamasalis had demanded 2A status that has a 15%



quota. Now Panchamsalis will have to continue their fight for their share with other relatively well off and educated Veerashaiva-Lingayat sub-sects in the new category. Political pundits say it is too early to judge how these decisions will pan out in the electoral arena.

WHAT DOES MUSLIM PERSONAL LAW SAY ON INHERITANCE?

The story so far:

A Muslim couple from Kerala, advocate C. Shukkur and his wife Sheena, former Pro Vice-Chancellor of Mahatma Gandhi University, recently decided to get their marriage registered under the Special Marriage Act (SMA), almost 30 years after having solemnised their nikaah according to Islamic principles. Mr. Shukkur claimed to have got the marriage registered under SMA, so that principles of the secular Act could apply to matters of inheritance in his family, and enable his daughters to inherit the couple's property under the Indian Succession Act, 1925. The couple has three daughters and no sons.

What does Islamic law say?

This decision has put the spotlight on Islamic principles of inheritance. The Koran, through Surah Nisa clearly outlines the principles of inheritance for both direct and indirect heirs. Verse 7 states, "For men there is a share in what their parents and close relatives leave, and for women there is a share in what their parents and close relatives leave — whether it is little or much. These are obligatory shares."

According to unanimously agreed rules on the division of property in Islam, a daughter gets half the share of the son. So if a son inherits a plot of 100 metres from the father, the daughter gets a plot of 50 metres or half the value of the 100-metre plot. On marriage, according to Islam, it is the man who is supposed to bear the family expenses, including residence, food, clothing and medicine besides maintenance of his wife, education of his children and looking after his parents. If the husband predeceases his wife, she gets a one-eighth share of his property, if the couple has children. Otherwise, she gets one-fourth. There is also a share for paternal uncles, aunts, etc, as long as they are blood relatives. Same for grandparents if they are alive. Each parent gets one-sixth if the son passes away before them, and leaves children behind. The problem, as in the case of the Kerala couple arises, when a couple has only a daughter or daughters. The daughters can inherit only two-thirds of father's property, as the holy book says, "If you leave only two or more females, their share is two-thirds of the estate." Beyond that, the shares are for the mother and for paternal blood relatives.

What are the various options?

Within Islamic law, options are available to such a couple in case they want the property to remain within the family. The first option is to make a will or vasiyat under which a person can declare that upon his death, a particular heir shall inherit not more than one-third of the property. This is often done in case one of the children is not financially sound, or has special needs, or has served his or her parents more than other children. For instance, if two children stay abroad and one child stays back with parents to look after them in old age, such a provision may be used. Many Muslim families used this provision during the Partition when many families were divided. While some children crossed over to Pakistan, others remained here with their parents.

Besides vasiyat, there is also the concept of virasat. Under virasat or inheritance, there is the option of hiba which allows unrestricted transfer of wealth or property to a person during the



lifetime of the donor. In the case of the Kerala couple, hiba provisions could have been used to transfer all the property in the name of the daughters during the lifetime of the parents. This is like a gift deed. Importantly, while the Islamic division of property clauses for relatives comes into force once a person dies, a gift deed can be made during one's lifetime. The jury is out whether the Kerala couple's actions went against the tenets of Islam or arose from parents' anxiety to secure the future of their children.

QUERY ON PM'S EDUCATION: HOW THE CASE MOVED FROM CIC TO GUJARAT HC

Gujarat High Court on Friday allowed a petition by Gujarat University asking that a Central Information Commission (CIC) order directing the university to "search for information" about Prime Minister Narendra Modi's degrees, be set aside.

Justice Biren Vaishnav also imposed a cost of Rs 25,000 on Delhi Chief Minister Arvind Kejriwal, who had requested the information under The Right to Information (RTI) Act, and directed him to deposit the amount with Gujarat State Legal Services Authority within four weeks.

Case before Gujarat HC

The case originates from a hearing of Kejriwal's second appeal before the CIC in a case relating to the supply of information about his Electoral Photo Identity Card (EPIC).

On April 28, 2016, Kejriwal had submitted that he was ready to provide the required information about himself to the CIC, but added that the PM too, should be asked to disclose details of his educational degrees. Kejriwal alleged that while the CIC wanted his information, it was "obstructing information" about Modi's degrees.

The CIC decided to consider Kejriwal's response as an "application under RTI in his capacity as a citizen". Chief Information Commissioner M Sridhar Acharyulu also directed the Prime Minister's Office to provide the "specific number and year" of Modi's undergraduate and postgraduate degrees from Delhi University and Gujarat University, "so that it will be easy for them to search and provide any documents relating to it".

The order underlined that "not prescribing the educational (degree-based) qualification for contesting electoral offices is one of the great features of Indian democracy" and "what is needed is education not degrees" — however, "when a citizen holding the position of Chief Ministership wants to know the degree related information of the Prime Minister, it will be proper to disclose".

"The Commission directs the PIOs of Delhi University and Gujarat University, Ahmedabad, to make best possible search for information regarding degrees in the name of "Mr Narendra Damodar Modi" in the year 1978 (Graduation in DU) and 1983 (Post Graduation in GU) and provide it to the appellant Mr Kejriwal as soon as possible," Acharyulu said.

GU then approached the Gujarat HC against the CIC's order.

GU's argument in HC

The university submitted that the CIC's order was "without jurisdiction", "erroneous", and required to be quashed.



Senior Advocate Tushar Mehta argued that “curiosity cannot be equated with public interest” and emphasised that the university’s plea must be allowed “with cost”, otherwise a great disservice will be done to the RTI Act, which is being used for “settling scores”.

After arguments were completed, the HC reserved its verdict on February 9 and, on Friday, allowed the petition by GU.

Delhi University case

Six years before the Gujarat case, the Delhi High Court had set aside another CIC order that had allowed an RTI activist to look at the BA results of Delhi University from the year 1978 — the year of the Prime Minister’s graduation.

On January 23, 2017, Justice Sanjeev Sachdeva of the Delhi HC stayed the CIC order dated December 21, 2016 allowing RTI activist Neeraj Kumar to “inspect” the records of results of all students who had passed the DU BA examination in 1978.

The HC took note of DU’s submissions, and observed that information regarding “personal information of third parties” cannot be given out under the RTI Act. DU had challenged the CIC order on grounds that it was “arbitrary and capricious (and) is also untenable in law”.

The university, represented by then Additional Solicitor General of India Tushar Mehta, contended that inspection of the records cannot be allowed, as details of roll number, father’s name, and marks obtained are “personal information” that cannot be released to a third party. Mehta told the court that “universities hold the subject information in a fiduciary capacity and as such the same is an exempted information under Section 8(e) and (j) of RTI Act”.

The Bench also issued notice to the RTI activist, Neeraj Kumar. The plea was initially scheduled to be heard in April 2017, but the matter still awaits disposal. In November 2022, Justice Yashwant Varma listed the matter for hearing on May 3, 2023.

Hans Raj Jain’s case

In 2014, another RTI activist, Hans Raj Jain, had sought details of students who graduated in 1978 with names starting with the letters N (Narendra) and M (Modi). Essentially, Jain was asking DU to reveal how many students by the name of “Narendra Modi” had passed their BA in 1978 as external students.

DU’s Central Public Information Officer (CPIO) declined to provide this information, saying the information Jain was seeking was too general. “It is too difficult to search such names if the roll number is not provided,” the CPIO reasoned.

Jain appealed before the CIC, which closed his case after six months, without making the information available.

WHAT’S IN A SURNAME: THE ORIGINS OF ‘MODI’, ITS CASTE LINKS

Congress leader Rahul Gandhi, who has been unseated from Parliament after his conviction and two-year sentence for defamation triggered Section 8(3) of the Representation of the People Act, 1951, argued before the magistrate’s court in Surat that he had caused no personal damage to the petitioner, BJP MLA Purnesh Modi — and there was, in fact, no specific community called “Modi” in the country.



At an election rally in Kolar, Karnataka, on April 13, 2019, Rahul referred to fugitive businessmen Nirav Modi and Lalit Modi along with Prime Minister Narendra Modi, and asked, “Why do all thieves have the surname Modi?”

The next day, Purnesh Modi filed a private complaint before the Chief Judicial Magistrate, Surat, accusing Rahul of having defamed everyone with the name Modi.

“Any person with the surname Modi across India belongs to the Modi Samaj-Modhvanik community and is found in the whole of Gujarat as a whole, and this community is also present in other states apart from in Gujarat... The accused by insulting the Modi surname of current Prime Minister Shri Narendra Modi, has insulted the 13 crore Modi surnamed people by calling them ‘chor’ for political selfishness,” Purnesh Modi said.

Rahul Gandhi’s lawyer Kirit Panwala argued in court that there is no “identifiable and determinate” community called ‘Modi’. “It is Purnesh Modi who terms the Modhvanik community as the ‘Modi’ community; there is [actually] no evidence of it (the ‘Modi’ community). If the ‘Modi’ community comprises 13 crore people, it is not an identifiable and determinate community,” he told The Indian Express.

“Only one sentence should not be taken as defamatory. He (Rahul) has not insulted any community. The Modi surname [does not belong to] only the Modhvanik community but also to [people from] other castes. If proper identity is established, [only] then this case is maintainable...here, identity is not established,” Panwala said.

Who are the people with the Modi surname in Gujarat?

Although many people use the surname Modi, it does not denote any specific community or caste. In Gujarat, the Modi surname is used by Hindus, Muslims, and Parsis. There are people with the Modi surname among Vaishnavas (Baniyas), Kharwas (fishermen from Porbandar), and Lohanas (who are a community of traders).

Purnesh Modi, the complainant in the Rahul Gandhi case, belongs to the Modhvanik community of Surat, as does Hasamukh Lalwala, who was Purnesh Modi’s lawyer earlier, and Kirit Panwala, counsel for Rahul.

Members of the Modhvanik clan worship Modheshwari Mata, whose temple is near the Modhera Sun Temple in Mehsana district. Prime Minister Modi visited the Modheshwari temple in October last year, ahead of the Assembly elections in Gujarat.

According to Lalwala, there are around 10 lakh Modhvaniks in Gujarat. They live everywhere in the state, though mainly in North and South Gujarat.

Do all Modis belong to the Other Backward Classes (OBCs)?

No, they don’t. In fact, there is no community or caste by the name “Modi” in the central list of OBCs for reservation in jobs and education.

Entry no 23 in the central list of 104 communities of OBCs from Gujarat reads: “Ghanchi (Muslim), Teli, Modh Ghanchi, Teli-Sahu, Teli-Rathod, Teli-Rathore.” All these communities have traditionally engaged in activities related to the extraction and trade of edible oils.



Members of these communities who live in Eastern Uttar Pradesh usually use the surname Gupta and often, Modi as well.

In the 136 communities from Bihar listed in the central list of OBCs, there is no “Modi”, even though there is a “Teli” (entry no 53 in Bihar’s central list of OBCs). The most prominent BJP leader in Bihar, Sushil Kumar Modi, has filed a separate case of defamation against Rahul.

In the list of 68 communities of Rajasthan in the central OBC list, there is “Teli” as the 51st entry, but there is no community listed as “Modi”.

When were these communities in Gujarat included in the central OBC list?

Some were in the central list of OBCs from the beginning — when the first central list of OBCs was notified in 1993 after the implementation of the ‘Mandal’ reservations.

On October 27, 1999, the Muslim Ghanchi community was added to the central list of OBCs, along with some other similar communities from other states. Subsequently, by a notification dated April 4, 2000, other communities from Gujarat such as “Teli”, “Modh Ganchi”, “Teli Sahu”, “Teli Rathod”, and “Teli Rathore” were added to the central list of OBCs.

Thus, the caste to which Prime Minister Modi belongs — Ghanchi — was included in the central list of OBCs almost 18 months before Modi first became Chief Minister of Gujarat (on October 7, 2001).

Where else (other than Gujarat) do people with the Modi surname live?

As mentioned above, there are Modis in UP and Bihar.

This surname is also widely used by Marwaris, who are from the stock of Agrawals, who are said to belong to Agroha in Hisar, Haryana, and subsequently spread to districts like Mahendragarh of Haryana and Jhunjhunu and Sikar of Rajasthan.

The grandfather of former IPL Commissioner Lalit Modi, Rai Bahadur Gujar Mal Modi, moved from Mahendragarh to settle near Meerut, and the town was later renamed as Modinagar.

The fugitive diamantaire Nirav Modi hails from Gujarat’s Jamnagar, from a community that has been traditionally engaged in the diamond trade.

The former chairman of Tata Steel Russi Mody, and the stage and film personality Sohrab Modi, were Parsis from Bombay (Mumbai).

MAKING SENSE OF THE DISQUALIFICATION OF A LOK SABHA MP

The conviction, on Thursday, March 23, 2023, of Congress leader and now former Member of Parliament from Wayanad Rahul Gandhi by a Chief Judicial Magistrate’s court in Surat, Gujarat, and the issuance of a notification the next day by the Lok Sabha Secretariat of Mr. Gandhi’s disqualification raise some important constitutional and legal issues. The legal community is mystified by the harshness of the sentence, which is unprecedented in a defamation case. The issue will anyway be dealt with by the appellate courts. But the issues relating to the disqualification need to be examined carefully.

Section 8 of the Representation of the People Act, 1951 (RP Act) specifies the various offences, conviction for which entail the disqualification of a member of the legislature. Clause (3) of this

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section says that a person convicted of any offence other than those mentioned in the other two clauses, and sentenced to not less than two years shall be disqualified from the date of conviction. However, clause (4) has exempted sitting members from instant disqualification for three months to enable them to appeal against the conviction. This clause was struck down as ultra vires the Constitution by a two judge Bench of the Supreme Court on the ground that Parliament has no power to enact such an exemption for sitting members of the legislature (*Lily Thomas vs Union of India*, 2013). The effect of this judgment is that there is an instant disqualification of a sitting legislator as soon as he is convicted. However, the Court made it clear that in the event of the appellate Court staying the conviction and sentence, the disqualification will be lifted and the membership will be restored to him.

The role of the President

Section 8(3) of the RP Act which provides for disqualification on conviction has been subjected to judicial interpretation in a number of cases. A surface view of this provision is that the moment conviction and sentence are announced by the trial court, the member of the legislature will stand disqualified. Upon such disqualification, his seat in the legislature shall fall vacant under Article 101(3)(a). But a closer reading will reveal that the words "shall be disqualified" used therein cannot mean instant disqualification. If words like "shall stand disqualified" were used in this clause, they would have certainly meant instant disqualification without the intervention of any other authority.

The passive voice used in this clause implies that the person shall be disqualified by some authority. Who can that authority be? It cannot be the Secretary General of a House of Parliament or Secretary of a state legislature because the Constitution does not confer such power on them. Article 103 shows that the President of India is that authority who decides that a sitting member has become subject to disqualification in all cases which come under Article 102(1). Sub Clause (e) of this Article relates to all cases of disqualification under the RP Act 1951 which include disqualification on conviction and sentence under Section 8(3) of the Act.

