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INTERNATIONAL

AFTER BAKHMUT

In December last year, while speaking at the U.S. Congress, Ukraine President Volodymyr Zelenskyy compared the battle for Bakhmut to the Battle of Saratoga, in which the American revolutionaries clinched a decisive victory against the British in October 1777. "... the fight for Bakhmut will change the trajectory of our war for independence and our freedom," he said. Five months later, Bakhmut is not in Ukraine's hands. After 10 months of fighting, Russia's Ministry of Defence announced last week the city's capture in the eastern Donetsk region, its first major territorial gain since January when it took neighbouring Soledar. Ukraine claims that its troops continue to defend a small area of Bakhmut and is advancing on its flanks, but has admitted that the eastern city "is effectively in Russian hands, for now". For Vladimir Putin's Russia, which invaded Ukraine on February 24, 2022, it was a much-needed victory after a series of setbacks late last year when Russian troops were beaten back by the Ukrainians from the Kharkiv Oblast in the northeast and Kherson city in the south. The Russians are already in control of the whole of Luhansk and getting Bakhmut would potentially allow them to target other major urban centres in Donetsk such as Kramatorsk and Sloviansk. For Ukraine, which was preparing for a major counteroffensive, the loss of Bakhmut is a setback, but not the end of the road.

Russia, whose initial thrust into Ukraine failed to meet its objectives, seems to be learning from its battlefield mistakes as its invasion has turned into a war of attrition. According to a recent report by the London-based Royal United Services Institute, Russia's battlefield tactics, coordination, supplies, electronic warfare and air defence have improved. In Bakhmut, Russia suffered huge losses but the fighting was done by Wagner, a private military corporation, which provided much of the regular Russian troops, including the 300,000 freshly mobilised soldiers, time to build fortifications along the over 1,000-km frontline and undergo training. On the other side, Ukraine was supposed to launch its counteroffensive at the beginning of Spring, and the delay points to its battlefield problems, which were partially revealed by leaked U.S. intelligence documents earlier this year. But Ukrainian troops now have some of the most advanced weapons, thanks to the West. In recent months, Ukraine has also carried out attacks inside Russia, using drones and medium-range fire or saboteurs, bringing the war home for Mr. Putin. Now, with advanced weaponry, Ukraine is betting on its counteroffensive and ability to create disruptions inside Russia. To recover from its setbacks in Soledar and Bakhmut, Ukraine will have to regain territories quickly, while Russia tries to capitalise on the momentum created by taking Bakhmut. As both sides are determined to continue the war, there is no hope for peace or talks on the horizon.

BRINKMANSHIP

The U.S. is close to breaching its \$31.4 trillion debt ceiling, the government-imposed limit on the total funds it can borrow to pay for existing legal obligations including interest on national debt, military salaries tax refunds and Medicare and Social Security. A breach, should it happen by the June 1 deadline, risks an economic debacle that could lead to a credit rating downgrade, with the knock-on effect of soaring interest rates and tanking stock markets. This in turn would have a deleterious impact on retirement and savings accounts, the pace of business activity, and therefore on employment. With the global economy limping out of the COVID-19 recession



scenario, a U.S. federal government debt default would represent a shock to the financial system and a still-fragile recovery across many economies may be compromised. Matters could worsen if the U.S. federal government goes into its 22nd shutdown and government employees are furloughed. In an attempt to coax lawmakers into cooperation and hammer out an agreement to raise or suspend the debt ceiling, the White House put out its calculations of the damage that would result: 8.3 million jobs lost, 6.1% drop in annualised growth of real GDP, and unemployment at 5%.

At the heart of this fiscal quagmire is a lack of bipartisan consensus on how to avoid repeating cycles of national economic stress stemming from the debt ceiling itself. Some analysts observe that the ceiling is a useful device for the U.S. government to tie its own hands and submit to a credible commitment to limit public spending, especially as it requires legislative consent, and with it, some congressional oversight authority. Others argue that the ceiling is an “antiquated mechanism” that places unwarranted restrictions on robust fiscal policy, including on the need to meet previously legislated fiscal obligations. Either way, the deeper reason to worry about the debt ceiling bringing the economy to the “precipice of default every few years” is that the ceiling readily serves as a political tool for the party not in control of the White House to gain leverage over the fiscal priorities of the administration and hobble its plan to deliver on campaign promises. A major debt payment is due on June 15. The government could make do with the ever-shrinking fiscal wiggle room until then. However, House of Representatives Speaker Kevin McCarthy, a Republican, would be wise to realise that putting partisan goals and personal popularity ahead of the greater good will not be something that the American middle class will forgive easily in the 2024 presidential election, especially if this brinkmanship ends up causing a painfully intractable economic crisis.

WHY ALCOHOL IN IRELAND WILL SOON CARRY WARNING LABELS

The inconsistencies in displaying information and other factors such as the scale of interventions and assessment methods have resulted in divergent practices and outcomes, leaving consumers without critical information to make decisions, the WHO report said.

Ireland has enacted a law that requires all alcoholic products to prominently mention that their consumption is directly linked to liver disease and cancer. The comprehensive health labels or stickers — mandatory after May 22, 2026 — will also warn against drinking while pregnant. Alcohol packs will need to provide the calorie count of the products.

While wine manufacturing countries like Italy, Spain, and six other EU member states criticised the decision by Ireland’s Health Minister Stephen Donnelly, experts have backed it as a step in the right direction, saying many regular drinkers remained unaware of the dangers of alcohol consumption.

Drinking in Ireland

The Irish have traditionally had a reputation for drinking heavily, and alcohol plays a major role in the country’s culture. A 2021 survey by the Irish government found that although alcohol consumption was declining, it continued to be high — 37% of the population older than 15 years drank at least once a week (down from 41% in 2018), and 15% binge drank typically (28% in 2018).



Labels in other countries

Although alcoholic products in many countries warn against underage drinking and drinking and driving, only South Korea currently warns of the link between alcohol and cancers, according to an editorial in *The Lancet Gastroenterology and Hepatology*. Ireland will be the second country to do so.

According to the article, South Africa had enacted a law requiring stringent alcohol warning labels in 2017, but repealed it in 2020 under domestic and international pressure.

Countries such as Australia and New Zealand require labelling for standard drink and alcohol content, and a warning on risks of consuming alcohol while pregnant on all products with more than 1.15% alcohol, according to a 2022 report on health warnings on alcoholic beverages by the World Health Organisation.

Need for warning labels

Alcohol has been listed as a class 1 carcinogen (cancer-causing agent) by a WHO agency since 1990. Earlier this year, the WHO warned: "When it comes to alcohol consumption, there is no safe amount that does not affect health."

Dr S K Sarin, vice chancellor of the Delhi-based Institute of Liver and Biliary Sciences said alcohol was the leading cause of liver cancers in Europe. "Between 40% and 52% of all liver cancers in European countries are due to consumption of alcohol," he said.

"Alcohol", Dr Sarin said, "is one of the most socially accepted poisons". Most people who came to his hospital with alcohol-related liver disease weren't aware of the damage it can cause, he said.

The WHO report mentioned earlier said: "Current labelling practices across countries are not standardized as they are with medicine, food products and soft drinks. The inconsistencies in displaying information and other factors such as the scale of interventions and assessment methods have resulted in divergent practices and outcomes, leaving consumers without critical information to make decisions."

CONNECTING CONTINENTS

It was first mooted in 2000. The idea was to build a transport corridor linking Russia's Baltic Sea coast to India's western ports in the Arabian Sea via Iran. Russia, India and Iran signed preliminary agreements to develop the 7,200-km-long International North-South Transport Corridor (NSTC) in 2002. Three years later, Azerbaijan signed up for the project. This agreement was eventually ratified by 13 countries — India, Russia, Iran, Azerbaijan, Belarus, Bulgaria, Armenia, Kazakhstan, Kyrgyzstan, Oman, Tajikistan, Turkey and Ukraine.