There are differences of opinion on the scope of Article 103, which says that if any question arises as to whether any sitting Member has become subject to any of the disqualifications mentioned under Article 102(1), the question shall be referred to the President whose decision shall be final.

There is a view that this Article can be invoked only when a dispute arises on the fact of disqualification and not otherwise. But this Article covers disqualification arising on conviction for different offences under Section 8 of the RP Act 1951. In a case of conviction under this section, where is the question of disputes? This would mean that reference to the President of the question of disqualification of a sitting Member who has been convicted for an offence covered by Section 8 is a constitutional requirement. The Supreme Court, in *Consumer Education and Research Society vs Union of India* (2009), upholds this position. This judgment says that the President performs adjudicatory and declaratory functions here.

In cases where adjudication is not required, the President can simply declare that the sitting Member has become subject to disqualification. But the intervention of the President is essential under Article 103 even in cases where a sitting member has been convicted and the disqualification is supposed to take effect from the date of conviction. Section 8(3) of the RP Act does not say that in the case of a sitting Member, disqualification takes effect the moment the conviction is announced. The words "shall be disqualified" convey this sense.



The judgment in Lily Thomas has certain flaws. It says that Parliament cannot enact a temporary exemption in favour of sitting members of the Legislature. But Article 103 itself provides an exception in the case of sitting Members by stating that the disqualification of sitting Members shall be decided by the President. Thus, the Constitution itself makes a distinction between the candidates and sitting Members. This was ignored by the judgment and the Court struck down the three months window given to the sitting members to enable them to appeal against their conviction. Further, such a temporary exemption in favour of sitting members of the legislature is a reasonable requirement. They are not placed in the same situation as a candidate. A sudden disqualification will cause a lot of dislocation apart from the fact that the constituency will lose its representative.

Section 8(4) was enacted to deal with precisely such a situation. In the absence of a provision such as clause 4 of Section 8, the Lok Sabha Secretariat issued a notification on March 24, 2023 declaring that Mr. Gandhi stands disqualified. This notification has presumably been issued on the basis of the judgment in the Lily Thomas case. But Section 8 (3) uses the words “shall be disqualified” and does not specify which authority shall disqualify Mr. Gandhi. Therefore, the Lok Sabha Secretariat cannot perhaps declare him disqualified without referring the case to the President under Article 103 for a declaration, which is the normal procedure followed there. The authority to declare a sitting Member disqualified on the basis of the Court’s decision is not vested in the Lok Sabha Secretariat, either under the Constitution or the RP Act 1951. That power is vested in the President under Article 103. The sitting Member incurs disqualification on his being convicted and sentenced to two year imprisonment. But he “shall be disqualified” through a decision by the President. This appears to be the ratio of the Consumer Society Case (supra).

An issue to reflect on

The law on criminal defamation needs an urgent review. Many countries such as the United Kingdom and the United States have scrapped it. India’s neighbour Sri Lanka too has done away with it. It is indeed a surrealistic situation where senior political leaders get jailed for making humorous or off the cuff remarks in election speeches. In 1965, the Supreme Court had drawn the attention of the judicial system to the need for a liberal approach to rhetorical, hyperbolic or metaphoric words used by politicians in election speeches. The Court said, “... the atmosphere is usually surcharged with partisan feelings and emotions and the use of Hyperboles or exaggerated language or the adoption of metaphors and extravagance or expression in attacking one another are all part of the game. So when the question... is argued in the cold atmosphere of a judicial chamber some allowance must be made and impugned speeches must be construed in that light” — Kultar Singh vs Mukhtiar Singh (1965).

In our multi-party democracy, every political party is a potential ruling party. So, every political leader is exposed to the danger of being hauled up for defamation and put out of the electoral process for long years. People of mature democracies must be able to enjoy humour without any fear. People must learn to laugh at themselves. Otherwise, we will always be busy sending people to jail.

AS RAHUL GANDHI HAS TO LEAVE LOK SABHA, REMEMBERING INDIRA GANDHI’S DISQUALIFICATION 48 YEARS AGO

Nearly a half-century before Rahul Gandhi, his grandmother, former Prime Minister Indira Gandhi, too, was disqualified from Parliament — also as a consequence of a court decision. The comparison, however, ends here.



Indira was disqualified by a single-judge Bench of the Allahabad High Court, which found her guilty of corrupt electoral practices in the elections of 1971. The decision by Justice Jagmohan Lal Sinha — which was stayed and subsequently reversed by the Supreme Court — would be the trigger for Indira to declare the Emergency, which would change the politics of India forever.

What was the case against Indira Gandhi?

The case was filed by the Lohiaite leader Raj Narain of the Samyukta Socialist Party after he was defeated by Indira in the election to the Rae Bareilly Lok Sabha seat in March 1971. Raj Narain challenged Indira's election on grounds of alleged corrupt practices under Sections 123(5), 123(6), 123(3), and 123(7) of the Representation of the People Act, 1951, which relate to the hiring of vehicles for the purpose of ferrying people to polling booths, exceeding the election expenditure limit, appealing for votes on the basis of religion, and using government functionaries for the furtherance of her election prospects respectively.

Narain alleged that Indira, along with her former Officer on Special Duty (OSD) and election agent, Yashpal Kapur, had spent more than the amount prescribed under Section 77 of the RP Act, read with Rule 90 of the Conduct of Elections Rules, 1961.

What was the High Court's decision?

Justice Sinha found Indira guilty of "corrupt practices" under Section 123(7) of the RP Act. The misuse of police and Army personnel, judges, magistrates, and gazetted officers falls under the ambit of this subsection.

The court observed that Indira had used the services of Kapur, along with the Rae Bareilly District Magistrate and Superintendent of Police to set up a stage, loudspeakers, and barricades for her election campaign. Indira had appointed Kapur her election agent after he had resigned from the Prime Minister's Secretariat on January 13, 1971, well before she started her campaign, but the Secretariat had not notified his resignation until January 25 of that year. Also, on January 7, when he was still a gazetted officer, Kapur had given speeches in favour of Indira.

The court concluded that Section 123(7) had indeed been violated — and on June 12, 1975, ruled that Indira "was guilty of having committed corrupt practice by having obtained the assistance of gazetted officers in furtherance of her election prospects".

Consequently, the Prime Minister was disqualified from Parliament, and from holding any elected post, for six years from the date of the decision.

Appeal in apex court

Indira appealed her disqualification before the Supreme Court. The court was on vacation at the time, and on June 24, 1975, a single-judge Vacation Bench of Justice V R Krishna Iyer gave a partial stay on the High Court's order. It allowed Indira to continue as PM, but barred her from voting in parliamentary proceedings and said she could not draw her MP's salary. ('Indira Nehru Gandhi (Smt.) vs Raj Narain & Anr')

The day after the SC's interim order, on June 25, 1975, Indira declared a National Emergency on grounds of "internal disturbance" under Article 352 of the Constitution. During the period of the Emergency, Indira's government passed the Thirty-Ninth Amendment to the Constitution, which introduced Article 329A, which said that the elections of the Prime Minister and the Speaker cannot be challenged in a court of law.



On November 7, 1975, a five-judge Bench of the Supreme Court headed by then CJI A N Ray unanimously upheld Indira's 1971 election, setting aside the rulings of the Vacation Bench and the Allahabad High Court.

Article 329A was omitted by the Forty-fourth Amendment Act, 1978, passed by the Janata government.

EXPRESS VIEW: CENTRE HAS BEEN LIFTING AFSPA IN THE NORTHEAST INCREMENTALLY. THIS MUST CONTINUE

The Centre on Saturday lifted the Armed Forces (Special Powers) Act, 1958 from more police station limits in Assam, Manipur and Nagaland. This is the second time in a year that the Centre has reduced areas under AFSPA in the Northeast. The decision to withdraw AFSPA, though in an incremental manner, is welcome. It sends out a positive message in a region that has had to bear the burden of the draconian Act for decades. The prevalence of insurgencies in almost all states in the Northeast — from the Naga rebellion that dates back to the 1940s, to the Mizo uprising in the 1960s, radical Left groups in Manipur in the 1970s, and the ULFA in Assam in the 1980s — may arguably have necessitated the imposition of the AFSPA. The Army was sent in because the civil administration had failed to control the situation. But statistics suggest that violence in the region has been on the decline. The Centre can take some credit for this, for it has tactfully negotiated peace treaties with rebel groups, wherever possible. The time is indeed ripe for the government to reduce dependence on the AFSPA to impose its writ.

The Centre has been careful not to antagonise the NSCN-IM, which has criticised it for going slow on the framework agreement for a closure in the Naga peace talks. Since the ceasefire in 1997, successive governments have pushed for talks with the rebels, who have played ball. Assam has also negotiated with its rebels — Ulfa, Bodo and Dimas groups — despite stray incidents. All this is not new, of course. The Mizo rebels, who signed a peace accord in 1986 when Rajiv Gandhi was prime minister, joined electoral politics in Mizoram and won office. The Left Front government in Tripura successfully negotiated with the insurgency and got the AFSPA removed in 2015.

A stable Northeast is extremely important, especially at a time when Myanmar, in areas bordering India, has turned restive. This, of course, requires the government to make judicious choices. Recently, the Manipur government had to withdraw from the ongoing ceasefire pact with two Kuki militant groups — Kuki National Army (KNA) and Zomi Revolutionary Army (ZRA) — that were among the 25 Kuki-Chin-Mizo militant groups with which the state had signed a "Suspension of Operations" agreement. It will have to walk the thin line between regional and ethnic identity assertion and nationalism. Considering the potential of the region, that's an investment the Centre must make.

HOW A 'HYBRID' GAMOSA SPARKED PROTESTS ACROSS ASSAM

Earlier this week, a scarf became the site of controversy in Assam. A newly formed Bangla Sahitya Sabha Assam (BSSA) used a hybrid creation — an Assamese gamosa and a Bengali gamcha, each cut in half and sewn together — to felicitate guests at a function on Sunday (March 26), and this did not go down well with a section of Assamese society.

Protests broke out in different parts of the state, particularly by Assam nationalist organisations and student groups, claiming that this creation was an insult to the Assamese gamosa. Subsequently, the BSSA had to issue an apology for "hurting anyone's sentiments unintentionally".

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Symbolic value of a scarf

One half of the controversial scarf was a red-and-white floral Assamese gamosa, or a phulam gamosa, and the other half was a red-and-white chequered pattern gamcha, used by Bengalis. In its apology statement, the BSSA stated that the idea behind this creation was “symbolic harmony”.

However, this backfired, simply because there is a fundamental difference in the nature of the two garments which had been stitched together, and equating the two touched a raw nerve.

The phulam gamosa is steeped in emotive weight and is considered to be a symbol of Assamese cultural identity.

According to Sunil Pawan Baruah, retired professor of history, the reverence associated with the gamosa extends in multiple directions.

“It has a deep symbolic value in Assam, be it religiously, socially or culturally. Socially, it is gifted as a symbol of mutual respect and solidarity. It also has a special relationship with the Vaishnavite culture in Assam. The axon, the main place of worship, is considered incomplete without one. So there’s a lot of emotion attached to it,” he said.

During moments when Assamese sub-nationalism took centre stage — the Assam Agitation of the early 1980s and more recently, the anti-Citizenship Amendment Act protests in the state — the gamosa was prominently used by protesters as a marker of Assamese identity.

On the other hand, the Bengali gamcha does not have such symbolism attached to it and is a utilitarian item for household use.

Professor Baruah points out that a completely different garment — a long scarf called an uttariya — is used in cultural programmes and to welcome guests in Bengali society.

Politics and anxieties

Below the surface of this issue, simmer long-standing anxieties and a pushback to what some see as attempted cultural homogenisation for political ends. According to Joydeep Biswas, who teaches at Cachar College, Silchar, the BSSA reflects this attempt at cultural homogenisation.

“Since 2016, politics in Assam has changed with the BJP’s plank of otherising Muslims. There is a push for an alliance between Bengali Hindus and Assamese Hindus to consolidate these votes — this has served them well in the last two elections in the state. The leadership of the particular Sahitya Sabha comprises only Bengali Hindus and some of them are known to write provocatively on Hindutva lines. For them Bengalis mean Bengali Hindus,” he said.

Ex-BJP MLA and chairperson of the Assam Linguistic Minority Development Board, Shiladitya Dev, is the chief patron of the literary society, adding to this perception.

But the attempted symbolism of oneness has been met by opposition from Assamese ethnic-nationalism, where it is being viewed as “dilution”. “The gamosa has a national identity. People have strong emotions towards it, they respect and honour it. It has its own distinct identity and that was sought to be diluted. Things that are a part of folk culture can’t be diluted, especially after the gamosa has received a GI tag,” said Lurinjyoti Gogoi, former general secretary of the All Assam Students’ Union and president of the Assam Jatiya Parishad (AJP), a regional party born out of the anti-CAA protests.



“If ‘harmony’ is the issue, there are many more fundamental things to be addressed first, like the constant politics of hatred and divisiveness,” he added. Biswas also adds that the backlash might not have been this strong if it would have been some community other than Bengali. “Assamese society and nationalist organisation are sensitive on matters related to Bengalis and there is a big trust deficit. This is because historically there has been a paranoia about Bengali hegemony, right from the 19th century when the Bengali was made the state language by the colonial state. So now, there’s a counter-hegemony, though the trust deficit has decreased a lot since the days of the Assam Agitation, with the passage of time and also, to some extent, the BJP’s work of homogenisation,” he said.

EXPRESS VIEW: INSTITUTIONS OF EMINENCE, MIRED IN RED TAPE

In 2017, the education ministry — then the Human Resource Development ministry — conceived the Institutions of Eminence (IOE) scheme to develop “world-class” centres of higher education in the country. Universities that met the IOE criteria were promised autonomy in financial matters and guaranteed unprecedented freedom to hire faculty and customise courses. Six years later, the project is yet to become the game changer it was intended to be. An investigation by this newspaper has revealed that the IOE scheme is hobbled by the very regulatory cholesterol from which it promised deliverance. Four private institutes, which have received the all-clear from the government-empowered committee, are yet to get the IOE tag. Four others, which have received this recognition, continue to face red tape on matters such as hiring foreign faculty and admitting foreign students. They find themselves encumbered by the UGC’s heavy-handed approach.