But despite its perceived potential and the keenness shown by key powers, there was little progress on the project's implementation for years. One of the reasons was the western sanctions on Iran over its nuclear programme. But Russia's February 2022 invasion of Ukraine, after which it was sanctioned by the West, seems to have brought Moscow and Tehran closer, giving a fresh impetus to the NSTC.

In February this year, President Vladimir Putin said in his State of the Nation address that Russia was developing the NSTC, which would open up new routes for trade with India, Iran, Pakistan as well as Gulf countries. Last week, Mr. Putin and his Iranian counterpart Ebrahim Raisi virtually



participated in a ceremony where both countries signed an agreement to develop the 162-km Rasht-Astara railway, a critical link in the NSTC.

According to the original plan, the corridor has several branches. On the western side of the Caspian Sea, it would link Russia to Iran through Azerbaijan. The eastern branch runs along the eastern coast of the Caspian Sea and links the main corridor to different road and rail networks of Central Asian countries such as Turkmenistan and Kazakhstan.

According to a report by the Federation of Freight Forwarders' Associations in India, the corridor is 30% cheaper and 40% shorter than the current traditional route. The traditional route to move goods from Russia or Europe to India is through the Suez Canal — the Baltic Sea-North Sea-Mediterranean-Arabian Sea route. Mr. Putin calls the NSTC an alternative to the Suez Canal.

The Rasht-Astara link

In the western branch, which is the faster route, the Rasht-Astara railway would link Iranian railways up with Azerbaijan's railways, opening a direct corridor from St. Petersburg to Bandar Abbas on the Gulf, Iran's busiest port. According to the agreement signed last week, Russia will invest \$1.73 billion on the construction of the railway, while Iran will spend roughly \$5 billion and is looking for foreign investors.

For India, a country that's dependent on imports for about 80% of its energy requirements, this corridor would open fresh avenues for energy security. India has substantially increased its energy ties with Russia over the past year.

The corridor can also boost trade between India and Central Asia. India is now asking for the Chabahar, the Iranian port it is developing, to be connected to the corridor.

While it has great potential on paper, the project still faces a lot of challenges. Construction of the Rasht-Astara railway, along the Caspian Sea, has been lagging for years because of both financial and practical reasons. The link will have 22 tunnels and 15 special bridges and there is no guarantee that it will be finished as per schedule in 48 months.

The Russian rail gauge, which is used in former Soviet republics as well, is different from that of Iran. Moreover, there are geopolitical problems. Both Russia and Iran would find it difficult to raise enough funds to finance the project as they are grappling with sanctions, while third parties remain reluctant to make investments in Iran.

And Iran's relationship with Azerbaijan remains tense. Baku has repeatedly accused Iran of interference in its internal matters, and the war between Azerbaijan and Armenia has complicated the geopolitics of the Caucasus.

However, despite the challenges, the Russians and the Iranians seem determined to go ahead as they see the corridor as a potential game changer in their plans for Eurasian economic integration.

U.S. SIGNS SECURITY PACT WITH PAPUA NEW GUINEA AMID COMPETITION WITH CHINA

Papua New Guinea's location just north of Australia makes it strategically significant. It was the site of fierce battles during World War II, and with a population of nearly 10 million people, it's the most populous Pacific Island nation.



The State Department said the new agreement provides a framework to help improve security cooperation, enhance the capacity of Papua New Guinea's defence force and increase regional stability.

"The work that we're doing together to try to shape the future could not be more important, could not be more timely," U.S. Secretary of State Antony Blinken told reporters.

Papua New Guinea Prime Minister James Marape said the pact is mutually beneficial and "secures our national interests".

But the agreement sparked student protests in the second-largest city, Lae. And many in the Pacific are concerned about the increasing militarisation of the region.

SRI LANKA SLAMS CANADA OVER 'TAMIL GENOCIDE DAY' REMARKS

Sri Lanka on Friday "condemned and rejected outright" the remarks made by Canadian Prime Minister Justin Trudeau on May 18, marked as "Tamil Genocide Remembrance Day" by the North American country.

According to a press release issued by Sri Lanka's Ministry of Foreign Affairs on Saturday, Foreign Minister Ali Sabry summoned Canadian High Commissioner Eric Walsh and stated that Mr. Trudeau's "politically motivated statement was divisive and issued for domestic political consumption". "Sri Lanka vehemently rejects this unsubstantiated allegation of 'genocide' relating to the country's almost three decades of terrorist conflict perpetuated by the LTTE," the statement further said.

Mr. Trudeau had said the stories of the Tamil-Canadians affected by the conflict "serve as an enduring reminder that human rights, peace, and democracy cannot be taken for granted. That's why Parliament last year unanimously adopted the motion to make May 18 Tamil Genocide Remembrance Day."

In January this year, Canada imposed sanctions on former Presidents Gotabaya Rajapaksa and his brother Mahinda Rajapaksa, for committing "gross and systematic violations of human rights" during the civil war.

'REMEMBER OUR HISTORY, RECOGNISE OUR LABOUR,' SAY SRI LANKA'S MALAIYAHA TAMILS

Marking 200 years since their arrival in Sri Lanka from southern India, to work in the British-run plantations, members of the island nation's historically marginalised Malaiyaha [hill country] Tamil community have sought greater recognition, political rights, and improved living and working conditions.

Around 1.5 lakh people from the million-strong community currently work in tea and rubber estates, bringing in crucial foreign exchange to Sri Lanka. A majority works outside the plantation ecosystem, including as professionals across sectors.

The estate-bound families, living in the Central, Southern and Uva provinces, are among Sri Lanka's poorest, with some still residing in colonial-era line rooms, without basic amenities. India committed financial assistance to build 14,000 houses in the estate areas, but the slow pace of the project has come under frequent criticism.



WHAT EXPLAINS THE US VISA 'THREAT' TO DHAKA?

A new visa policy announced on May 24 by US Secretary of State Antony Blinken “to support Bangladesh’s goal of holding free, fair and peaceful national elections” is a surprising new turn in the country’s relations with the United States.

It comes a month after Prime Minister Sheikh Hasina accused Washington DC of seeking to oust her government. It could also have an impact on India’s diplomacy with Bangladesh.

Blinken announced that under the new policy, which covers current and former Bangladeshi officials, members of ruling and opposition parties, law enforcement personnel, judiciary and security services, and their family members, US immigration authorities would be able to restrict issuance of visas to those who undermine the holding of a free and fair elections.

The US announcement has come in the midst of continuing opposition protests from last year, demanding that the elections be held under a caretaker government. The opposition has demanded a “neutral” Election Commission, alleging that the Hasina government could not be trusted to hold a free and fair process. The opposition also wants the withdrawal of what they claim are false cases against their leaders and cadres. Elections are likely to be held in January 2024.

Hasina’s authoritarian style

In her three terms in office, Prime Minister Hasina’s style of functioning has come to be seen as increasingly authoritarian.

Earlier, her crackdown on Islamists, banning the Jamaat-e-Islami as a political party, and setting up a court that convicted many of its members for collaborating with the Pakistan Army in 1971 and sentenced several to life terms in prison or death, won her plaudits.

But her crackdown on former Prime Minister Khaleda Zia’s Bangladesh Nationalist Party (BNP), citing its links to Islamist parties and alleging corruption at the top, dealt a crippling blow to the Opposition. Zia is currently living in virtual house arrest after a suspended jail sentence for which she had to sign a good conduct agreement.

However, the BNP has been organising itself for the coming election, and the Bangla street is bristling with political hostility and acrimony. Not surprisingly, the Bangladesh opposition has viewed the US announcement as outside confirmation of its own fears, and has welcomed the new policy.

Not anti-government, says the US

US officials have also denied that the new policy was announced in retaliation against the government’s decision, announced on May 14, to curtail Haas’s security detail, and revealed that the government had been taken into confidence about the decision days earlier, on May 3.

Earlier this month, the US announced the same policy in Nigeria.

In Dhaka, Haas is seen as a “very active” diplomat. In December, when opposition protests were at a peak, Haas visited the family of a BNP politician who has been missing since 2013. His family alleges he is one among many victims of enforced disappearances.



The US imposed sanctions on the Rapid Action Battalion, an elite anti-terrorism paramilitary accused of rights violations, including disappearances in 2021.