The scheme to increase the excellence quotient of Indian universities was part of a larger vision that found its most cogent expression in the National Education Policy (NEP) 2020. The IOE’s focus on “multidisciplinarity” is of a piece with the NEP’s emphasis on “holistic education across the sciences, social sciences, arts, and humanities”. Ironically, however, the policy appears to be holding up the final approvals for the four private institutes that have been picked up for eminence. The Empowered Expert Committee that was created to make UGC regulations more flexible for the IOEs has become defunct. The idea of university autonomy is now embedded in the higher education regulator proposed by the NEP — the Higher Education Commission of India (HECI). The yet-to-be-born agency is mandated to secure IOE-type autonomy for all universities, not just select institutes. But this technicality is not the only bottleneck. The biggest Achilles heel for the IOEs seems to be the ethos of the higher education ecosystem that is decidedly pre-NEP 2020. Some of the directives issued to these institutes are, in fact, unreasonable. How can one describe the UGC’s demand for a say in the naming of research cells in BITS Pilani and Manipal Institute of Higher Education? The university regulator’s interventions have led to seats falling vacant in at least three private IOEs. And, it’s not just the UGC. Institutions endeavouring to venture into the multidisciplinary arena have to often negotiate a regulatory maze that comprises agencies such as the National Medical Commission, Architecture Council of India and the Bar Council.

This newspaper’s investigation reveals that government funds amounting to Rs 3,000 crore have helped eight public universities initiate ambitious reforms and set up state-of-the-art research infrastructure. This is a welcome development. Private IOEs, however, have been left to fend for themselves — even as the autonomy they were promised has been conspicuous by its absence. The government has often affirmed its ambition to develop India as a knowledge economy. The move to open up the education sector by inviting foreign universities is part of this endeavour. The investigation on IOEs shows that much more needs to be done on this front.



ISRO RELEASES IMAGES OF EARTH CAPTURED BY ITS EOS-06 SATELLITE

The Indian Space Research Organisation (ISRO) has released images of Earth captured by the EOS-06 satellite. The space agency said that the images are a mosaic generated by the ISRO's National Remote Sensing Centre (NRSC). "NRSC/ISRO has generated a global False Colour Composite (FCC) mosaic from the images captured by the Ocean Colour Monitor (OCM) payload on board EOS-06," the space agency said.

It further added that the mosaic with 1 km spatial resolution is generated by combining 2939 individual images, after processing 300 GB data to show the Earth as seen during February 1 and 15. "OCM senses the Earth in 13 distinct wavelengths to provide information about global vegetation cover on Land and Ocean Biota for global oceans," ISRO added.

The EOS-06 third generation satellite in the Oceansat series was launched by ISRO onboard the PSLV-C54 along with eight Nano-satellites on November 26.

EOS-06 provides continued services of Oceansat-2 with enhanced payload capability and carries four payloads OCM-, Sea Surface Temperature Monitor, Ku-Band Scatterometer, ARGOS.

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

ISRO PUTS 36 ONEWEB SATELLITES INTO ORBIT

With a roaring sound, LVM3, the heaviest payload rocket of the Indian Space Research Organisation carrying 36 OneWeb satellites on board, took off at 9.20 a.m. on Sunday from the second launch pad at the Satish Dhawan Space Centre here. The satellites separated successfully from the rocket and were dispensed in nine phases over an hour and 14 minutes, with signal acquisition on all 36 confirmed.

This is the second mission for Network Access Associates Ltd., U.K. (OneWeb Group Company) under a commercial agreement with NewSpace India Ltd. (NSIL) to launch 72 satellites into low-earth orbits (LEOs). The first set of 36 satellites was launched in the LVM3-M2/OneWeb India-1 mission on October 23, 2022. In the current mission, the 43.5-metre-tall vehicle weighing 643 tonnes was expected to place 36 OneWeb Gen-1 satellites totalling about 5,805 kg into a 450-km circular orbit with an inclination of 87.4 degrees. This is the sixth flight of LVM3. The rocket had five consecutive successful missions, including Chandrayaan-2.

He said the mission had the upgraded S200 motors with enhanced margins suitable for the upcoming Gaganyaan mission and the motors performed very well. In the coming months, the space agency was looking at a PSLV commercial mission in April, another GSLV-Mk3 for Chandrayaan-3 and a GSLV-Mk2 mission.

Sunil Bharti Mittal, executive chairman of OneWeb and founder and chairman of Bharti Enterprises, in a Web call, said OneWeb is awaiting India's space communication policy and the policy on spectrum allocation to launch its services here. "In my work, I have seen the power of connectivity bring benefits to all, wherever they are. Yet half the world's population does not have access to fast, reliable connectivity. Today's launch represents a major step towards closing the



digital divide. OneWeb’s global constellation will play a pivotal role in realising this dream,” he said.

Radhakrishnan D., Chairman-cum-Managing Director, NSIL, said it looked forward to be associated with OneWeb not only in the area of providing launch solutions but also in other business endeavours. “This launch is a significant milestone for India to move towards benefiting from remarkable capabilities of LEO connectivity and the spread of space-based Internet. This will surely aid in addressing the issue of low fixed broadband penetration and bridge the digital divide in the country’s most remote areas,” said A.K. Bhatt, Director General, Indian Space Association.

OneWeb is a global communication network powered from space, enabling connectivity for governments, businesses, and communities. It is implementing a constellation of LEO satellites. India’s Bharti Enterprises serves as a major investor and shareholder in OneWeb. This is OneWeb’s 18th launch, its third this year, bringing its constellation to 618 satellites. This launch is a major milestone for the company, with the number of satellites now in orbit enabling global service, the first LEO operator to reach this milestone.

WHAT IS BIOTRANSFORMATION TECHNOLOGY AND HOW CAN IT REDUCE PACKAGING WASTE?

E-commerce giant Amazon generated an estimated 321 million kilograms (709 million pounds) of plastic from packaging waste in 2021 alone. This is a result of billions of boxes it shipped to its customers globally, according to a December 2022 report by Oceana. The ocean advocacy group notes that this is enough plastic to circle the Earth over 800 times as air pillows. While Amazon refuted Oceana’s claim, stating that it follows a science-based approach to reduce packaging waste, there is a lot left to be done.

A U.K.-based startup, based at Imperial College in London, claims to have developed a technology that could alter the state of plastics and make them biodegradable. The company calls the process “biotransformation”. It claims the technology would digest the plastic packaging waste naturally with the help of microbes and biodegrade the waste without leaving behind any microplastics.

What is biotransformation technology?

Biotransformation technology is a novel approach to ensure plastics that escape refuse streams are processed efficiently and broken down. The tech was co-developed by the Imperial College in London, U.K., and a Britain-based startup, Polymateria.

Plastics made using this technology are given a pre-programmed time during which the manufactured material looks and feels like conventional plastics without compromising on quality. Once the product expires and is exposed to the external environment, it self-destructs and bio-transforms into bioavailable wax. This wax is then consumed by microorganisms, converting waste into water, CO₂, and biomass. “This biotransformation technology is the world’s first that ensures polyolefins fully biodegrade in an open environment causing no microplastics,” said Niall Dunne, CEO of Polymateria.

Why do we need it?

Last year in New Delhi, India’s Environment Minister Bhupender Yadav said that the country is generating 3.5 billion kgs of plastic waste annually and that the per capita plastic waste generation has doubled in the past five years. Of this, a third comes from packaging waste.



In 2019, plastic packaging waste from e-commerce firms was estimated at over a billion kilograms worldwide, according to Statista.

A joint research project by the Department of Management Studies, IIT Delhi, and Sea Movement noted that Amazon generated, nearly 210 million kgs (465 million pounds) of plastic from packaging waste in 2019. They also estimated that up to 10 million kgs (22.44 million pounds) of Amazon's plastic packaging ended up in the world's freshwater and marine ecosystems as pollution in the same year.

However, Amazon India has now eliminated single-use plastics across its fulfilment centers. Flipkart has also done the same in 2021 across its supply chain.

Where can this technology be used?

Food packaging and health care industries are the two prime sectors that could use this technology to reduce waste. "The increase in cost is relatively small compared to conventional plastic that does not contain this technology", said Mr. Dunne.

Is this being used in India?

Some well-known Indian firms in food and packaging industries deploy such technologies. Within healthcare and pharma industries, this technology provides biodegradable solutions for non-woven hygiene products like diapers, sanitary napkins, facial pads, etc.

Are we heading in the right direction?

The Indian government has launched multiple initiatives to move the country towards sustainability. They have introduced a plastic waste management gazette to help tackle the ever-growing plastic pollution caused by single-use plastics. Additionally, last year, the government imposed a ban on single-use plastics to bring a stop to its use in the country.

The National Dashboard on Elimination of Single Use Plastic and Plastic Waste Management brings all stakeholders together to track the progress made in eliminating single-use plastic and effectively managing such waste.

An Extended Producer Responsibility (EPR) portal helps in improving accountability traceability, and facilitating ease of compliance reporting in relation to EPR obligations of the producers, importers and brand-owners.

India has also developed a mobile app to report single use plastics grievances to check sale, usage or manufacturing of single use plastics in their area.

What are the alternatives to reducing plastic waste?

A switch to jute or paper-based packaging could potentially cut down plastic waste. This could also build sustainability within the paper industry, and save on the import bill on ethylene solutions. The wooden packaging is yet another alternative, but that will make the packaging bulkier and increase cost.

The Government of Tamil Nadu, in Chennai, organised a National Expo and Conference of Startups to raise awareness on alternatives to single-use plastics. The alternatives showcased were made using coir, bagasse, rice and wheat bran, plant and agricultural residue, banana and areca leaves, jute and cloth.



HOW TO MANAGE INDIA'S SOLAR PV WASTE PROBLEM?

The story so far:

There has in the last few years been a concerted push from policymakers in India to transition to a circular economy and to, among other things, enable effective waste management. But waste management in the solar photovoltaic (PV) sector still lacks clear directives.

What is PV waste?

Globally, India has the world's fourth highest solar PV deployment. The installed solar capacity was nearly 62GW in November 2022. This augurs a colossal amount of solar PV waste. According to a 2016 report by the International Renewable Energy Agency, India could generate 50,000-3,25,000 tonnes of PV waste by 2030 and more than four million tonnes by 2050.

India's solar PV installations are dominated by crystalline silicon (c-Si) technology. A typical PV panel is made of c-Si modules (93%) and cadmium telluride thin-film modules (7%). A c-Si module mainly consists of a glass sheet, an aluminium frame, an encapsulant, a backsheet, copper wires, and silicon wafers. Silver, tin, and lead are used to make c-Si modules. The thin-film module is made of glass, encapsulant, and compound semiconductors.

Is this waste recovered or recycled?

As these panels near expiration, some portions of the frame are extracted and sold as scrap; junctions and cables are recycled according to e-waste guidelines; the glass laminate is partly recycled; and the rest is disposed of as general waste. Silicon and silver can be extracted by burning the module in cement furnaces. According to a 2021 report, approximately 50% of the total materials can be recovered. India's challenge is the growing informal handling of PV waste. Only about 20% of the waste is recovered in general; the rest is treated informally. As a result, the waste often accumulates at landfills, which pollute the surroundings. Incinerating the encapsulant also releases sulphur dioxide, hydrogen fluoride, and hydrogen cyanide into the atmosphere.

India needs to surmount significant collection, storage, recycling, and repurposing challenges. The market to repurpose or reuse recycled PV waste is minuscule in India due to a lack of suitable incentives and schemes in which businesses can invest.

What are the gaps?

First, simply clubbing PV waste with other e-waste could lead to confusion. Instead, India should formulate and implement provisions specific to PV waste treatment within the ambit of the e-waste guidelines. And a Central insurance or a regulatory body should be set up to protect against financial losses incurred in waste collection and treatment. Second, the waste generated from PV modules and their components is classified as 'hazardous waste' in India. To further drive home this label, pan-India sensitisation drives and awareness programmes on PV waste management will be beneficial. Third, considering that India's local solar PV-panel manufacturing is limited, we need to pay more attention to domestic R&D efforts. Depending on a single module type will disuniformly deplete certain natural resources and stunt the local capacity for recycling and recovery of critical materials. The domestic development of PV waste recycling technologies must be promoted through appropriate infrastructure facilities and adequate funding.



Why should India act now?

Considering the rate at which these panels are being installed around the country, India is expected to generate an enormous amount of waste over the next 20 years. In fact, India is expected to become one of the top five leading photovoltaic waste producers worldwide by 2050. Now is the right time for it to install clear policy directives, well-established recycling strategies, and greater collaboration, so that it doesn't find itself caught unprepared against a new problem in the future.

INDIA'S FIRST CABLE-STAYED RAILWAY BRIDGE NEARING COMPLETION

After missing multiple deadlines, including those in 2017 and 2022, the ₹400-crore project to build India's first cable-stayed rail bridge is finally nearing completion. "We will launch the superstructure deck of the bridge by the first week of May. Ancillary works such as fine tuning the cabling, deck casting, linking of railway tracks will then follow, which will be critical to the completion of the project," a senior official working on-site told The Hindu.

Perched precariously over the Anji Khad river that swells every monsoon, the bridge is supported by a single pylon — a large vertical tower-like structure — soaring 1,086 feet from the river bed, the height of a 77-storey building. Surrounded by mountain peaks, the construction site is buffeted by billowing, gusty winds.

Dangerous winds

The official, who did not wish to be named, said that the structure of the bridge itself could sustain winds blowing up to 216 km per hour. "However, every time the windspeed crosses 45 kmph, construction work, including laying casts, has to be stopped, due to the risk of machinery, like tower cranes, swaying," the official explained. A running train, whose speed limit would be restricted to 30 kmph, can sustain a wind speed of up to 90 kmph, added the official.

After the bridge is completed, it will pave the way for a single broad-gauge track for trains connecting Jammu to Baramulla, via Srinagar, along a 326-km railway line.

The project was commissioned by the Northern Railways and is being executed by Konkan Railway Corporation Ltd. (KRCL) and Hindustan Construction Company. "Konkan Railway has prior experience of executing the largest railway project of the century in Asia. It cut through ghat sections and built 96 tunnels while laying a 756-km railway line," said a senior KRCL official.

However, engineers at the bridge site said that the execution of the Udhampur-Srinagar-Baramulla rail link project, pegged at over ₹37,000 crore, is more challenging due to persistent climatic issues and the treacherous nature of the difficult Himalayan terrain. Two months ago, a worker died after sustaining multiple injuries while conducting a slope stability survey on site, officials said.

'No approach roads'

Out of the total length of 326 km, work has been completed on 215 km, including the Jammu-Udhampur-Katra stretch (79 km) on the Jammu side and the Banihal-Qazigund-Baramulla stretch (136 km) in the Kashmir Valley. The work on the intervening Katra-Banihal section of nearly 111 km is currently in progress. "It is the most difficult section of the project, what with construction



of 27 tunnels on a stretch of 97 km and 37 bridges in a 7-km section. Nearly 87% of the work is that of tunnelling,” an official said.

The idea was first conceived in 2002 during Atal Bihari Vajpayee’s tenure as Prime Minister, and was declared a “national project”.