Fraught relations between US and Bangladesh

Though the sanctions were a low point, the mutual unhappiness in the US-Bangladesh relationship has been no secret for some years. To the extent that Prime Minister Hasina even said in Parliament in April that the US was seeking regime change in Bangladesh. “They are trying to eliminate democracy and introduce a government that will not have a democratic existence,” she said.

Her remarks came after a senior State Department official remarked during a visit to Bangladesh that a decline in democracy in a country always “limited” the US’s ability to cooperate with that country. He said his government had conveyed its concern over democratic erosion, and also about the two previous elections in Bangladesh to the Hasina government.

In fact, Dhaka’s options are limited.

The US is the biggest destination for Bangladesh’s garment exports, and Bangladesh is the third largest exporter of garments to the US after China and Vietnam. The industry is the backbone of the country’s economic growth. A GSP-Plus status with the US and Europe for its readymade garment exports is crucial when Bangladesh graduates out of the least developed country category in 2026. Dhaka is lobbying hard for this. (The European Commission’s website describes the EU’s Generalised Scheme of Preferences Plus (GSP+) as giving “developing countries a special incentive to pursue sustainable development and good governance”, in return for which “the EU cuts its import duties to zero on more than two thirds of the tariff lines of their exports”.)

Earlier this month, the Hasina government, which has a close relationship with China but is also aware of its limitations, brought out Bangladesh’s first Indo-Pacific Outlook, committing to a vision of “a free, open, peaceful, secure, and inclusive Indo-Pacific for the shared prosperity for all”. This language was pleasing to the US, and one US official told a Bangla news outlet that there were a “lot of synergies between our two documents, our strategy, and your (Bangladesh’s) outlook”.

India has been silent on the developments

The US position on the Bangladesh elections could complicate India’s diplomacy in Bangladesh. New Delhi, which is in no doubt that it wants Sheikh Hasina back in power in Dhaka, may prefer to keep silent on the linking of the US visa policy in Bangladesh to free and fair elections in the country.

India’s preference for a leader who has acted on its security concerns swiftly, has not won Hasina any points in her own country. While the Prime Minister is hailed in India for putting aside her own political concerns over the Modi government’s Hindutva and invective targeting Bangladeshis to solidify the friendship, at home, she is seen as having given away too much — land transit rights to the Northeastern states, security assurances, a favourable coal power deal to an Adani company — when Bangladesh itself has been awaiting Teesta waters for a dozen years.

Over the last few years, the US and India were seen as acting in tandem in Bangladesh, especially as their security objectives converged. The visa policy is a sign that this may be changing. The US is the top foreign investor in Bangladesh. A post-Afghanistan US, with new priorities, seems more open than India to political change in Dhaka.



NATION

GLOBAL AGENCY AFFILIATED TO UN RIGHTS BODY DEFERS NHRC ACCREDITATION

For the second time in a row, an organisation affiliated to the UN High Commissioner for Human Rights, and representing more than a hundred national human rights institutions, has deferred re-accreditation of the National Human Rights Commission (NHRC) of India for a year, The Indian Express has learnt.

The Sub Committee on Accreditation (SCA) to the Global Alliance for National Human Rights Institutions (GANHRI) had granted 'A' status of accreditation to NHRC in 2017, after deferring it the year before — the first such instance since NHRC was established in 1993.

Without the accreditation, NHRC will be unable to represent India at the UN Human Rights Council.

In response to a question by The Indian Express, the NHRC stated that “the deferment is an action of the SCA, and not a recommendation on the accreditation status of the NHRC, India.”

It stated, “The GANHRI [is] responsible for reviewing and accrediting National Human Rights Institutions in compliance with the Paris Principles every five years. As part of this process, the review of NHRC, India was due in March 2023, for its re-accreditation, which has been deferred for a year, meaning, thereby no final decision has been taken as yet.”

The NHRC also stated: “The process of re-accreditation has not concluded. The subcommittee has recommended advocating with the government and parliamentarians for certain legislative amendments to improve compliance with the Paris Principles.”

Adopted in 1991, the Paris Principles are a crucial step in development of standards for national human rights institutions across the world. The six principles require a country's human rights agency to be independent from the government in its structure, composition, decision-making and method of operation.

In 2016, the GANHRI had cited appointment of political representatives, failure in ensuring gender balance and pluralism in NHRC staff among its reasons for the deferment.

The NHRC got 'A' status of accreditation for the first time in 1999, which it retained in 2006, 2011, and in 2017 after it was deferred for a year. The NHRC is headed by Justice Arun Mishra, former judge of the Supreme Court.

PAPUA NEW GUINEA'S PM TOUCHES MODI'S FEET: WHY THIS ISLAND COUNTRY IS IMPORTANT FOR INDIA

In what is being seen as an oblique reference to China, Prime Minister Narendra Modi Monday told leaders of 14 Pacific Island nations on Monday that India would be a “reliable” development partner, even though those considered trustworthy were “not standing by our sides in times of need”.

Speaking at the Forum for India-Pacific Islands Cooperation (FIPIC) summit in Port Moresby, Papua New Guinea, Modi said, “Those we considered trustworthy, it turned out they were not standing by our side in times of need. During these challenging times, an old saying has proven

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



true: 'A Friend in need is a friend indeed'. I am glad that India stood with its Pacific island friends during this challenging time [the Covid pandemic]. Whether it was vaccines or essential medicines, wheat or sugar; India, in line with its capabilities, has been assisting all partner countries," reported PTI.

Earlier on Sunday, Papua New Guinea Prime Minister James Marape, while welcoming PM Modi, bent down to touch his feet, in a move that attracted significant attention. Modi is the first Indian PM to visit the country. PTI reported that normally, Papua New Guinea doesn't give a ceremonial welcome to any leader coming after sunset, but an exception was made for Modi.

Why is Papua New Guinea important for India?

Strategic location

Papua New Guinea is located north of Australia, a region where China is trying to expand its influence and Australia and the US are seeking to counter it. China has made large investments in Papua New Guinea, funding infrastructure and schools, in what many believe is an attempt to gain military and diplomatic leverage. Last year, China signed a security pact with Solomon Islands, located in the same region. On Monday, the US and Papua New Guinea signed a security agreement, prompting protests from island residents who oppose 'militarisation' of the Pacific.

India is also trying to boost ties and cooperation with the Pacific Island nations, which include, apart from Papua New Guinea and Solomon Islands, Cook Islands, Fiji, Kiribati, the Republic of Marshall Islands, Micronesia, Nauru, Niue, Palau, Samoa, Tonga, Tuvalu and Vanuatu.

The FIPIC summit and PM Modi's recent visit to Fiji and Papua New Guinea was in line with that. The FIPIC summit was launched during Modi's visit to Fiji in 2014. In 2015, the second FIPIC summit was held in Jaipur. This is the third summit.

Population, economy

Papua New Guinea is the world's third largest island nation, a lower middle-income country with a predominantly rural population. It is linguistically one of the most diverse nations of the world, with more than 800 languages spoken.

It has a population of 9,819,350, according to an estimate by CIA's The World Factbook. Many indigenous communities live in Papua New Guinea, surviving on subsistence agriculture and keeping little contact with the outside world.

Since the 1880s, parts of the country have been ruled by Germany, Australia, and Britain, till the independent nation was born on September 16, 1975.

According to the World Factbook, "the word "papua" derives from the Malay "papuah" describing the frizzy hair of the Melanesians; Spanish explorer Ynigo ORTIZ de RETEZ applied the term "Nueva Guinea" to the island of New Guinea in 1545 after noting the resemblance of the locals to the peoples of the Guinea coast of Africa."

Government

Papua New Guinea is part of the Commonwealth, and England's King Charles III is its official King. The monarch is represented by the Governor-General, who is nominated by the Parliament. The



Prime Minister is democratically elected. While James Marape is the current Prime Minister, the Governor-General is Bob Dadae, whom PM Modi also met on his recent visit.

SOLIDARITY FOR PEACE

By holding the meeting of the “G-7”, or the so-called group of the world’s most industrialised nations, in Hiroshima, Japanese Prime Minister Fumio Kishida, who belongs to the city, wanted to send out a message of global solidarity for peace. In addition to the symbolism of bringing leaders of all G-7 members with the EU leadership to the peace memorial for the victims of the 1945 atomic bombing, the grouping issued a special “Hiroshima Vision Statement on Nuclear Disarmament”. The summit’s importance was underlined by the fact that the U.S. President, Joseph Biden, only the second sitting American President to visit the city, made a particular point of attending the summit. Ukrainian President Volodymyr Zelenskyy’s surprise arrival also enhanced the message by turning the spotlight on the horrors of Russia’s invasion; Prime Minister Narendra Modi’s statement that the crisis was one of “humanity” was significant. The G-7 members issued a separate statement on Ukraine, hitting Russia with more sanctions, but failed to highlight a path towards dialogue and ending the war. Despite the invitation of countries such as India, Brazil, Indonesia and Vietnam with a less black-and-white view of the world, and Mr. Kishida making pertinent references to the views of the Global South, the summit’s statements reflected a much more polarised view of the world — that of G-7 members alone.

If the G-7 grouping wishes to broaden its prism, it must recognise that it is grossly unrepresentative of the world today. While members together represent more than half the world’s net wealth, the G-7 accounts for less than a third of the global GDP, and just over a tenth of the world’s population. Apart from Japan, the G-7 membership comprises an essentially Euro-American worldview, and is not discussing expanding that view soon. It has actually contracted, after it expelled Russia over its annexation of areas of Georgia in 2008 and then Crimea in 2014. It is also hard to justify an economic grouping that does not include some of the world’s largest economies (China and India) or the fastest growing GDPs, or biggest global energy providers. While some efforts were made in Hiroshima to recognise the G-7’s role in, for example, promoting transparent financing and debt sustainability for the developing world, or in compensating for the developed world’s contribution to global warming and greenhouse gas emissions, the summit failed to propose concrete measures to help defray these responsibilities. As the spotlight shifts to the G-20 summit later this year in Delhi, it is hoped the grouping will work towards a more inclusive outlook and help in building a more comprehensive global consensus on some of the bigger challenges the world faces today.

DE-RISKING, NOT DECOUPLING: WHAT’S THIS G7 STRATEGY AGAINST CHINA?

De-risking, a finance concept that is a diplomatic buzzword currently, refers to a reduction of reliance on China in the economic sphere while not turning inwards or trying to prevent Chinese growth.

In a statement issued on May 20 at the end of the leaders’ summit in Hiroshima, Japan, G7 countries said they would build economic resilience for themselves, based on a strategy of “diversifying and deepening partnerships and de-risking, not decoupling”.

The word “de-risking” was again used in the statement to describe the G7 countries’ stance towards China on economic matters.



And during a press conference at the end of the summit, United States President Joe Biden said: “We’re not looking to decouple from China. We’re looking to de-risk and diversify our relationship with China.”

Biden said that the incident with “this silly balloon that was carrying two freight cars worth of spying equipment” had changed “everything...in terms of talking to one another”, but he expected a “thaw very shortly”.

He was referring to the incident in February 2023 in which the US Air Force, acting on Biden’s orders, shot down a Chinese-operated white high-altitude balloon over US territorial waters off the coast of South Carolina. China, while agreeing that it was their balloon, denied accusations of spying, said it was only a weather balloon, and criticised the American action.

What does “de-risking” mean?

The US State Department describes de-risking as “the phenomenon of financial institutions terminating or restricting business relationships with clients or categories of clients to avoid, rather than manage, risk”. Simply put, de-risking is to move business away from areas that are considered risky in terms of the returns they could generate.

Back in 2016, the World Bank had said that global financial institutions were increasingly terminating or restricting business relationships with smaller local banks in some regions in order to “de-risk”, as it is often perceived that such banks would not be able to pay back loans.

In the context of China, de-risking can be interpreted as a reduction of the reliance on China in the economic sphere — for the supply of materials or as a market for finished goods — so that potential risks to trade and disruption of supply chains are reduced.

In the G7 statement, the countries said, “Our policy approaches are not designed to harm China nor do we seek to thwart China’s economic progress and development. A growing China that plays by international rules would be of global interest.”

The statement clarified, “We are not decoupling or turning inwards. At the same time, we recognize that economic resilience requires de-risking and diversifying. We will take steps, individually and collectively, to invest in our own economic vibrancy. We will reduce excessive dependencies in our critical supply chains.”

‘Decoupling’ is used here as an alternative to an economic boycott. In 2018, the Trump administration raised tariffs on China’s aluminium and steel exports to improve the balance of trade with China, which resulted in a trade war after China retaliated by imposing tariffs worth hundreds of billions of dollars on US products.

Have ‘de-risking’ and ‘decoupling’ been used earlier in the context of diplomatic strategy?

Yes, several times in the recent past — even though commentators have pointed out that this current buzzword remains undefined, and it is unclear what policies exactly will constitute de-risking.

On April 27, US National Security Adviser Jake Sullivan said : “We are for de-risking, not for decoupling. De-risking fundamentally means having resilient, effective supply chains and ensuring we cannot be subjected to the coercion of any other country.”



Indeed, the US is working to become self-sufficient in the production of semiconductors, crucial for manufacturing electro.

TIES THAT BIND

Prime Minister Narendra Modi's three-day visit to Australia this week coincided with a year since Labour Party leader Anthony Albanese was elected Prime Minister, and gave a fillip to growing bipartisan ties. While his visit was originally planned for a multilateral event, the meeting of the Quad, it transformed into a purely bilateral visit after the U.S. President pulled out over domestic political constraints; Japanese Prime Minister Fumio Kishida followed suit, and a shortened Quad Summit was held in Hiroshima. As a result, Mr. Modi's Sydney sojourn was much more in the spotlight, particularly his address to the Indian community which Mr. Albanese joined in, as well as the address to business groups. In what was their sixth such meeting in the past year, the announcements from the Modi-Albanese meet included opening an Australian consulate in Bengaluru and an Indian consulate in Brisbane, an agreement on Migration and Mobility, and the finalisation of terms of reference for an India-Australia Green Hydrogen Task Force. Defence and security ties, cooperation on renewable energy, and critical minerals were also part of the substantive agenda, as was the need to sign a Comprehensive Economic Cooperation Agreement by December. On international issues, despite their differing stances on Russia's invasion of Ukraine and western sanctions, they found continuing and common cause on maintaining a free and open Indo-Pacific, and dealing with an aggressive China.

However, it was the celebration as well as the concerns of the Indian-origin community that appeared to overshadow all else. While both leaders exulted in the mammoth crowd at Sydney's SuperDome, Mr. Modi said that the "real reason, the real power" behind the bilateral relations came from people of Indian-origin in Australia. On the subsequent morning, activities of other groups and conflicts also tracing back to people of Indian origin were discussed as Mr. Modi repeated his concerns over vandalism and attacks defacing community centres and temples with pro-Khalistani, anti-India and anti-Modi graffiti. These had been raised during Mr. Albanese's visit to India in March. While any attack on an Indian consulate is a valid bilateral concern, New Delhi must consider how much attention it wishes to pay to attacks by Australian citizens on Australian citizens and Australian property. While the growing incidents may be cause for worry, it is by no means clear that giving them centre-stage during such visits is conducive to strengthening the common understanding between both countries, or in the best interests of the "three D's" Mr. Modi said bind the two countries today — Democracy, Diaspora and Dosti [Friendship].

'NO IMMUNITY FOR PRESIDENT AS CONTRACT PARTY'

SC rules government cannot claim immunity from application of law to a contract merely because President is one party; judgment comes on a petition filed by Austrian pistol maker Glock Asia-Pacific against the Union over the appointment of an arbitrator to a dispute regarding a tender

The Supreme Court has held that the government cannot claim immunity from the application of law to a contract merely because one of the parties to it is the President of India.