“It was then realised during the survey of the stretch that there were no approach roads to start construction of the railway tunnel. Nearly 205 km of approach roads were paved between 2008 and 2016,” explained the official quoted above.

The construction was then mired in a maze of litigation that questioned the alignment of the proposed bridge. In 2016, the work finally picked up pace, after all court cases were disposed of.

The nearest border area is Suchetgarh, about 92 km from the bridge construction site, making it a politically sensitive project. Officials told The Hindu that after 2016, construction work was delayed for a number of reasons, including the Pulwama attack and the onset of COVID-19.

SARUS CRANE TURNS ALBATROSS AROUND U.P. MAN’S NECK

Arif Khan, a resident of Uttar Pradesh’s Amethi district who had rescued a sarus crane and took care of it for a year, has received a notice from the State Forest Department.

According to the notice sent on Saturday by Gauriganj’s Assistant Forest Officer, Mr. Khan has been asked to appear before Sub-Divisional Forest Officer Ranvir Mishra at 11 a.m on April 4. He has also been booked under the Wildlife Protection Act, 1972.

On March 21, the Forest Department officials had visited Mr. Khan to relocate the bird from his home in Mandka village to Raebareli’s Samaspur Bird Sanctuary to “allow it to live in its natural environment”. The officials said they took the bird away with Mr. Khan’s consent and added that the avian species falls under the vulnerable category and cannot be “kept in captivity”.

According to Mr. Khan, he had found the bird lying injured in his field last year. “After treatment, I thought it would fly away. But it refused to leave us.”

In February, a video of the crane accompanying Mr. Khan to the fields took social media by storm.

‘Dictatorial attitude’

Reacting to the notice, Samajwadi Party (SP) chief Akhilesh Yadav, who had earlier visited Mr. Khan’s house to witness the bonding, criticised the BJP-led State government’s “dictatorial attitude”.

“Arif did a very good job by helping an injured sarus crane and treating it and saving its life. After this, the bird became his friend. Instead of honouring Arif, they [the government] are scaring him. After I went to meet Arif and the crane, those in power grew nervous. They want to scare Arif. It shows their dictatorial attitude,” the SP chief said.

Mr. Yadav also recalled that after he had tweeted a picture of an elephant walking unattended on the Agra-Lucknow expressway last year, the State police sent the mahout to jail.

**EXPRESS VIEW | RIP SASHA: INDIA'S DREAM OF ITS OWN CHEETAH POPULATION RESTS ON HER COMPANIONS**

Sasha never got the chance to sprint free in the wild grasslands of India. The five-year-old female, one of the eight African cheetahs to arrive in Madhya Pradesh's Kuno National Park in September last year, died of a kidney infection that she had reportedly picked up while in captivity in Namibia. Even after the month-long acclimatisation that the cheetahs underwent after they arrived, Sasha was kept in quarantine. Her treatment continued but the cheetah's chances of survival were considered to be "slim". She finally succumbed on March 27.

The arrival of Sasha and her seven companions from Namibia was part of an ambitious plan to reintroduce cheetahs in India. Their smaller, lighter Asiatic cousins, who had once ranged across the swathe of land from the Indian subcontinent to the Arabian peninsula, are critically endangered, found only in Iran now (at last count, shared by the Iranian Department of Environment in January 2022, only 12 — nine males and three females — remain). In Africa and in Asia, the cats were admired and often tamed and there are depictions in pre-modern artworks of cheetahs accompanying royal hunts. With decline in prey, loss of habitat and the rise in trophy hunting, they were extirpated from most of their historical range in the 20th century. In India, the last three recorded cheetahs are believed to have been felled by Maharaja Ramanuj Pratap Singh Deo of Surguja in 1947.

While captive cheetahs, like domestic cats, are known to be especially prone to kidney disease — rarely seen in their wild counterparts — Sasha's death is undoubtedly a setback for India. Reports of the other cheetahs have been positive so far, with one male and one female even being released into the wild. The dream of India once again having its own population of cheetahs now rests on them.

EXPRESS VIEW: HIPPOS ARE COMING

The African cheetah may soon see some competition, from an even more exotic guest with a backstory that is the subject of a globally-watched TV series. But, let's begin at the beginning. In the late 1980s, Pablo Escobar — the founder and leader of the Medellin Cartel in Colombia — had more money, power and impunity than he knew what to do with. Among his many extravagances were a few hippopotami he had brought in from Africa — the *pièce de résistance* in his collection of exotic animals. After his death in 1993, four of the hippos escaped and have since multiplied. The Colombian authorities have now decided to relocate 70 of these animals — and 60 are reportedly going to come to India.

Hippos, even when they are not associated with cocaine, power and the opulent excesses of drug lords, are fascinating creatures. Massive, semi-aquatic herbivores, they have often been posited as a "missing link" between land-based and marine mammals (whales, seals, etc). And, despite looking like sedate, cuddly vegetarians, they are anything but. Fiercely territorial, in their native Africa, they are known to kill creatures as massive as the Nile crocodile and kill more humans than any large carnivore on the continent.

But, for all their dangers, the cocaine hippos — if and when they do indeed arrive in India — can serve many a purpose. They can be an exotic vanity project for people with Escobar-eque delusions of grandeur. They will certainly make for a great tourist attraction. And imagine the Instagram reels and selfies: After all, these hippos were characters in the real-life tale behind the Netflix hit *Narcos*. Like the cheetahs at Kuno in Madhya Pradesh, the "river horse" could lead to a

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



jump in tourists for whichever state(s) receives them. After all, if Cocaine Bear can become a hit film globally, the hippos certainly have a shot at stardom.

DAHI GOES, CURD RETURNS IN FSSAI'S REVISED ORDER

The FSSAI revised its order and changed its labelling provisions, recommending the display of the word 'curd' prominently and its equivalent in regional languages in brackets. Milk federations can now use regional names such as mosaru, thayir, perugu, zaamt daud or dahi.

The Hindu on Wednesday had highlighted the challenges before the Karnataka Milk Federation to use dahi prominently after several Kannada groups opposed the FSSAI's order.

The food safety regulator had notified provisions for omission of the term 'curd' from the Standards of Fermented Milk Products through a notification on January 11, 2023. Milk federations in Karnataka, Tamil Nadu and Kerala were then asked to use dahi, which they opposed.

Strong opposition

The revised order has come after severe criticism from political leaders such as Tamil Nadu Chief Minister M.K. Stalin, former Karnataka Chief Minister H.D. Kumaraswamy and BJP Tamil Nadu president K. Annamalai. Linguistic groups also raised concerns over the directive to use dahi as it was seen as an attempt to impose Hindi on the non-Hindi speaking population in southern States.

HUMAN LIFE, ABOVE ALL

It is confounding how something that is stridently 'good' in ethical and legal terms can run into a wall of opposition built on narrow professional and commercial interests. As in the case of the Right to Health Act that was passed in Rajasthan last week, and the unprecedented kerfuffle that followed, with doctors in the State vehemently protesting what they called a 'draconian law'. The Right to Health is in sync with the constitutional guarantee of right to life, and other components of the Directive Principles. That no person seeking health care should be denied it, on the grounds of access and affordability, is an acceptable proviso. The Rajasthan Right to Health Act, 2022, addresses these key issues of access and affordability. It "seeks to provide protection and fulfilment of rights, equity in relation to health and well-being for achieving the goal of health care for all through guaranteed access to quality health care for all residents of the State, without any catastrophic out-of-pocket expenditure". The law, which also provides for a social audit and grievance redress, gives every resident of the State the right to emergency treatment without paying a single paisa to any health-care institution, and specifies that private health-care institutions would be compensated for the charges incurred for such treatment.

The doctors who came out in large numbers to protest the law on the streets of Jaipur said they were distrustful of the government's promise of recompense for expenses incurred for treating patients during an emergency. To the charge that there is no detailing of the process, health right activists have pointed out that it would be a function of the Rules, not the law itself. The protesting doctors also claimed to be apprehensive of the government's interference in their functioning once the law is enforced. Ironically, all of them believe that health care is a right of the people; only, they believe that the State would have to be the sole provider. However, this is scarcely the first such exposition of the right to health. In 1989, the Supreme Court observed that "every injured citizen brought for medical treatment should instantaneously be given medical aid to



preserve life and thereafter the procedural criminal law should be allowed to operate in order to avoid negligent death". Having transformed a progressive ideal into law, Rajasthan should now strive to gain the trust of the doctors through demonstrable action. It is also incumbent upon the doctors to rise above the differences, and work with the government to save human lives.

WHY DID INDIA REJECT J&J'S PATENT ON TB DRUG?

The story so far:

On March 23, the Indian Patent Office rejected an application by pharmaceutical giant Johnson & Johnson (J&J) to extend its patent on the drug bedaquiline beyond July 2023. Bedaquiline is a drug in tablet form used to treat drug-resistant tuberculosis (TB). This opens the door for drug manufacturers to produce generic versions of bedaquiline, which are expected to be more affordable and to contribute to India's goal of eliminating TB by 2025.

What is drug-resistant TB?

As of 2017, India accounted for around one-fourth of the world's burden of multi-drug-resistant (MDR) TB and of extensively-drug-resistant (XDR) TB.

MDR TB resists treatment by at least two frontline drugs in TB treatment, isoniazid and rifampicin.

XDR TB resists these two drugs as well as fluoroquinolones and any second-line injectable drug. XDR TB is rarer than MDR TB — there were 1,24,000 cases of the latter in India (2021) versus 2,650 cases of the former (2017).

TB incidence in India has been on the decline, but MDR TB and XDR TB endanger initiatives to locally eradicate the disease. In the first two years of the pandemic, there were reports that TB treatment was hit by disrupted supply chains, availability of healthcare workers for non-pandemic work, and access to drug-distribution centres.

A peer-reviewed 2020 study found that the incidence of MDR TB was "strongly correlated with treatment failure and spread through contact, and not to treatment compliance".

How is drug-resistant TB treated?

TB is an infection of the bacterium *Mycobacterium tuberculosis* in the lungs, but often in other organs as well. It can be treated by strictly adhering to the doses and frequencies of drugs prescribed by a physician. Deviations from this schedule can lead the bacteria to become drug-resistant. Yet they happen because the drugs often have side effects that diminish the quality of life and/or because patients haven't been afforded access to the requisite drugs on time.

Drug-resistant TB is harder to treat. One important option for those diagnosed with pulmonary MDR TB is bedaquiline. In 2018, the World Health Organization replaced two injectable drugs for MDR TB with an oral regimen that included bedaquiline.

At this time, bedaquiline hadn't completed phase III trials. The recommendation was based on smaller studies, outcomes in TB elimination programmes worldwide, the difficulty of treating MDR TB, and close monitoring of patients receiving the drug.

How effective is bedaquiline?



Typically, bedaquiline needs to be taken for six months: at a higher dose in the first two weeks followed by a lower dosage for 22 weeks. This period is shorter than other treatment routines for pulmonary MDR TB, which can last 9-24 months. One phase II clinical trial observed that culture conversion (turning a patient's sputum culture from positive to negative) "at 24 weeks was durable and associated with a high likelihood of response at 120 weeks", due to bedaquiline.

Unlike second-line treatment options that are injected and can have severe side effects, like hearing loss, bedaquiline is available as tablets and is less harmful, although it has potential side effects of its own.

Studies until 2018 found that it could be toxic to the heart and the liver. This is part of why it is recommended only as a treatment of last resort.

India's Health Ministry has guidelines for bedaquiline use as part of the Programmatic Management of MDR TB under the National TB Elimination Programme.

The WHO's decision revitalised a debate about the ethics of making a much-needed but insufficiently tested drug available quickly versus lowering the safety threshold for pharmaceutical companies producing drugs for desperate patients.

Why was the patent application rejected?

J&J's patent application was for a fumarate salt of a compound to produce bedaquiline tablets. Two groups opposed the patent: 1) Network of Maharashtra people living with HIV and 2) Nandita Venkatesan and Phumeza Tisile, both TB survivors, supported by Médecins Sans Frontières.

Both groups argued that J&J's method to produce a "solid pharmaceutical composition" of bedaquiline is "obvious, known in the art" and doesn't require an "inventive step". According to the Indian Patent Act 1970 Section 2(1)(ja), an 'inventive step' is an invention that is "not obvious to a person skilled in the art".

The latter also contended that the current application drew significantly from a previous patent, WO 2004/011436, which discussed a similar compound on which bedaquiline is based and whose priority date (2002) well preceded the new application.

The Patent Office rejected the application on these and other grounds, including Sections 3d and 3e of the Act. These pertain to "mere discovery of a new form of a known substance which does not result in the enhancement of the known efficacy of that substance" and "a substance obtained by a mere admixture resulting only in the aggregation of the properties of the components thereof", respectively, which are not patentable.

Why is the rejection notable?

India has the largest population of people living with drug-resistant TB. J&J's patent on bedaquiline meant the drug cost \$400 (revised to \$340 in 2020) per person, plus the cost of other drugs. The rejection is expected to lower the cost of bedaquiline by up to 80%.

So far, the Indian government has directly procured the drug and distributed it through State-level TB programmes. After July 2023, manufacturers of generic drugs such as Lupin will be able to produce generic versions of bedaquiline.



The argument based on WO 2004/011436 is also relevant to ‘evergreening’— a strategy whereby a patent-owner continuously extends their rights and/or applies multiple patents for the same entity. Indian law disallows this.

GOLDEN FIST

Indian women boxers collected four gold medals — like their predecessors in 2006, M.C. Mary Kom, Sarita Devi, K.C. Lekha and R.L. Jenny — in the Delhi World championships to make an emphatic statement ahead of the Hangzhou Asian Games, a qualifying event for the 2024 Paris Olympics. Seventeen years ago, when India recorded its best ever showing of four golds, one silver and three bronzes, the event was still young and women’s boxing was six years away from making its Olympics debut. The current performance of four golds, when the sport is in the Olympics and the event receiving 300-plus entries from 65 countries (this despite the boycott by some prominent nations as Russian and Belarusian athletes were participating under their flags amid the Ukraine war) is remarkable as it has propelled the third-time host to top the table. Golden girls Nitu Ghanghas (48kg), Nikhat Zareen (50kg), Lovlina Borgohain (75kg) and Saweety Boora (81kg) had different accomplishments but needed to prove themselves again. Nitu, a Commonwealth Games gold medallist, was keen on making a mark at the elite level. Nikhat, the 52kg World champion, who came down to an Olympic weight and was unseeded, had to face six tough opponents and assert herself in the new class to become the second Indian after Mary to win more than one World title. Olympic medallist Lovlina, also a two-time World bronze medallist, was determined to establish herself in a new Olympic weight. Thirty-year-old Saweety, a 2014 World silver medal, wanted to underscore that she was no less. Some exciting talents that included 19-year-old Preeti Sai Pawar (54kg) and Jaismine Lamboria (60kg), impressed everyone. With multiple boxers vying for each spot, the coaches face a ‘good problem’ in the build-up to the Olympics.