"We are of the clear opinion that a contract entered into in the name of the President of India, cannot and will not create an immunity against the application of any statutory prescription imposing conditions on parties to an agreement, when the government chooses to enter into a contract," a Bench of Chief Justice of India and Justice P.S. Narasimha held in a recent judgment.



Moreover, when tasked with the job to find an arbitrator, the state should ensure that the person it chooses is an “impartial and independent” adjudicator with no professional ties to it, past or present.

The judgment came in a petition filed by pistol maker Glock Asia- Pacific Limited against the Union regarding the appointment of an arbitrator to a dispute regarding a tender.

Glock had appealed against an arbitration clause in the agreement which enabled the Home Secretary to appoint an officer in the Ministry of Law to be the sole arbitrator.

Justice Narasimha, who authored the judgment, said the clause was a clear violation of Section 12(5) of the Arbitration Act.

The provision mandates that any person with prior or existing relationship with any of the parties to the arbitration in the capacity of an employee, consultant, advisor or any other past or present business relationship, would be ineligible to be appointed as arbitrator.

Additional Solicitor General Aishwarya Bhati contended that the party to the contract with Glock was none other than the President of India, and this was a “clear point of distinction” from other cases.

On the point that a contract entered into in the name of the President enjoys immunity, the Court said Article 299 (contracts made by the Union or State in the name of the President or Governor) of the Constitution does not give the government power to break the statutory law.

WHY DO JUDGES RECUSE THEMSELVES?

The story so far:

Last week former Supreme Court judge Justice M.R. Shah refused to recuse himself from hearing a plea by former Indian Police Service (IPS) officer Sanjiv Bhatt to submit additional evidence to back his Gujarat High Court appeal against his conviction in a 1990 custodial death case. Mr. Bhatt contended that there was a reasonable apprehension of bias as Justice Shah, as a High Court judge, passed strictures against him while hearing his plea linked to the same FIR. However, Justice Shah dismissed the plea as an attempt to indulge in ‘bench hunting’. Similarly, a few weeks ago, the Chief Justice of India D.Y Chandrachud rejected an application seeking his recusal from hearing petitions seeking legal recognition of same-sex marriages.

Why do judges recuse?

Whenever there is a potential conflict of interest, a judge can withdraw from a case to prevent the perception that the judge was biased while deciding a case. This conflict of interest can arise in many ways — from holding shares in a litigant company to having a prior or personal association with a party. Another common reason is when an appeal is filed in the Supreme Court against a High Court judgment delivered by the concerned judge before his elevation. The practice stems from the cardinal principle of due process of law — *nemo iudex in sua causa*, that is, no person shall be a judge in his own case. Another principle guiding judicial recusals is ‘justice must not only be done but must also be seen to be done’ propounded in 1924 in *Rex v. Sussex Justices* by the then Lord Chief Justice of England.

By taking the oath of office, judges promise to perform their duties, ‘without fear or favour, affection or ill-will’, in accordance with the Third Schedule of the Constitution. Furthermore, the



Restatement of the Values of Judicial Life adopted by the Supreme Court forbids a judge from deciding a case involving any entity where he holds pecuniary interest unless the concerned parties clarify that they have no objections.

What is the procedure for recusal?

There are two kinds of recusals — an automatic recusal where a judge himself withdraws from the case, or when a party raises a plea for recusal highlighting the possibility of bias or personal interest of the judge in the case.

The decision to recuse rests solely on the conscience and discretion of the judge and no party can compel a judge to withdraw from a case. While judges have recused themselves even if they do not see a conflict but only because such apprehension was cast, there are also several instances where judges have refused to withdraw from a case. In 2019, while hearing a plea on the plight of inmates in Assam's detention centres, the then CJI Ranjan Gogoi was asked to recuse himself for some adverse oral remarks. Mr. Gogoi refused, saying that the plea had 'enormous potential to damage the institution'. If a judge recuses himself, the case is listed before the Chief Justice for allotment to an alternate Bench. India has no codified rules governing recusals, although several Supreme Court judgments have dealt with the issue.

Do judges have to record a reason for recusal?

Since there are no statutory rules governing the process, it is often left to the judges themselves to record reasons for recusals. Some judges specify oral reasons in open court while others issue a written order recording the reasons. In other cases, the reasons are speculative.

More often than not, the reasons behind a recusal are not disclosed leading to a diatribe against judicial transparency especially when mass recusals occur in sensitive cases. For instance, last year, five judges of the Bombay High Court recused themselves from the Bhima Koregaon case. Similarly, the recusal of Supreme Court judge Justice Bela M. Trivedi earlier this year from hearing Bilkis Bano's plea led to widespread speculation since no reasons were specified. The recusal was largely attributed to Justice Trivedi's deputation as Law Secretary to the Gujarat government from 2004 to 2006.

In the 2015 Supreme Court judgment striking down the National Judicial Appointments Commission (NJAC), a claim for Justice J.S. Khehar's recusal was made on the ground that he was a member of the Collegium. In his concurring opinion, Justice Kurien Joseph wrote that it was the judge's 'constitutional duty' to be 'transparent and accountable' and therefore, reasons must be indicated for recusal. This will negate any room for attributing any motive for the recusal, he said. On the contrary, Justice Madan Lokur was of the opinion that citing reasons for recusal is unwarranted, expressing apprehension about a scenario where a party may challenge the reasoning before a court and it would set aside the recusal, ruling that the reason was frivolous. He, however, highlighted the need for 'procedural and substantive rules' to deal with the growing frequency of recusal pleas.

The Delhi High Court recently ruled that no litigant or third party has any right to intervene, comment or enquire regarding a judge's recusal from a case.

What rules has Supreme Court formulated in the past?

The Supreme Court has over time outlined various factors to be taken into consideration for deciding the impartiality of a judge. In *Ranjit Thakur versus Union of India* (1987), the SC held that

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



to determine if a judge should recuse, what is relevant is the reasonableness of the apprehension of bias in the mind of the concerned party. “The proper approach for the Judge is not to look at his own mind and ask himself, however honestly, “Am I biased?” but to look at the mind of the party before him,” the Court ruled.

The SC in *State of West Bengal versus Shivananda Pathak* (1998), defined judicial bias as a “preconceived opinion or a predisposition or predetermination to decide a case or an issue in a particular manner, so much so that such predisposition does not leave the mind open to conviction”. Thus, it is a condition of mind which renders the judge incapable of impartiality in a particular case, the Court explained.

Formulating a more definite rule in the *Supreme Court Advocates-on-Record Association versus the Union of India* (2015), the Court observed that where a judge has a pecuniary interest, no further inquiry is needed as to whether there was a ‘real danger’ or ‘reasonable suspicion’ of bias. However, other cases require such an inquiry, with the relevant test being the ‘real danger’ test—whether there is a ‘real danger’ of bias, to ensure that the court is thinking in terms of possibility rather than the probability of bias.

In a controversial recusal ruling, Justice Arun Mishra in the *Indore Development Authority versus Manoharlal and Ors* (2019), held that a judge who had rendered any decision in a smaller combination is not disqualified from being part of a larger Bench to which a reference is made. Noting that merely having a legal opinion does not disentitle one from being impartial, Justice Mishra said, “We have to deal with the cases every day in which similar or somewhat different questions are involved concerning the same provision. For having taken a view once, if recusal is to be made, it would be very difficult to get a Judge to hear and decide a question of law....”

What do some of the recent recusal orders say?

In February, Additional Sessions Judge Arul Varma recused himself citing ‘personal reasons’ less than a week after discharging Jawaharlal Nehru University student Sharjeel Imam and 10 others in the 2019 Jamia Millia Islamia violence case. The judge called the student activists arraigned in the case “scapegoats” and added that the police had “trampled the rights of the accused”. On March 28, the Delhi High Court set aside Varma’s order.

Delhi High Court judge Justice Anup Jairam Bhambhani in March recused himself from hearing accused Asif Iqbal Tanha’s plea against the ‘leak’ of his alleged confession statement by the Delhi Police to the media in a 2020 Northeast Delhi riots “larger conspiracy” probe. He observed that “no act on the part of a court must in any manner have a deleterious impact on the credibility of the justice system”.

During an earlier hearing, Justice Bhambhani indicated he may have to recuse himself after News Broadcasters & Digital Association (NBDA) moved an intervention application saying he had a “past association” with them. He remarked during proceedings that a judge’s “comfort level” is also a consideration when it comes to recusals, adding, “I never get into a matter where I myself am not comfortable with my independence”.

What about foreign jurisdictions?

Contrasted with India, the U.S. has a well-defined law on recusals — Title 28 of the U.S. Code details the grounds for ‘disqualification of justice, judge, or magistrate judge’. Such rules are also codified in the American Bar Association’s Model Code of Judicial Conduct. This specifies three



grounds for recusal — financial or corporate interest, a case in which the judge was a material witness or a lawyer, and a relationship to a party. However, on several occasions, judges recuse on their own — known as sua sponte recusals.

The U.K.'s law on judicial recusals evolved through judicial pronouncements. In the landmark case of *R versus Gough*, the 'real danger' test was adopted as the applicable standard based on of which recusal orders need to be passed. The test entailed disqualification solely on substantive and tangible evidence which conclusively highlights the presence of judicial bias and prejudice. However, the 'real danger' test was subjected to substantial criticism especially since the European Convention of Human Rights requires only the 'appearance of bias' to ensure that an onerous burden is not placed on any litigant to prove actual bias. Accordingly, a new test was formulated in *Lawal v. Northern Spirit Ltd*, where the standard laid down was to look at the likelihood of bias from the perspective of a fair-minded and reasonable observer.

CJI CHANDRACHUD CONDEMNS 'FORUM SHOPPING': WHAT IS THIS PRACTICE?

"I will not permit forum shopping", said Chief Justice of India (CJI) DY Chandrachud last week to a litigant appearing before him on May 19.

The remark came as the litigant mentioned his case before the CJI, seeking a hearing, although he had mentioned the same case a day before Justice KM Joseph.

What is practice of forum shopping?

When litigants or lawyers attempt to deliberately move their case to a particular judge or Court where they think the judgment could be more favourable, they are said to be "forum shopping."

Websters's dictionary defines forum shopping as the "practice of choosing the court in which to bring an action from among those courts that could properly exercise jurisdiction based on a determination of which court is likely to provide the most favorable outcome."

Lawyers think about which is the right forum to approach as part of their litigation strategy. For example, one could directly approach the Supreme Court via a public interest litigation case instead of the concerned High Court because the issue could get more eyeballs.

However, an obvious effort to circumvent the process or avoid a particular judge is frowned upon.

Judges have cited the injustice caused to the other party in the case and overburdening some courts over others and interfering with judicial process.

Even the US and UK courts have criticised the practice of forum shopping as something to be avoided or prohibited. However, most common law countries use the "forum non-conveniens" principle to prevent forum shopping, which gives the court discretionary powers to refuse to exercise its jurisdiction over a matter where another court, or forum, may more conveniently hear a case. Using this power, the court can dismiss a case in the interests of justice and the parties while allocating it to the appropriate bench.

The Supreme Court in its 1988 ruling in '*Chetak Construction Ltd. vs. Om Prakash*' said, "A litigant cannot be permitted choice of the forum," and that every attempt at forum shopping "must be crushed with a heavy hand."



What is the Supreme Court's view on this practice?

Last year, on March 22, an SC Bench of Justice S. Abdul Nazeer and Justice Krishna Murari in the case of 'Vijay Kumar Ghai vs. State of W.B.' termed forum shopping as a "disreputable practise by the courts" that "has no sanction and paramountcy in law".

The court observed that despite condemning the practice, one of the respondents had filed three complaints, two in Delhi and one in Calcutta. Observing the timeline of the complaints filed, the court said that it indicated "the malafide intention" of the respondent, which was to harass the petitioners and "pressurise them into shelling out the investment."

In the 2022 ruling, the court reiterated that forum shopping has been condemned by courts while referring to its 2017 ruling in 'Union of India & Ors. vs. Cipla Ltd.', which laid down a "functional test" to be adopted for forum shopping. "What has to be seen is whether there is any functional similarity in the proceedings between one court and another or whether there is some sort of subterfuge on the part of a litigant. It is this functional test that will determine whether a litigant is indulging in forum shopping or not," the court said.

On March 28, the Jammu, Kashmir, and Ladakh High Court in 'Dr. Khair-Un-Nisa and Ors vs. UT of Jammu and Kashmir and Ors' imposed costs worth one lakh rupees on the petitioners for indulging in forum shopping by filing multiple petitions before different wings of the court, albeit having the same cause of action.

In its judgement, the court remarked, "Forum shopping is essentially a practice of choosing the Court in which to bring an action from among those Courts that could properly exercise jurisdiction based on a determination of which Court is likely to provide a most favourable outcome."

Similarly, "Bench hunting" refers to petitioners managing to get their cases heard by a particular judge or court to ensure a favourable order, the court added. Relying on the 2017 SC ruling in 'Kamini Jaiswal vs. Union of India', the court said that "unscrupulous elements" are always on the hunt to find a court or forum of their choice but are not permitted to do so by law.

On April 26, 2022, the Jodhpur Bench of the Rajasthan High Court in the case of 'Dhanwantri Institute of Medical Science vs. The State of Rajasthan' upheld an order imposing costs worth 10 lakh rupees on a party for engaging in forum shopping.

Going back to July 27, 2017, the Delhi High Court in 'Rosmerta HSRP Ventures Pvt. Ltd. vs. Govt. of NCT of Delhi & Anr.' imposed costs on a private company that it found was indulging in forum hunting in an arbitration matter.

HOW HAS SC VALIDATED T.N. STAND ON JALLIKATTU?

The story so far:

Jallikattu, the traditional rural sport involving bulls, has received judicial approval. A Constitution Bench of the Supreme Court has ruled that the amendment made in 2017 by the Tamil Nadu Assembly to the Prevention of Cruelty to Animals Act, 1960, facilitating the smooth conduct of the sport with stringent regulations, is valid. The court has, thus, settled the question whether the sport should be disallowed on the ground that it involves unnecessary cruelty to animals and



violates animal rights. The verdict is also applicable to other sports involving bovines such as Kambala (buffalo race) in Karnataka and bullock-cart racing in Maharashtra.

What are the controversies over jallikattu?

The main conflict over the sport, which involves sturdy bulls being let loose into the arena and being chased by men who are considered winners if they manage to hold on to the humps of the animals without being thrown off, is whether it entails unnecessary cruelty. Animal rights activists have been arguing that the manner in which it is held is cruel because it inflicts pain and suffering. What appears to be a bull's ferocity in the arena is actually a flight response born out of fear. Specific acts that allegedly took place in the past — before the events were regulated by law — such as beating the bulls or twisting their tails and other acts that inflict pain so that they are more ferocious in the arena, are now rare.

In 2006, a Madras High Court judge, when a petition for permission to hold a rekla race (a kind of bullock cart race) came up before her, barred the conduct of any such event including jallikattu. On appeal, a Division Bench set aside the order, but asked the government to take steps to prevent any kind of violence or cruelty as well as ensure the safety of the participants and spectators. It favoured regulation over an outright ban. The State Assembly adopted the Tamil Nadu Regulation of Jallikattu Act in 2009 to strengthen its case for holding the event by adopting regulations and safety measures. In July 2011, the Union Ministry of Environment and Forests issued a notification including 'bulls' in a list of animals that are prohibited from being exhibited or trained for any performance. Efforts to organise the sport as a regulated event failed and jallikattu could not take place for some years.

The ban caused a bitter divide in society between two camps: those who believed that jallikattu should be organised without any hindrance as it was part of the State's tradition and culture, and that its continuance was needed to preserve the native breeds of bulls on the one hand; and those who believed it cannot be regulated at all as it amounted to cruelty and ill-treatment of animals in any form. Further, the number of human casualties during the events every year also raised concern about the safety of the participants and spectators.

Why did the Supreme Court ban the sport?