The event, demonstrating the competitiveness and appeal of women’s boxing, should encourage the International Boxing Association (IBA), which is in conflict with the International Olympic Committee due to its exclusion from the Olympics over various issues. The IBA, monitored on site by an independent McLaren team, tried to ensure transparency and fairness. It took action against below-par match officials and athletes who seemingly enjoyed an unfair advantage. It offered a lucrative prize purse, including \$100,000 to each winner, and financial support to boxers as an incentive to boost participation. The successful conduct of the event, barring the odd blip, has encouraged the IBA to look at India, a potential market, as a boxing destination. Eyeing a better performance in the Olympics, the Boxing Federation of India’s desire to stage more elite events will inspire the boxing community further.



BUSINESS & ECONOMICS

UNDERSTANDING IMF BAILOUTS

The story so far:

The International Monetary Fund (IMF) last week confirmed a \$3 billion bailout plan for Sri Lanka's struggling economy. IMF officials are also in negotiations with Pakistan for a \$1.1 billion bailout plan as the country faces a severe economic crisis marked by a falling currency and price rise.

Why do nations seek an IMF bailout?

Countries seek help from the IMF usually when their economies face a major macroeconomic risk, mostly in the form of a currency crisis. For instance in the case of Sri Lanka and Pakistan, both countries have witnessed domestic prices rise rapidly and the exchange value of their currencies drop steeply against the U.S. dollar. Such currency crises are generally the result of gross mismanagement of the nation's currency by its central bank, often under the covert influence of the ruling government. Central banks may be forced by governments to create fresh money out of thin air to fund populist spending. Such spending eventually results in a rapid rise of the overall money supply, which in turn causes prices to rise across the economy and the exchange value of the currency to drop. A rapid, unpredictable fall in the value of a currency can destroy confidence in said currency and affect economic activity as people may turn hesitant to accept the currency in exchange for goods and services. Foreigners may also be unwilling to invest in an economy where the value of its currency gyrates in an unpredictable manner. In such a scenario, many countries are forced to seek help from the IMF to meet their external debt and other obligations, to purchase essential imports, and also to prop up the exchange value of their currencies. Meanwhile, a country's domestic economic policies can also have an adverse impact on its currency's exchange rate and foreign exchange reserves. For example, economic policy that imperils productivity can affect a country's ability to attract the necessary foreign exchange for its survival. Bad luck can also contribute to a crisis. In the case of Sri Lanka, a decrease in foreign tourists visiting the country led to a steep fall in the flow of U.S. dollars into the nation.

How does the IMF help countries?

The IMF basically lends money, often in the form of special drawing rights (SDRs), to troubled economies that seek the lender's assistance. SDRs simply represent a basket of five currencies, namely the U.S. dollar, the euro, the Chinese yuan, the Japanese yen, and the British pound. The IMF carries out its lending to troubled economies through a number of lending programs such as the extended credit facility, the flexible credit line, the stand-by agreement, etc. Countries receiving the bailout can use the SDRs for various purposes depending on their individual circumstances. Currently, both Sri Lanka and Pakistan are in urgent need for U.S. dollars to import essential items and also to pay their foreign debt. So any money that they receive from the IMF is likely to go towards addressing these urgent issues.

The IMF was set up in 1945 out of the Bretton Woods conference. The primary goal of the IMF back then was to bring about international economic coordination to prevent competing currency devaluation by countries trying to promote their own exports. Eventually, the IMF evolved to be a lender of last resort to governments of countries that had to deal with severe currency crises.



Are there any strings attached to an IMF bailout?

The IMF usually imposes conditions on countries before it lends any money to them. For example, a country may have to agree to implement certain structural reforms as a condition to receive IMF loans. The IMF's conditional lending has been controversial as many believe that these reforms are too tough on the public. Some have also accused the IMF's lending decisions, which are taken by officials appointed by the governments of various countries, to be influenced by international politics. Supporters of the IMF's lending policies, however, have argued that conditions are essential for the success of IMF lending. For one, countries that seek an IMF bailout are usually in a crisis due to certain policies adopted by their governments that turned out to be inimical to economic growth and stability. It may thus not make sense for the IMF to throw money at a country when the policies that caused its crisis remain untouched. So, for instance, the IMF may demand a country affected by high price inflation to ensure the independence of its central bank. Corruption is another issue. The IMF lending to troubled economies, may turn out to be a wasted effort because these economies have poor institutions and suffer from high corruption. In other words, these countries are most likely to squander the bailout money.

EXPRESS VIEW: GLOBAL ECONOMIC SLOWDOWN WILL MAKE IT TOUGHER FOR INDIA TO ACHIEVE ITS GROWTH AMBITIONS

A new report by the World Bank has highlighted the faltering prospects of the global economy and urged policymakers to act urgently. According to the Bank's calculations the global economy's "potential" growth rate — the maximum rate at which an economy can grow without spiking inflation — is likely to hit a three-decade low of 2.2 per cent a year between now and 2030, down from 2.6 per cent in 2011-21 and 3.5 per cent during the first decade of this century. A series of overlapping crises in the past few years — such as the Covid-19 pandemic and the war in Ukraine — have weakened almost all the key drivers of long-term economic growth. In the words of David Malpass, President of the World Bank Group, "The result could be a lost decade in the making — not just for some countries or regions as has occurred in the past — but for the whole world."

In its report, the Bank has shown how all the fundamental drivers of potential growth have been losing power. Be it capital accumulation (through investment growth), growth in labour force, or the growth of total factor productivity (which is the part of economic growth that results from more efficient use of inputs and which is often the result of technological changes) — all faltered in the past decade and the Bank expects all of them to slow further in the remainder of the current decade. What's worse, as the recent bank collapses suggested, these weaknesses "could be even more pronounced if financial crises erupt in major economies and, especially, if they trigger a global recession". While slowing growth is bad news for all concerned, it is particularly so for those economies — technically called the emerging market and developing economies (EMDEs) — that are trying to eradicate widespread poverty, tackle climate change and meet other key development objectives.

From India's perspective, there are two ways to read the report. Despite being part of the EMDEs, unlike most of them, India is expected to grow faster than other economies. A slower global growth also implies that energy costs (read crude oil and natural gas prices) will likely remain manageable and that could be great news for an energy hungry and energy deficient country. However, an all round global slowdown as well as the reasons prompting it — geopolitical tensions, reduced openness to trade, policy uncertainty — will also make it tougher for India to achieve its growth ambitions. There won't be a rising tide of global growth as it was during the high-growth phase of 2003-2008 to provide tailwinds. For instance, demand for India's exports, a



crucial engine of domestic growth, will likely stay muted. That means Indian policymakers will have to rededicate themselves to sustained economic reforms. More than anything else, this means boosting the productive capacity of the economy by investing in better physical as well as social infrastructure.

EXPRESS VIEW ON FINANCE BILL 2023: PRINCIPLES UNDERLYING TAX ARCHITECTURE NEED WIDER DEBATE

The Finance Bill 2023 was passed by voice vote in the Lok Sabha last week with 64 amendments. While these amendments warranted extensive debate and examination of their far-reaching consequences, no such discussion took place in the House. Among the amendments passed is the contentious decision to scrap the tax benefit for debt mutual funds. From April 1, investors in debt mutual funds cannot avail the benefit of indexation for calculation of long-term capital gains. These investments will now be taxed at income tax rates applicable to an individual's tax slab. While this move aims to remove the advantage that such debt funds have over bank deposits, its far-reaching ramifications need to be carefully examined.

Indexation — which is offered to debt fund investors if the investment is redeemed after 36 months — means adjusting the cost of funds by taking inflation into consideration. In the case of debt funds, long-term capital gains were taxed at 20 per cent with indexation benefits. This benefit brought down an investor's tax liability. However, there are concerns that the withdrawal of the benefit will lead to investors reassessing their allocations to debt mutual funds. This may impact flows into these funds. And as debt mutual funds in turn channel funds into the bond market, this move is being seen as one that is to the detriment of the growth and development of the bond market in India. According to a report by Crisil, 70 per cent of the investment in debt funds flows from institutional investors, while individual investors, including high net worth individuals, accounted for 27 per cent as of December 2022. Thus, to the extent that this change in rule will trigger a shift in these investments away from debt mutual funds to other instruments (debt funds account for a sizeable portion of the total assets under management of mutual funds in India), this will possibly affect flows to the corporate bond market and thus demand for corporate debt is likely to be impacted. Further, while doing away with this tax advantage, the finer points of differentiation between bank deposits and debt funds also need to be acknowledged — bank deposits are insured up to Rs 5 lakh while debt mutual funds do carry risk depending on the risk profile of the bonds they hold.

It has been argued that the capital gains architecture in India as it exists needs to be reexamined and reconfigured. Not only are there different rates of taxation for different asset classes, but even the holding period for differentiating between short-and long-term capital gains varies across assets. Thus rationalisation with regard to the tax rate and/or the holding period is desirable. These issues and, more broadly, the principles underlying the tax architecture in India need to be widely discussed and debated.

DISINVESTMENT FACING MANY CHALLENGES: GOVT.

The Finance Ministry, which last month pared the disinvestment target for 2023-24 to a nine-year low of ₹51,000 crore, has now publicly acknowledged the multiple challenges it is facing in privatising public sector enterprises (PSEs) and raising funds through minority stake sales, a drive that has stalled since Air India's sale.



Outlining the key obstacles, the Ministry noted that the COVID-19 pandemic seriously impacted transactions in 2020 and 2021, followed by the Ukraine conflict last year, which hurt minority as well as strategic stake sales as “financial capacity and risk-reward options of potential bidders turned worse”.

Also, “strategic disinvestment transactions have to deal with matters such as resolving land title, lease and land use issues with State government authorities, disposal of non-core assets, excess manpower and labour unions, protection of process and functionaries etc.,” the Ministry noted in its annual report for 2022-23.

Multiple court cases filed by employees’ unions and other interest groups against the disinvestment policy as well as specific transactions were also hindering deals. “Any of these issues may impact the transaction timeline,” the Ministry pointed out.

“Challenges to disinvestment through minority stake sale include reduced availability of government stake over 51% for large listed central PSEs; relatively muted perception of investors in these stocks as compared to private sector peers; price overhang in the market due to high disinvestment target and frequent use of exchange traded funds (ETF) route for stake sale till 2019-20,” it added.

‘Frequent use of ETFs’

Between 2016-17 and 2019-20, the government had raised almost ₹99,000 crore from ETFs with underlying shares of CPSEs.

Disinvestment receipts so far this year amount to just ₹35,282 crore, against a Budget target of ₹65,000 crore and revised estimates of ₹50,000 crore. The privatisation of Central Electronics and Pawan Hans had to be scrapped after being announced, owing to legal concerns about the winning bidders.

The sole strategic sale completed in FY23 is of Neelachal Ispat Nigam Ltd. (NINL) to a Tata group firm. NINL was a joint venture between four CPSEs and two State PSEs from Odisha, with no direct Government of India holding.

BORROWERS SHOULD BE HEARD BEFORE ACCOUNTS ARE CLASSIFIED AS FRAUD: SC

A Bench led by Chief Justice of India D.Y. Chandrachud said the civil consequences of an account being declared as fraud under the Reserve Bank of India (Frauds Classification and Reporting by Commercial Banks and Select FIs) Directions, 2016, or the central bank’s ‘Master Directions on Fraud’ amount to “civil death” to borrowers. The principle of natural justice — ‘audi alteram partem’ (hear the other side) — demands that borrowers should be given a chance to be heard first.

HC’s view

The judgment came in appeals filed by the Reserve Bank and other banks against a Telangana High Court decision that the principles of natural justice must be read into the provisions of the Master Directions on Frauds.

“Classification of the borrower’s account as fraud under the Master Directions on Frauds virtually leads to a credit freeze for the borrower...,” the apex court said.



PPF, SUKANYA SAMRIDDHI INTEREST RATE HIKE UNLIKELY

Investors in the popular small saving schemes Public Provident Fund (PPF) and Sukanya Samridhhi Account (SSA), whose rates have not been hiked since January 2019, are unlikely to get higher returns anytime soon, a top government official has indicated.

This is because the government is no longer in complete agreement with the Shyamala Gopinath Committee formula adopted in April 2016 to reset small savings interest rates every quarter in line with the prevailing yields on government bonds of comparable tenures.

The last time the PPF and SSA interest rates were tweaked was when they were slashed sharply in April 2020.

At the time, the PPF rate was brought down to 7.1% from 7.9%, while the SSA's returns were pared to 7.6%. The returns of these two schemes have remained static even as rates on some other small savings instruments were hiked for the third and fourth quarters of 2022-23. "We disagree with the Shyamala Gopinath Committee's formula in respect of those items where tax advantage is the main consideration," a senior Finance Ministry official told The Hindu, stressing that incomes from both the PPF and the SSA are tax-free.

The Gopinath panel's formula, he stressed, ignored the fact that the comparable government securities to whose yields small savings rates are linked, are taxable. "People need to take a call on whether they want tax breaks or higher returns. If it's the latter, they can opt for the other small savings schemes that are taxable," a top government official told The Hindu.

A 10 to 30 basis points (bps) hike was granted for five of 12 small savings schemes for the October-December 2022 quarter, while eight schemes' returns were raised by 20 bps to 110 bps for the current quarter. One basis point equals 0.01%.

As per the formula prescribed by a panel led by former Reserve Bank of India (RBI) Deputy Governor Shyamala Gopinath, the PPF rate should have been hiked to 7.72% and the Sukanya Samridhhi Account's returns ought to have been raised to 8.22% during the October to December quarter.

Yields on government bonds have not changed significantly over recent months and a similar hike may be deduced from the formula for the coming April to June 2023 quarter, whose rates will be announced this week. But except for political economy considerations that may come into play, hikes are unlikely for these two schemes.

"Almost all the investors in these two schemes are taxpayers and the tax-adjusted yield is much higher than the 7.1% paid out on PPF. For those in the highest income tax bracket of around 39%, the return is roughly 11.6%," the official pointed out.

"Even if you're in the 20% income tax slab, the returns on PPF and SSA are much higher than any comparable investment. So we are giving more than that margin through the tax benefit, that's why we are neither raising these schemes' rates, nor are we inclined to do so," the official stressed.

EPFO SUBSCRIBERS ARE 'CAPTIVE INVESTORS' OF TWO ADANI STOCKS

The aftermath of the Hindenburg Research report may have made several large investors rethink their exposures to the Adani group. However, one large pool of capital has continued to invest in



two Adani stocks, including flagship Adani Enterprises, and will keep doing so till at least September, unless its trustees rethink their investment approach when they meet this week.

These investments are being made by India's largest retirement fund — the Employees' Provident Fund Organisation (EPFO) — which manages the nest eggs of 27.73 crore formal sector employees and invests 15% of its corpus into exchange traded funds (ETFs) linked to the NSE Nifty 50 and the BSE Sensex.

The second largest non-banking financial institution after the Life Insurance Corporation of India earmarks up to 85% of its equity investments into ETFs tracking the Nifty 50, which had added Adani Enterprises last September and has retained the stock for another six months for the period starting from March 30 this year.

Adani Ports and SEZ (APSEZ) has been part of the Nifty 50 since September 2015, a month after the EPFO first opened up to equity investments by deploying 5% of incremental contributions received from its members into ETFs. The APSEZ stock has also been retained in the Nifty 50 for the next six months, along with Adani Enterprises, after a recent index review by NSE subsidiary, NSE Indices.

IRDAI REMOVES COMMISSION LIMIT FOR AGENTS: HOW WILL IT BENEFIT CONSUMERS?

The Insurance Regulatory and Development Authority of India (IRDAI) has lifted limits on the payment of commissions to insurance intermediaries. With this, life and non-life players will have more freedom in offering commissions – the compensation paid to and received by an insurance agent from an insurer for soliciting and procuring an insurance policy. However, the commission will have to be within their overall Expenses of Management (EOM) and insurers can have board-approved limits for paying commissions to their agents.

What does the new IRDAI rule say?

IRDAI has asked insurance companies, including life and non-life, to fix an overall cap on commission to agents, brokers and other intermediaries, giving more flexibility to insurers in managing their expenses. This means the regulator has replaced the earlier cap on different commission payments to various types of intermediaries with an overall board-approved cap which should be within the allowed expenses.

What is the objective?

This rationale of the regulation is to enable and provide flexibility to the insurers, both life and general insurers, to manage their expenses within the overall limits based on their gross written premium to optimally utilize their resources for enhancing benefits to policyholders.

How will this move benefit insurance companies and agents?

The insurance sector participants have welcomed the change in the regulation and termed it a major reform. They said the removal of the cap on commission payments will positively impact the sector. According to Star Health Insurance Chairman and CEO V Jagannathan, currently, the limit of EOM in the general insurance business is 30 per cent and in health insurance is 35 per cent. The insurance companies are paying insurance intermediaries a commission of 15 per cent of the total premium business they are bringing in. The new regulation has removed the cap. However, the overall limit of EOM will remain.



With the new regulations, an insurance company can pay a higher commission to an agent if the business brought in is good and claim-free, Jagannathan said.

What benefit will consumers get?

Post the changes in regulations, insurance agents are likely to be more interested in selling insurance products and explain policy details to consumers beforehand. The claim ratio of these agents will also be better.

When claim outgoes are within the overall manageable limit, an insurance company may not increase the premium, which will be beneficial for consumers, Star Health Insurance's Jagannathan explained.

The move will also help in increasing insurance penetration as agents will get higher commissions.

When will the regulation come into effect?

IRDAI said the regulation will come into force from April 1, 2023, and will remain in force for a period of three years thereafter.

What do Expenses of Management mean?

Expenses of Management (EOM) include all expenses in the nature of operating expenses of general or health Insurance business and commission to the insurance agents or insurance intermediaries. It also includes commission and expenses on reinsurance inward, which are charged to the revenue account.

Who are insurance intermediaries?

Insurance intermediaries include corporate agents, insurance brokers, web aggregators, insurance marketing firms and a common public service centre – SPV.

SEBI SET TO REGULATE INDEX PROVIDERS

The government has squarely put the onus of regulating the practices of market index providers on the Securities Exchange Board of India (SEBI), amid concerns about the safety of passive investors' savings parked in funds linked to indices that have added or retained several Adani group stocks, despite their meltdown following the release of the Hindenburg Research report.

Wednesday meeting

SEBI, whose board will meet on Wednesday, had stressed the need for greater oversight on currently unregulated index providers like NSE Indices (a National Stock Exchange subsidiary) and the Asia Index Pvt. Ltd. (a BSE joint venture with Dow Jones), citing their growing dominance due to the "proliferation" of index funds.

A draft regulatory framework for index providers mooted by the market watchdog in December had raised concerns about possible conflicts of interest that could arise in their governance.

These firms could "exercise discretion through changes in methodology resulting in exclusion or inclusion of a stock in the index or change in the weights of the constituent stocks" and their decisions can impact the volumes, liquidity and price of such stocks, as well as investors' returns from index funds, the market watchdog had cautioned.



WILL MEGA TEXTILE PARKS HELP BOOST THE SECTOR?

The story so far:

On March 17, the government announced that seven mega textile parks under the ₹4,445-crore PM Mega Integrated Textile Regions and Apparel (PM MITRA) scheme will be set up in the first phase. The notification for large-scale textile parks under PM MITRA had been given in October 2021. The scheme which seeks to streamline the textile value chain into one ecosystem, taking in spinning, weaving and dyeing to printing and garment manufacturing, is expected to generate investments worth ₹70,000 crore. It would also lead to the creation of 20 lakh jobs, according to Commerce & Industry and Textiles Minister Piyush Goyal.

What is expected in the first phase?

Under the first phase of the PM MITRA scheme, large textile parks, spread across at least 1,000 acres, will come up in seven States —Tamil Nadu, Karnataka, Telangana, Madhya Pradesh, Maharashtra, Gujarat, and Uttar Pradesh — housing the entire textile value chain, from fibre to fabric to garments. The parks will have plug-and-play manufacturing facilities and all the common amenities required.

The Central government's budget outlay for the scheme, which is ₹4,445 crore, is to be spent till 2027-28. Special purpose vehicles, with a 51% equity shareholding of the State government and 49% of the Centre, will be formed for each park. The State governments will provide the land, be part of the SPV, and give the required clearances. The Central government will disburse Development Capital Fund of ₹500 crore in two tranches for each of the seven facilities. This is for the creation of core and support infrastructure. It will also give a Competitive Incentive Support of ₹300 crore per park to be provided to the manufacturing units.

Is it different from previous textile schemes?

The textile and apparel sector has benefited from different programmes, such as the Apparel Park Scheme announced in 2002 and the Scheme for Integrated Textile Parks launched in 2005, which supported development of common infrastructure. The PM MITRA scheme is envisaged to be a unique initiative and the differentiating factors are the emphasis on large-scale production and provision of plug-and-play manufacturing centres. The scheme is to be implemented jointly by the Central and State governments. The parks, which will be open for foreign direct investments, will be located in States that have inherent strengths in the textile sector. Each park will have effluent treatment plants, accommodation for workers, skill training centres and warehouses too. It is designed to attract investment from companies that are looking to scale up, and require integrated manufacturing facilities in one location.

What will be the impact on MSMEs?

The micro, small and medium enterprises (MSME) sector is said to control almost 80% of the textiles and apparels currently made in India. Further, the Indian textile and clothing units are more cotton-based. The industry has mixed views on the immediate impact of the huge investments that are expected to come into the parks in existing units.

However, with mounting challenges such as the global geopolitical situation, and overseas buyers exploring China as well as other sourcing options, the past two years have seen notable shifts in supply chains. Orders are transitioning to suppliers who are highly price competitive and have



sustainable production processes. Even those who cater to low-volume orders are going in for value addition for better price realisation. Thus, manufacturers with vertically integrated facilities are at an advantage compared to smaller, standalone players. The MSME exporters are also realising that there is a need for integrated, larger facilities and these factors are expected to drive the industry's investment plans.

Does the industry expect a boost in exports?

Indian textile and clothing exports have stagnated at around the \$40-billion mark over the past four years, and stood at \$44 billion last year; the aim is to achieve \$100 billion in exports and target a domestic business of \$250 billion by 2030. The PM MITRA parks aim to augment the export potential of the sector. Cotton-based products make up approximately 65% of the total textile and apparel exports. Indian exports, which cover a gamut of products, are mainly known for yarn, bedsheets and towels, T-shirts and denim fabric. Expanding the fibre and product line will give India a larger share in the global market, from the current 5%. In order to make a giant leap in exports and domestic sales, the industry has to also be price competitive right from the raw material stage and gear up to meet the sustainability and traceability demands of international buyers. The State governments and developers should give thrust to the PM MITRA parks for sustainable and cost-effective solutions for pollution control and other issues that the value-adding segments of the textile chain face. India can take a cue from countries such as Turkey where integrated textile parks are highly efficient. Some of the MSME players who have the appetite to invest but are in need of resources are hoping the government will combine the Production Linked Incentive scheme II with PM MITRA, though guidelines issued in January last year say incentives under PM MITRA will be available only to those companies that have not availed of benefits from the PLI scheme. The Central and State governments have to encourage MSME units to invest in the PM MITRA parks and scale up, say insiders. Else, India faces the risk of missing out on the opportunity to become the prime destination for textile production and exports.

THE ISSUES WITH THE QUALITY CONTROL ORDERS FOR FIBRES

The story so far:

Quality Control Orders (QCO) have been issued for fibres — cotton, polyester and viscose — that constitute the basic raw materials for majority of the Indian textile and clothing industry. While the standards were available earlier too, these are now revised and made mandatory for a few, and yet to be finalised for others. International manufacturers of these fibres, who supply to India, are also mandated to get a certificate from the Bureau of Indian Standards (BIS), which is the certifying authority for the QCOs.

Why are fibres covered under QCOs?

The Indian textile and clothing industry consumes both indigenous and imported fibres and filaments. The imports are for different reasons — cost competitiveness, non-availability in the domestic market, or to meet a specified demand of the overseas buyer. The main aim of the QCO is to control import of sub-quality and cheaper items and to ensure that customers get quality products. The entire supply chain, from the textile manufacturers to exporters, has so far focused on quality standards prescribed by the buyers.



What challenges does the new mandate bring?

India imports annually 50,000 - 60,000 tonnes of viscose fibre and its variants such as Modal and Tencel LF from nearly 20 countries. In the case of polyester, almost 90,000 tonnes of polyester fibre and 1.25 lakh tonnes of POY (Polyester Partially Oriented Yarn) are imported annually.

The overseas fibre manufacturers sell not only to India but to other countries too. The supply of some fibres to India is in small quantities. Getting the certificate from the BIS involves a cost and hence not all are interested in getting the certificate. The Indian textile manufacturers who are dependent on these suppliers for the raw material will have to either look at other suppliers or lose orders. For instance, a bed linen exporter in Tiruppur district imports polyester filament with functional properties from Turkey based on the demand of his European buyers. Though the imported filament constitutes just 6% of the product, the buyer has specified the source for the filament. Since the Turkey company is not interested in getting the BIS certificate, the exporter in Tiruppur has lost an order to Pakistan. Furthermore, BIS officials have to visit the manufacturing unit abroad before issuing the certificate and this process is yet to be completed for all suppliers who have applied for the BIS registration. There is no clarity on the fibres that were shipped before the certification and which will reach India in the coming days.

The textile buyers, be it domestic or international, have established a supply chain over the years and when there are constraints because of certification, the value chain is disrupted.

What is the way forward?

Be it viscose or polyester, some varieties of the fibre have special functional properties and separate HS (Harmonised Commodity Description and Coding System) code when imported. But, these are bundled in the QCO and thus have uniform quality standards. The textile industry imports just small quantities of such fibres and restricting its availability will deny Indian consumers of niche products. The textile industry is of the view that import of speciality fibres that are used as blends with other fibres should be made available without restriction. Also, any overseas applicant for the BIS certificate should get it without delay after inspection. Several textile units use lower grade fibres that are generated from rejects and wastes and these are not covered under the QCO. There is also a fear of costs going up for basic garments. Further, polyester spun yarn mills in the MSME sector need capital support to set up labs to test products. The QCO should be implemented only after the ambiguities are cleared and the anomalies set right, says the industry.

The BIS standards are mandatory for viscose staple fibre from March 29 and for five polyester products, including polyester staple fibre and polyester spun yarn from April 3.

'SIGNIFICANT DROP' ACHIEVED IN EPF'S ACTUARIAL DEFICIT, CENTRE INFORMS RS

This has become possible thanks to improvement in the quality of data in respect of members of the Employees' Pension Scheme (EPS), 1995 and amendments carried out based on recommendations of the actuarial valuation report, and suggestions of the Union Finance Ministry while agreeing to the minimum pension proposal. Since September 1, 2014, a minimum pension of ₹1,000 per month under the EPS is being provided through budgetary support.

This was stated in an action taken report (ATR) tabled in the Rajya Sabha, along with the reply of Union Minister of State for Labour and Employment Rameswar Teli. It was in response to Congress leader Digvijaya Singh's question on the status of implementation of the

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recommendations of the 147th report of the Committee on Petitions. The Committee submitted its recommendations to the Upper House in September 2013 and an ATR was sent to the Rajya Sabha Secretariat in May 2014.

Among the amendments were the calculation of pensionable salary on the basis of 60 months' average instead of 12 months' average, and the determination of eligible service on the basis of contributory service instead of simple length of service.

As suggested by the Committee on Petitions, efforts were made to collect information on members, and the valuation for 2011-12, 2012-13 and 2013-14 was carried out with the data of almost 60% of active contributing members and 100% of the pensioners, resulting in better quality and reliability of the valuation exercise. The valuation of EPF was completed till 2019.

Annuity-based scheme

As regards the suggestion for conducting valuation every three years and replacing the EPS with a Provident Fund-cum-Pension Annuity Scheme with mandatory annuitisation, the ATR mentioned that "no consensus could emerge" on the proposal for an annuity-based scheme during two meetings of the Central Board of Trustees (CBT) of the EPF held in September 2010 and January 2014. Besides, it was felt that the annual valuation should continue.

On the recommendation for providing price rise neutralisation in the pension amount to offset inflation, the government took the stand that it had not been "not found feasible" to provide for increase in pension by neutralising the effect of inflation, as the EPS was a funded scheme with features of defined benefits and defined contribution.

As for better and efficient management of the corpus, the Employees' Provident Fund Organisation (EPFO) had appointed fund managers in September 2008.

The investments were being carried out as per the pattern of investment prescribed by the Finance Ministry, notified by the Ministry of Labour and Employment, and in tune with the guidelines laid down by the EPF's CBT.

To another question on inoperative EPF accounts, Mr. Teli replied that as on March 31, 2022, the total amount lying in inoperative accounts was ₹4,962.7 crore.

GOOGLE LOSES APPEAL, RS 1337 CRORE FINE UPHELD BY NCLAT IN ANDROID ANTITRUST CASE

In a significant ruling, the National Company Law Appellate Tribunal (NCLAT) has upheld the penalty of Rs 1,337.76 crore imposed by the competition regulator on Google for its anti-competitive conduct in the Android ecosystem. The tribunal held that a number of Google's practices pointed to an abuse of dominance, which in some cases, had also stalled scientific development.