In a landmark verdict that established a rights jurisprudence for animals under the Constitution, the Supreme Court imposed a ban on jallikattu and similar sports involving animals in 2014. It held the Tamil Nadu law regulating the sport as repugnant to the Central legislation on preventing cruelty to animals. It said the Act was "anthropocentric" in the sense that it sought to protect the interests of organisers, spectators and participants and not the animals. On the other hand, the Prevention of Cruelty to Animals Act, 1960 (PCA) was an "ecocentric" law. The Bench ruled that the provisions of the State law were contrary to provisions of the Central Act in three ways: it went against the statutory duty of anyone with the care or charge of any animal to ensure its well-being and prevent infliction of unnecessary pain or suffering, the bar on using animals solely for entertainment and inciting them to fight and the restrictions on the training and exhibition of performing animals.

The court cited the 'Five Freedoms' recognised for animals by the World Health Organization for Animal Health — freedom from hunger, thirst and malnutrition; freedom from fear and distress; freedom from physical and thermal discomfort; freedom from pain, injury and disease; and freedom to express normal patterns of behaviour and said that these freedoms should be read into the provisions favouring animal rights found in the PCA.



What was Tamil Nadu's response?

A massive agitation broke out in January 2017 against the government's failure to facilitate the conduct of jallikattu for successive years, with tens of thousands of people, especially youngsters, occupying the sands of the Marina in Chennai for days. This led to a surge of support for jallikattu. The government of then Chief Minister O. Panneerselvam agreed to take legislative measures. With the Union government's cooperation, it obtained the President's prior instruction to issue an ordinance that sought to remove the basis for the 2014 Supreme Court judgment.

To avoid repugnancy with the Central law, the ordinance, which was replaced by an Act within a few days, was adopted as a State-specific amendment to the PCA itself. It was framed in a way that would define jallikattu as an event organised to promote and follow tradition and culture and to preserve the native breeds of bulls. Its clauses were worded to remove the applicability of the PCA provisions to jallikattu. It added the sport as another exception to the list of acts the PCA itself allows as those that do not amount to cruelty (other exceptions include dehorning, castration and destruction of stray dogs and other animals). It made the restriction on use of animals for performances inapplicable to jallikattu, besides including the sport to the list of 'exemptions' from the rule against using some animals as performing animals. With the President giving his assent, the amendment became law in Tamil Nadu.

What does the SC ruling now say?

In its latest ruling, a Constitution Bench has accepted the basic argument that jallikattu is part of the cultural heritage of Tamils. It observed that the judiciary cannot examine the question whether something was part of tradition and culture, and that it would defer to the legislature's view in this regard. On this point, it differed from the 2014 verdict which had rejected the claim that the sport had cultural and traditional value. It upheld the Amendment Act, saying it has now legitimised the bovine sport and that it cannot be termed a piece of colourable legislation. The court recalled that the 2014 judgment had banned the sport by citing acts that amounted to cruelty then. However, the situation was now different, the Constitution Bench said, as the State amendment has been followed up with stringent regulations for conducting jallikattu. It ruled that the State legislation should be read along with the rules framed for holding these events. Therefore, there are no statutory violations now that warrant a ban on jallikattu.

THE TELANGANA- A.P. WATER DISPUTE

The story so far:

The nagging dispute over the water share of the Krishna river between Andhra Pradesh (A.P.) and Telangana remains unresolved, even nine years after the bifurcation of the combined State.

What is the origin of the Krishna water dispute?

The dispute dates back to the formation of Andhra Pradesh in November, 1956. Before the formation of Andhra Pradesh, four senior leaders each from different regions of Andhra, including the Rayalaseema Region and the Telangana region, signed a Gentlemen's Agreement on February 20, 1956. Among others, one of the provisions of the agreement was the protection of Telangana's interests and needs with respect to the utilisation of water resources with equitable distribution based on treaties followed globally. However, the focus of the combined dispensation with respect to irrigation facilities was on Andhra, which already had systems developed by the British at the



cost of in-basin drought-prone areas in Telangana — a fact which was argued by the leaders of the latter region from the beginning.

Further on, in 1969, the Bachawat Tribunal (KWDT-I) was constituted to settle the dispute around water share among the riparian States of Maharashtra, Karnataka and Andhra Pradesh (before bifurcation). The Tribunal allocated 811 tmcft dependable water to Andhra Pradesh. The A.P. government later apportioned it in the 512:299 tmcft ratio between Andhra (including parts of Rayalaseema which comprise the Krishna Basin) and Telangana, respectively, based on the command area developed or utilisation mechanism established by then. The Tribunal had also recommended taking the Tungabhadra Dam (a part of the Krishna Basin) water to the drought-prone Mahabubnagar area of Telangana. However, this was not followed through, giving birth to discontent among the people. Telangana had time and again reiterated how it had been meted out with injustice in Andhra Pradesh when it came to the matter of distributing water resources.

What was the arrangement for water sharing after the bifurcation?

There is no mention of water shares in the Andhra Pradesh Reorganisation Act, 2014, since the KWDT-I Award, which was still in force, had not made any region-wise allocation. At a meeting convened by the then Ministry of Water Resources in 2015, the two States had agreed for sharing water in the 34:66 (Telangana:A.P.) ratio as an ad hoc arrangement with the minutes clearly specifying that it has to be reviewed every year. The arrangement in the Act was only for the management of water resources by setting up two Boards, the Krishna River Management Board (KRMB) and the Godavari River Management Board (GRMB).

The KRMB, however, continued the same ratio year after year in spite of the opposition by Telangana. In October 2020, Telangana raised its voice for an equal share, till water shares are finalised. At a Board meeting held earlier this month, Telangana put its foot down for an equal share and refused to continue the existing arrangement. Unable to convince the member States, the river Board has referred the matter to the Ministry of Jal Shakti (MoJS).

What does each State claim?

Telangana has been asking the Centre to finalise water shares from day one of its formation. Citing treaties and agreements followed globally in sharing river waters, Telangana has been arguing that as per the basin parameters, it is entitled for at least a 70% share in the allocation of the 811 tmcft. Besides, it has been highlighting how A.P. has been diverting about 300 tmcft water to the areas outside the basin from fluoride-affected and drought-prone areas within the basin in Telangana.

On the other hand, A.P. has also been staking claim for a higher share of water to protect the interests of command areas already developed.

What is the stand of the Centre?

The Centre has convened two meetings of the Apex Council comprising the Union Minister and Chief Ministers of Telangana and A.P. in 2016 and 2020 without making any attempt to deal with the issue. Following a suggestion made by the MoJS in 2020, Telangana has withdrawn its petition over the issue in the Supreme Court as the Ministry had assured to refer the matter of water shares to a Tribunal. However, the Centre has been sitting over the issue for over two years now even as the two States continue to spar over the matter day in and day out.



'SENGOL' TO BE INSTALLED IN THE NEW PARLIAMENT: SIGNIFICANCE OF THE SCEPTRE, FIRST GIVEN TO NEHRU

The Sengol gets its name from the Tamil word 'semmai', meaning righteousness. The sceptre is a historical symbol of Independence as it signifies the transfer of power from the British to the Indians.

Speaking to the media, Union Home Minister Amit Shah on Wednesday (May 24) said the upcoming inauguration of the new parliament building will also see Prime Minister Narendra Modi install a historic sceptre from Tamil Nadu next to the Lok Sabha Speaker's seat.

Known as Sengol — derived from the Tamil word “Semmai”, meaning “Righteousness”, according to an official document — the sceptre is a “significant historical” symbol of Independence as it signifies the transfer of power from the British to the Indians, Shah told the media.

“Pandit Jawahar Lal Nehru accepted Sengol at around 10:45 pm of August 14, 1947, through the Adhinam of Tamil Nadu, it was a sign of shift of power from Britishers to the people of our country,” he said.

Why was the Sengol given to Nehru?

According to the official document, just before Independence, Lord Mountbatten, the last Viceroy of India, asked Nehru about “the ceremony that should be followed to symbolise the transfer of power from British to Indian hands”.

The soon-to-be prime minister went to consult C Rajagopalachari, the last Governor-General of India, who told him about a ceremony performed during the Chola dynasty, in which the transfer of power from one king to the other was sanctified and blessed by high priests.