However, Google managed to score a partial victory as four of the ten conditions that the Competition Commission of India (CCI) had imposed on the company – including preventing sideloading of apps, and sharing Google's Play Store code with original equipment manufacturers (OEMs) – that would have further hamstrung the tech giant, were set aside by the NCLAT.

NCLAT's order has largely confirmed CCI's other findings from last October that Google abused its market dominance in the Android ecosystem. It held that mandating pre-installation of its entire

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Google Mobile Suite (GMS) – a family of key Google apps and services – amounted to “imposing unfair conditions on OEMs which is an abuse of dominant position” by the company.

In its 189-page long order, a two-member bench of the NCLAT has given Google 30 days to pay the fine and implement the order.

The contest between Google and CCI was among the most high-profile battles globally between a tech giant and a regulator, one that was being followed closely by governments across the world. About 97 per cent of the 600 million smartphones in India run on Android, according to Counterpoint Research estimates.

By making pre-installation of its GMS suite conditional to signing various agreements such as Anti-fragmentation Agreement (AFA) and Android Compatibility Commitment Agreement (ACC) with the OEMs, the tribunal said that Google had “reduced the ability and incentive of device manufacturers to develop and sell self-device operating or alternative version of Android and Android Forks and thereby limited technical and scientific development”.

By bundling products like its search engine, the Chrome browser and YouTube app, Google had perpetuated its dominant position, NCLAT said. In its detailed order, the NCLAT held that the CCI in its order against Google did not violate the principles of “natural justice”.

“The Commission proceeded to consider the materials on the record and submissions of the parties with respect to each of the markets and recorded findings and conclusions after considering the evidence on record,” NCLAT said. “Hence, we are unable to accept the submission of the learned Senior Counsel for the Appellant that the order of the Commission is replete with confirmation bias.”

It was not immediately clear if Google will challenge the NCLAT order, but a Google spokesperson said that the company was evaluating its legal options. “We are grateful for the opportunity given by the NCLAT to make our case. We are reviewing the order and evaluating our legal options,” she said.

Google managed to achieve some key relaxations in the final verdict pronounced by the NCLAT, primarily those that would have severely impacted its own products. Google will now not need to allow hosting of third-party app stores inside Play Store, as had been previously ordered by the CCI.

Google will also not need to allow users to remove pre-installed apps such as Google Maps, Gmail and Youtube. The company can also continue imposing curbs on so-called “sideloading”, a practice of downloading apps without using an app store, which CCI had said must be discontinued.

The Central Government, however, is viewing the NCLAT verdict favourably. A senior government official said that even though the NCLAT has set aside some of the non-monetary conditions from the CCI order, “the key win here is that abuse of dominance by Google has now been proved”. The official added that this “opens the gate for the government to formulate substantive regulations to ensure that such an abuse of dominance can be curtailed in the future”.

“In many ways, this judgement sets the stage for dual regulators in the online space for various sectors. One will be a nodal regulator and one will be a sectoral regulator, who will both work together in framing rules for the respective sector and regulate it,” the official said.



In January, the Supreme Court had refused to suspend any of the antitrust remedies ordered by the CCI against Google last year. It had asked the NCLAT to hear the case on merit and rule by March end. In response to the Supreme Court order, Google had made sweeping changes to Android in India, including allowing device makers to licence individual apps for pre-installation and giving users the option to choose their default search engine.

COMPETITION (AMENDMENT) BILL PASSED IN LOK SABHA: HOW IT AFFECTS BIG TECH

Just as the National Company Law Appellate Tribunal released its final verdict upholding the competition's regulator's findings that Google abused its market dominance in the Android ecosystem, the Lok Sabha passed a piece of competition-related legislation which could pose a new frontier of challenges for Google and other global technology companies.

The lower house of Parliament passed the Competition (Amendment) Bill, 2023 Wednesday, which seeks to amend the Competition Act, 2002. One of the major changes in the amended law is that it affords the Competition Commission of India (CCI) the ability to penalise entities found engaging in anti-competitive behaviour based on their global turnover.

So far, the penalties were decided as a percentage of erring entities' "relevant" turnover, which typically means their annual domestic turnover.

Why global turnover provision could spell trouble for the Big Tech

To be sure, while the new provision on global turnover will not be exclusively applicable to tech companies, they are likely to be the most aggrieved by it given the nature of their business which cuts across geographies. Typically, the revenue these businesses earn from their India operations is much smaller than their income in other regions such as the US and Europe.

"From a business' point of view, the consideration of total turnover may lead to unfair and punitive outcomes and would also lead to discrimination between enterprises who commit a similar contravention but are penalised differently depending on the expanse of their business," said Avantika Kakkar, partner and head of competition at law firm Cyril Amarchand Mangaldas.

In the European Union, the penalty imposed on an entity for anti-competitive activity has been limited to 10 per cent of the overall annual turnover of the company. The 10 per cent limit can be based on the turnover of the group to which the company belongs if the parent of that group "exercised decisive influence over the operations of the subsidiary during the infringement period".

The jurisprudence on the definition of 'turnover' in India

The definition of "turnover" had been a widely debated subject in the competition law landscape, and it was in 2017 when the Supreme Court had fixed how it should be determined in such cases. On 8 May, 2017, in a landmark judgement, the top court had upheld the principle of "relevant turnover" for determination of penalties in competition law contraventions.

In a case related to alleged contravention of the Competition Act, 2002 in the public procurement of Aluminium Phosphide tablets by the Food Corporation of India, the CCI had imposed a penalty at the rate of 9 per cent of the total turnover of the concerned tablet manufacturers, Excel Corp. Care Limited, United Phosphorus Limited, and Sandhya Organic Chemicals Private Limited.



The Competition Appellate Tribunal (COMPAT) had however later said that the turnover will have to be “relevant” turnover, that is turnover derived from the sales of goods or services.

Ultimately, the Supreme Court had held that the imposition of penalty adopting the criteria of “relevant turnover” will be “more in tune with ethos of the Act and the legal principles which surround matters pertaining to imposition of penalties.”

Other amendments

The changes in the Competition (Amendment) Bill, 2023 afford the CCI a greater say in mergers and acquisitions as entities will have to seek its approval in case a deal value is worth more than Rs 2,000 crore, and both the parties have a substantial business operation in India.

The CCI could also incentivise parties in ongoing cartel investigations in terms of lesser penalty to disclose information regarding other cartels.

The bill has also reduced the time limit for approval of mergers and acquisitions from the existing 210 days to 150 days.

WHY JIO'S NEW PRICE PLAN COULD BE BROADBAND'S 4G MOMENT

Reliance Jio has announced an entry level broadband plan prices at less than Rs 200 per month, in what analysts say is its next frontier to take on rival Bharti Airtel's home offerings.

The move also comes just days ahead of this year's Indian Premier League edition, where Jio is also understood to be mounting a challenge to Star India which has the broadcast rights for the event, in a bid to woo advertisers to its online stream.

What is Jio's new plan and how does it compare to Airtel's?

Jio's new offering, named 'Broadband Back-up plan' is priced at Rs 198 per month. It will come with a top Internet speed of 10 megabit per second. Earlier, the minimum price for availing Jio Fiber connection was Rs 399 per month. The company has also provided an option to upgrade the Internet speed to 30 mbps or 100 for 1 to 7 days by paying in the range of Rs 21 to Rs 152.

Jio has 84 lakh customers on its fixed homeline network, accounting for a 30.6 per cent market share.

In terms of pricing, Jio's new offering should be one of the lowest-priced broadband connections amongst the key service providers. Airtel's cheapest bundled plan, which comes with a broadband connection and entertainment apps, is priced at Rs699 per month and offers speeds of up to 40Mbps.

“Airtel currently does not have any product at a lower price point of Rs198/month; however, we would not rule out Airtel's launching a lower-priced plan in future to be competitive,” Morgan Stanley said in a note.

Could this be broadband's 4G moment?

Experts believe that this could disrupt the broadband market by making it more accessible and force Jio's competitors to launch similarly priced plans.

In a note, BofA Securities said, “In our view, Jio is looking to replicate its mobile strategy of facilitating transition at very low cost. In the mobile market, users first started using Jio as a secondary SIM and overtime, many switched to Jio given better speeds/pricing. We think Jio is expecting a similar outcome. While the broadband market is different from mobile (lethargy to switch is high), we expect impact to be largely similar”.

“We are likely to see 1) consolidation in favor of larger telcos like Jio/Bharti; 2) price-points to coming down in the interim as few peers could respond in cutting prices; and 3) penetration improvement and better uptake of fixed broadband,” BofA Securities added.

Morgan Stanley said that the move could potentially lower the barriers for broadband adoption in India to accelerate net additions; increase the penetration ratio of subscribers to home passes, improving utilisation of the existing network; and dilute average revenue per user (ARPU) which is currently around Rs 500-700 per month.



DreamIAS



LIFE & SCIENCE

MARBURG VIRUS DISEASE OUTBREAK KILLS FIVE IN TANZANIA: WHAT IS THIS VIRUS?

Five people have died and three others are infected with the Marburg virus – a highly infectious, Ebola-like disease – in Tanzania’s north-west Kagera region, authorities said earlier this week.

According to the World Health Organization (WHO), around 161 people have been identified as at risk of infection through contact tracing and are currently being monitored. An emergency response team has been deployed in the area and no other cases of the virus have been reported in the country outside Kagera, The Guardian said.

“The efforts by Tanzania’s health authorities to establish the cause of the disease is a clear indication of the determination to effectively respond to the outbreak. We are working with the government to rapidly scale up control measures to halt the spread of the virus and end the outbreak as soon as possible,” said Dr Matshidiso Moeti, WHO Regional Director for Africa, in a statement.

The cases in Tanzania have come just over a month after another African country, Equatorial Guinea, reported its first case of the Marburg virus disease. Local authorities have confirmed seven deaths out of nine cases since February 13, The Washington Post reported.

“These emerging and re-emerging infectious diseases are a sign that the health security of the continent needs to be strengthened to cope with the disease threats,” said Ahmed Ogwel Ouma, the director of Africa Centres for Disease Control and Prevention (Africa CDC). “We urge members of the public to continue sharing information in a timely manner with the authorities to enable a most effective response.”

What is the Marburg virus disease?

Marburg virus disease (MVD), earlier known as Marburg hemorrhagic fever, is a severe, often fatal hemorrhagic fever, according to the WHO.

Marburg, like Ebola, is a filovirus; and both diseases are clinically similar.

Rousettus fruit bats are considered the natural hosts for the Marburg virus. However, African green monkeys imported from Uganda were the source of the first human infection, the WHO points out. It was first detected in 1967 after simultaneous outbreaks in Marburg and Frankfurt in Germany; and in Belgrade, Serbia.

The disease has an average fatality rate of around 50%. However, it can be as low as 24% or as high as 88% depending on virus strain and case management, says the WHO.

What are the symptoms of Marburg virus disease?

After the onset of symptoms, which can begin anytime between two to 21 days, MVD can manifest itself in the form of high fever, muscle aches and severe headache. Around the third day, patients report abdominal pain, vomiting, severe watery diarrhoea and cramping.

In this phase, the WHO says, the appearance of patients has been often described as “ghost-like” with deep-set eyes, expressionless faces, and extreme lethargy.



Between days five and seven, patients report bleeding from the nose, and gums and blood appearing in vomit and faeces. Severe blood loss leads to death, often between eight to nine days after symptoms begin.

How can Marburg virus disease be diagnosed and treated?

It is difficult to clinically distinguish MVD from diseases such as malaria, typhoid fever and other viral haemorrhagic fevers. However, it is confirmed by lab testing of samples, which like Coronavirus and Ebola are extreme biohazard risks.

There is no approved antiviral treatment or vaccine for MVD as of now. It can be managed with supportive care. According to the WHO, rehydration with oral or intravenous fluids, and treatment of specific symptoms can help prevent death.

AUSTRALIAN TECHNOLOGY MAY HELP GENERATE POWER FROM DEFUNCT GOLD MINES IN KGF

A hiccup that makes renewable energy unreliable, from solar or wind power, is that there is no power during nights or windless days. Green Gravity's idea is to address this challenge by relying on low-tech gravity.

Their plan is to find defunct mines, which often go hundreds or even thousands of metres deep, and haul a 'weighted block' — this could be as much as 40 tonnes — up to the top of the mine shaft using renewable power during the day when such power is available. When backup power is required, the heavy block will fall, under gravity, and the ensuing momentum will power a generator via a connected shaft. The depth to which the block can slip can be determined via a braking system, thus giving control on the amount of power that can be produced. The same principle underlies the 'pumped hydropower' storage.

Using weighted blocks means that decommissioned mines can be put to use and the environmental costs and challenges of moving water up can be avoided, Mark Swinnerton, founder and CEO, Green Gravity, told The Hindu. "By using gravity as the fuel, we dispense with consuming the critical water, land, and chemicals which other storage technologies rely on." He added, "At mines such as at Kolar, you can produce up to 100 or even thousands of megawatt-hours of power."

GPT-4 — A SHIFT FROM 'WHAT IT CAN DO' TO 'WHAT IT AUGURS'

Do you want help to prepare for the bar examination, plan a birthday party, or even translate Ukrainian to Punjabi? A single artificial intelligence (AI) model can do it all. A U.S. company, OpenAI, has once again sent shock waves around the world, this time with GPT-4, its latest AI model. This large language model can understand and produce language that is creative and meaningful, and will power an advanced version of the company's sensational chatbot, ChatGPT. Currently, GPT-4 is available to try by premium subscription or by getting on OpenAI's waitlist.

GPT-4 and what it can do

GPT-4 is a remarkable improvement over its predecessor, GPT-3.5, which first powered ChatGPT. GPT-4 is more conversational and creative. Its biggest innovation is that it can accept text and image input simultaneously, and consider both while drafting a reply. For example, if given an image of ingredients and asked the question, "What can we make from these?" GPT-4 gives a list

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of dish suggestions and recipes. The model can purportedly understand human emotions, such as humorous pictures. Its ability to describe images is already benefiting the visually impaired.

While GPT-3.5 could not deal with large prompts well, GPT-4 can take into context up to 25,000 words, an improvement of more than 8x. GPT-4 was tested in several tests that were designed for humans and performed much better than average. For instance, in a simulated bar examination, it had the 90th percentile, whereas its predecessor scored in the bottom 10%. GPT-4 also sailed through advanced courses in environmental science, statistics, art history, biology, and economics.

However, GPT-4 failed to do well in advanced English language and literature, scoring 40% in both. Nevertheless, its performance in language comprehension surpasses other high-performing language models, in English and 25 other languages, including Punjabi, Marathi, Bengali, Urdu and Telugu. ChatGPT-generated text infiltrated school essays and college assignments almost instantly after its release; its prowess now threatens examination systems as well.

OpenAI has released preliminary data to show that GPT-4 can do a lot of white-collar work, especially programming and writing jobs, while leaving manufacturing or scientific jobs relatively untouched. Wider use of language models will have effects on economies and public policy.

The advent of GPT-4 upgrades the question from what it can do, to what it augurs. Microsoft Research (Microsoft has invested in OpenAI) mentioned observing “sparks” of artificial general intelligence — a system that excels at several task types and can comprehend and combine concepts such as writing code to create a painting or expressing a mathematical proof in the form of a Shakespearean play — in GPT-4. If we define intelligence as “a very general mental capability that, among other things, involves the ability to reason, plan, solve problems, think abstractly, comprehend complex ideas, learn quickly, and learn from experience”, GPT-4 already succeeds at four out of these seven criteria. It is yet to master planning and learning.

Ethical questions

GPT-4 is still prone to a lot of its flaws its predecessor have. Its output may not always be factually correct — a trait OpenAI has called “hallucination”. While much better at cognising facts than GPT-3.5, it may still introduce fictitious information subtly. Ironically, OpenAI has not been transparent about the inner workings of GPT-4. The GPT-4 technical report clearly states: “Given both the competitive landscape and the safety implications of large-scale models like GPT-4, this report contains no further details about the architecture (including model size), hardware, training compute, dataset construction, training method, or similar.”

While secrecy for safety sounds a plausible reason, OpenAI is able to subvert critical scrutiny of its model. GPT-4 has been trained on data scraped from the Internet that contains several harmful biases and stereotypes. There is also an assumption that a large dataset is also a diverse dataset and faithfully representative of the world at large.

This is not the case for the Internet, where people from economically developed countries, of young ages and with male voices are overrepresented. OpenAI’s policy to fix these biases thus far has been to create another model to moderate the responses, since it finds curating the training set to be infeasible. Potential holes in this approach include the possibility that the moderator model is trained to detect only the biases we are aware of, and mostly in the English language. This model may be ignorant of stereotypes prevalent in non-western cultures, such as those rooted in caste.



Just asking GPT-4 to pretend to be “AntiGPT” causes it to ignore its moderation rules, as shown by its makers, thus jailbreaking it. As such, there is vast potential for GPT-4 to be misused as a propaganda and disinformation engine.

OpenAI has said that it has worked extensively to make it safer to use, such as refusing to print results that are obviously objectionable, but whether these efforts will keep GPT-4 from becoming a student at ‘WhatsApp university’ remains to be seen. The larger question here is about where the decision to not do the wrong thing should be born: in the machine’s rules or in the human’s mind.

A ‘stochastic parrot’

In essence, GPT-4 is a machine that predicts the next word in an unfinished sentence, based on probabilities it learned as it trained on large corpuses of text. This is why linguistics professor Emily Bender called GPT-4 a “stochastic parrot”, speaking in comprehensible phrases without understanding the meaning. But Microsoft Research has maintained that GPT-4 does understand what it is saying, and that not all intelligence is a type of next-word prediction.

Professor Bender and her peers highlighted the harm of large language models two years ago, citing both ethical concerns and the environmental costs. They also specified an opportunity cost imposed by a race for bigger models trained on larger datasets, distracting from smarter approaches that look for meaning and train on curated datasets. Their warnings have gone unheeded. Apart from OpenAI’s models, AI company Anthropic has introduced a ChatGPT competitor named Claude. Google recently announced PaLM, a model trained to work with more degrees of freedom than GPT-3.

More broadly, efforts are underway worldwide to build a model with a trillion degrees of freedom. These will be truly colossal language-models that elicit questions about what they cannot do, but these concerns would be red herrings that distract us from whether we should be building models that simply test the limits of what is possible to the exclusion of society’s concerns.

USING MACHINE-LEARNING, GOOGLE SEARCH BECOMES BILINGUAL IN INDIA, WHETHER USERS ASK FOR IT OR NOT

There’s a reason people in India have been seeing bilingual search results on Google. Since December 2022, the company has been picking up the region a user is physically located and processing their search history to provide information in two languages. Users in New Delhi will see results in English and Hindi, and those in Tamil Nadu see results in English and Tamil.

“Using advanced machine learning-based translation models and a cross-language search technology, we’ll serve you high-quality and relevant content in your local language alongside English results, if that’s how you choose to view them,” Google had said. However, users appear to be getting such result pages without actually choosing to do so.

“Why does Google decide on its own to randomly show me some search results in Hindi or Gujarati,” Mumbai-based communications professional Minari Shah asked on Twitter earlier this month. Another user, who said her mother tongue was Bengali, responded that she was getting results and news suggestions in Kannada and Hindi.

The change appears to be rolling out even to users who never opted to use one of the languages. Take New Delhi, a city where the names of roads are displayed in English, Hindi, Punjabi and Urdu.



Users browsing with a device set to English are likely to see results in just English and Hindi, unless their phone is set to a language other than English to begin with.

“At Google in India, our aim is to help everyone benefit from using the Internet in their daily lives,” a Google spokesperson said, in an email statement. “That means breaking down language barriers through our products and helping people interact with technology just as they would in the real world. It’s not a simple task and our work is far from done, but we remain committed to improving our language experience and building products that are accessible to everyone.”

Bilingual option later

The company shared that it would work in the future on giving users a choice to opt out of the bilingual search results that it is serving in the country.

For now, though, the way to view results in just English is not straightforward, according to testing done on multiple devices by The Hindu. On the Google app on mobile, going to Settings and changing the language from ‘English (India)’ to any other international variant is not possible: the app refuses to change the English variant. Before that, users need to change their entire device’s language away from ‘English (India)’, and only then will they be able to change the language to a different English variant. And then, the region too has to be changed away from India.

That’s the only way to change search result languages away from bilingual to English for Indian users. A similarly inconsistent dynamic plays out on YouTube, where the company said on Twitter that it will use certain ‘signals’ based on users’ viewing history and location to decide which language comments in foreign tongues get translated to: even if a user’s set language is English, the streaming app may decide unilaterally that the output language for translated comments is Hindi. The company said it was working to make language preferences easier to choose.

CHAOS IN LEBANON OVER WHAT TIME IT IS: WHAT IS THE UNDERLYING IDEA OF DAYLIGHT SAVING TIME?

Lebanon was thrown into mass confusion Sunday after its government at the last minute delayed the start of daylight saving time by a month. Meanwhile, Greenland has chosen to stay with daylight saving time forever.

What is daylight saving time?

According to Norway-based Time and Date, daylight saving time (DST) is the practice of setting the clocks forward one hour from the standard time during the summer and back again in the autumn. This is done to make better use of natural daylight. India does not follow daylight saving time as countries near the Equator do not experience high variations in daytime hours between seasons.

What happened in Lebanon?

Lebanon usually sets its clocks forward an hour on the last Sunday in March. However, its caretaker Prime Minister Najib Mikati Thursday said this year, the clocks would be reset on April 21.

While no reason was given, according to AP, a leaked video shows Parliament Speaker Nabih Berri urging Mikati to postpone DST to allow Muslims to break their Ramzan fast an hour earlier. The confusion was created as some institutions, including Christian churches, reset their clocks



despite Mikati's decision. Thus, airlines, cellphone operators, schools, workplaces, etc., are no longer following the same time.

What happened in Greenland?

Greenland reset its clocks this weekend, but will leave them undisturbed when daylight saving time ends in autumn. According to AP, officials of Greenland — a Danish semi-independent territory in the Arctic — said another hour of daylight in the afternoons would give them more time to do business with Europe and farther afield.

Why was this practice adopted?

According to Time and Date, on July 1, 1908, "the residents of Port Arthur, Ontario—today's Thunder Bay—turned their clocks forward by one hour to start the world's first DST period. Other locations in Canada soon followed suit." The idea caught on globally after Germany and Austria introduced DST on April 30, 1916, to minimise the use of artificial lighting and save fuel during World War I.

Today, many argue that with most appliances consuming energy running at all hours of the day, DST has lost relevance. Some studies have also shown that disruption of the body clock due to the DST has adverse health effects.

WHAT A STARTUP'S WOOLLY MAMMOTH MEATBALL TELLS US ABOUT THE FUTURE OF MEAT

Australian startup Vow, on Tuesday (March 28), lifted the glass cloche on a meatball made of lab-grown cultured meat using the genetic sequence from the long-extinct woolly mammoth, the AP reported. The mammoth meatball, sized slightly smaller than a volleyball, was unveiled at a museum in Amsterdam.

While this will be a one-off creation, perhaps garner publicity for the food-tech company, founder Tim Noakesmith told the AP that through the mammoth meatball, the company hoped to start a conversation around global meat consumption.

How was the woolly mammoth meatball made?

Cultivated meat — also called cultured or cell-based meat — is made from animal cells but livestock does not need to be killed in order to produce it. Notably, it is different from plant-based meat substitutes in that it actually uses animal DNA to recreate in a lab the taste and texture of meat. Plant-based substitutes, on the other hand, try and mimic the taste and texture of meat using other plant-based alternatives.

For the woolly mammoth project, Vow worked with Prof Ernst Wolvetang, at the University of Queensland's Australian Institute for Bioengineering, The Guardian reported. The aim was to create the mammoth muscle protein from available DNA. Prof Wolvetang's team took the DNA sequence for mammoth myoglobin, a key muscle protein in giving the meat its flavour, and filled in any gaps using the DNA of the African elephant, the closest living relative of the extinct woolly mammoth.

The prepared DNA sequence was then placed in myoblast (embryonic precursor to muscle cells) stem cells from a sheep, which soon replicated in the right lab conditions to grow to the nearly 20 billion cells subsequently used by the company to create the mammoth meatball.

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



“It was ridiculously easy and fast,” Prof Wolvetang told The Guardian. “We did this in a couple of weeks.” Initially, the idea was to produce dodo meat. However, the DNA sequences required for that do not exist.

Can this meatball be eaten?

The mammoth meatball has not been tasted by anyone, even its creators. Nor does Vow plan to put it into commercial production. Instead, the idea has been to use the meatball to start a much-needed conversation.

“We wanted to get people excited about the future of food being different to potentially what we had before. That there are things that are unique and better than the meats that we’re necessarily eating now, and we thought the mammoth would be a conversation starter and get people excited about this new future,” Noakesmith told the AP. “But also the woolly mammoth has been traditionally a symbol of loss. We know now that it died from climate change. And so what we wanted to do was see if we could create something that was a symbol of a more exciting future that’s not only better for us, but also better for the planet,” he added.

What is the meat industry’s role in climate change?

Multiple studies have pointed out the massive impact that the global meat industry has on the environment. According to the Food and Agriculture Organization of the United Nations (FAO), global meat consumption has increased significantly in recent decades, with per capita consumption almost doubling since the early 1960s.

This means that roughly 14.5 per cent of global emissions of greenhouse gases are attributable to livestock farming. This includes not just carbon dioxide but also methane and nitrous oxide, which scientists say have a climate warming potential of anywhere between 25 times and 300 times higher than that of carbon dioxide.

Most greenhouse gas emissions from plant-based foods are lower than those linked to animal-based foods.

Is cultivated meat the solution?

Experts say that if cultivated/cultured meat is widely adopted, it could vastly reduce the environmental impact of global meat production in the future. “By cultivating beef, pork, chicken, and seafood, we can have the most impact in terms of reducing emissions from conventional animal agriculture and satisfying growing global demand for meat while meeting our climate targets,” Seren Kell, science and technology manager at Good Food Institute, a non-profit that promotes plant- and cell-based alternatives to animal products, told the AP.

This is because cultivated meat uses much less land and water than livestock, and produces no methane emissions. The industry can run on energy produced purely from renewable sources. While the woolly mammoth meatball is, as was planned, an unconventional idea, most of the industry has been focussing on commonly consumed meats like pork, chicken and beef.

However, there is a long way to go before cultivated meat becomes mainstream across the world. Currently, Singapore is the only country to have approved cell-based meat for consumption. Vow hopes to enter the market later this year, with its quail-based meat product.



More than getting regulatory approvals, for cultivated meat to really take off, there has to be a massive, global-scale behavioural and cultural change. “We have a behaviour change problem when it comes to meat consumption,” George Peppou, CEO of Vow, told The Guardian.

Projects such as Vow’s woolly mammoth meatball help draw attention and start conversations on the possibilities of cultivated meat. “(This) will open up new conversations about cultivated meat’s extraordinary potential to produce more sustainable foods”, Kell told the media.

MIRROR, MIRROR, IS THAT ME?

Monkeys, when first shown a mirror, respond to the ‘intruder’ with hostility — teeth are bared, and war-like poses adopted. We, humans, recognise our own reflections in a mirror as ‘me’. However, this ability is not a uniquely human trait. The “Mirror test” is also passed by chimpanzees, dolphins, elephants, some birds and even fish.

The test for self-recognition is simple enough. A prominent mark (for example, a large red dot) is secretly made on the face of the subject, in a place where it is not visible to the subject. When placed on an infant or a small child, a red mark on the forehead certainly draws the attention of the child. Until they are about 18-months old, children reach out to try and touch that strange mark in the mirror. From around 18 months of age, children react to the reflection in a mirror by trying to touch the mark on their own foreheads. They seem to ask themselves, “How did this get to my face?”

The older child’s ability is surely a sign of self-recognition. But is it also a sign of self-awareness? After all, even grown-up humans have wide-ranging reactions to mirrors. Some cannot resist stopping, others do not seem to pay much attention to their reflections.

Self-recognition

New findings about mirror self-recognition have come from a Japanese laboratory, studying the bluestreak cleaner wrasse fish, which is known to show signs of self-recognition (Proceedings of the National Academy of Sciences). This small fish has a mutualistic relationship with larger fish in tropical oceans. It feeds on parasites attached to their bodies. The cleaner fish waits at chosen places, and the parasite-ridden fish present themselves for cleaning. They even adopt strange body postures so that the cleaner fish can get to the parasites. The scene resembles a barber’s shop, where men hold their chins, or their arms up for the barber to shave.

The experiments with cleaner fish were performed in aquariums, one fish at a time. A mirror is first placed in the water, or a photograph of the fish is shown on a screen. On the first few occasions, the image is attacked. But over time, self-recognition is attained, and this fish passes the mirror-test. It is aggressive only towards images of strangers. It even recognises bright marks painted on its body, and tries to rub them off on any nearby surface.

When shown a manipulated image, where the body of a stranger now carries the face of the fish, the fish does not show aggressive behaviour. But a photoshopped image with the face of a stranger on the fish’s body attracts hostility. The cleaner fish seems to have a memory of its face.

Returning to human children, we have seen that self-recognition is learnt as the child grows. Full recognition of the reflection in the mirror as ‘me’ occurs by the age of 18 months. This is also the age at which children begin to talk about themselves, and recall events from memory (for example, “I ate it”). Can this be called self-awareness?