“The symbol (for the transfer of power) used was the handover of the ‘Sengol’ from one King to his successor,” the document pointed out. It added that the newly crowned ruler would be given the Sengol with an order to rule his subjects fairly and justly.

How was the Sengol made?

Once Nehru agreed to perform the suggested ceremony, Rajagopalachari, also known as Rajaji, was tasked with the responsibility of arranging a sceptre. Subsequently, he reached out to Thiruvaduthurai Atheenam, a well-known mutt in Tamil Nadu's Tanjore district, for help and its leader commissioned the manufacturing of the Sengol to Chennai-based “Vummidi Bangaru Chetty” jewellers, as per the official document.

Constructed by two men — Vummidi Ethirajulu and Vummidi Sudhakar, both are still alive and remember making it — the sceptre measures five feet in length and has a ‘Nandi’ bull on top, symbolising justice.

How was the Sengol handed over to Nehru?

As per the official document, three people, including “the Deputy high priest of the Adheenam, the Nadaswaram player Rajarathinam Pillai and the Oduvar (singer)”, brought in the newly-made Sengol from Tamil Nadu. During the ceremony, which took place on August 14, 1947, a priest gave the sceptre to Lord Mountbatten and then took it back. It was then “taken in procession to Pt



Jawaharlal Nehru's house, where it was handed over to him. A special song was rendered, as specified by the high priest," the document said.

It added the song played during the ceremony was composed by the 7th-century Tamil saint Tirugnana Sambandar — a child prodigy who lived only 16 years. The event was attended by Dr Rajendra Prasad, who would go on to become India's first president, and many others.

LOST OPPORTUNITY

The inauguration of the new Parliament building scheduled for May 28 could have been an occasion of national unity, but, unfortunately, politics is taking centre stage. Opposition parties have announced they would boycott the event, pointing out that the President, the head of state, and not the Prime Minister, who is the head of government, should have been inaugurating the building. There is merit in the Opposition argument, though a boycott is too extreme a response. The government and the Opposition have contributed to converting this too into an episode of acrimony, which has already made meaningful functioning of Parliament very difficult. In a joint statement, the Opposition has said that "this undignified act insults the high office of the President and violates the letter and spirit of the Constitution", and has specifically mentioned that India has its first woman Adivasi President now. The Bharatiya Janata Party (BJP) has countered the charge by recalling that former Prime Minister Indira Gandhi had inaugurated the Parliament Annexe building on October 24, 1975, and Rajiv Gandhi had laid the foundation of the parliament library on August 15, 1987. The inauguration of an annexe or a library is not, however, comparable to the inauguration of the majestic edifice of representative government.

Turning a milestone in the journey of the nation into a partisan event is certainly bad optics, but what is more worrisome is the substantial damage that is happening to democracy. The irony cannot be starker. Though a new, glittering physical space for deliberations is opening, interactions between the government and the Opposition are either absent or hostile. Democracy is not about buildings and statues, but about deliberations and the search for common ground. The ascent of executive power at the cost of parliamentary authority is a growing concern in many democracies, and India is, sadly, witnessing the same. The new building is a part of the reconstruction of the Central Vista, which is the seat of the Government of India. The BJP government did little to take the Opposition into confidence. Not only the President but also the leaders of the Opposition should have had active roles at the opening ceremony. Parliament is meant to hold the executive accountable to the people; it is not a venue for executive predominance. The unfortunate trend in recent years is a continuing erosion of this core function of Parliament. The inauguration of the new building could have been an opportunity for course correction.

GOVT'S POWER TO PROMULGATE, REPROMULGATE ORDINANCES — WHY AND HOW

On May 19, the central government promulgated an Ordinance that undid the unanimous verdict of a five-judge Constitution Bench of the Supreme Court, which on May 11 gave the Aam Aadmi Party (AAP) government of Delhi control over the transfer and posting of officials in the National Capital Territory (NCT), except with regard to public order, police, and land.

The Ordinance promulgated by President Droupadi Murmu gave the Lieutenant Governor of Delhi, who is appointed by the Centre, power over services, and established a "National Capital Civil Service Authority" comprising the Chief Minister and two senior IAS officials, which would



decide matters “by majority of votes of the members present and voting” — essentially creating a situation in which the view of the elected CM could potentially be overruled.

Ordinance in Constitution

Under Article 123 of the Constitution (“Power of President to promulgate Ordinances during recess of Parliament”), “if at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require.”

An Ordinance “shall have the same force and effect as an Act of Parliament”. But the government is required to bring an Ordinance before Parliament for ratification — and failure to do so will lead to its lapsing “at the expiration of six weeks from the reassembly of Parliament”.

The Ordinance may lapse earlier if the President withdraws it — or if both Houses pass resolutions disapproving it. (Rejection of an Ordinance would, however, imply the government has lost majority.)

Also, if an Ordinance makes a law that Parliament is not competent to enact under the Constitution, it shall be considered void.

Since the President acts on the advice of the Council of Ministers, it is in effect the government that decides to bring the Ordinance. The President may return the recommendation of the Cabinet once if she feels it warrants reconsideration; if it is sent back (with or without reconsideration), she has to promulgate it.

Article 213 deals with the broadly analogous powers of the Governor to promulgate/ withdraw an Ordinance when the state legislature is not in session.

An Ordinance is valid for six weeks, or 42 days, from the date on which the next session starts. If the two Houses start their sessions on different dates, the later date will be considered, say the explanations in Articles 123 and 213.

Repromulgation of Ordinance

If, for whatever reason, an Ordinance lapses, the only option for the government is to reissue or repromulgate it. In 2017, the Supreme Court examined a case where the state of Bihar repromulgated an Ordinance several times without placing it before the legislature. (Krishna Kumar Singh and Another v. State of Bihar)

A seven-judge Bench of the court, which included now Chief Justice of India (CJI) D Y Chandrachud, reiterated that legislation should normally be done by the legislature, and the Governor’s power to issue an Ordinance is in the nature of an emergency power.

The court clarified that there might be circumstances permitting the re-promulgation of an Ordinance — however, it said, repeated re-promulgations without bringing the Ordinance to the legislature would usurp the legislature’s function, and will be unconstitutional.

The court declared the actions in that case to be “a fraud on constitutional power”, and said that the Ordinances were repromulgated in violation of the SC judgment in *Dr D C Wadhwa and Ors v. State of Bihar and Ors* (1986).



In D C Wadhwa, a challenge was mounted against the power of the Governor to repromulgate various Ordinances in Bihar, after 256 Ordinances were promulgated between 1967 and 1981, out of which 69 were repromulgated several times and kept alive with the permission of the President.

A Constitution Bench of the Supreme Court headed by then CJI P N Bhagwati held that “an Ordinance promulgated by the Governor to meet an emergent situation shall cease to be in operation at the expiration of six weeks from the reassembly of the Legislature.”

If the government wishes for the Ordinance to continue in force beyond the six-week period, it “has to go before the Legislature”, which is the constitutional authority entrusted with law-making functions.

The court also said that it would “most certainly be a colourable exercise of power for the Government to ignore the Legislature” and “repromulgate the Ordinance” while continuing to regulate the life and liberty of its citizens through Executive-made Ordinances.

THE TUSSE OVER ‘SERVICES’ IN DELHI

The story so far:

A Constitution Bench headed by the Chief Justice of India D.Y. Chandrachud on May 11 held that the Delhi government can make laws and administer civil services in the national capital. The court limited the role of the Lieutenant Governor (LG), an arm of the Centre, over bureaucrats in the capital to three specific areas — public order, police and land. The judgment intended to strike a balance between the national interests of the Centre in the capital and the authority of an elected Delhi government to legislate and administer meaningfully through “professional” civil service officers deputed to its departments. However, on May 19, the Centre turned the tables on the judgment. The President promulgated the Government of National Capital Territory of Delhi (Amendment) Ordinance, 2023 to make a fresh claim of power over the services in the capital. The stated aim of the Ordinance is to “provide for a comprehensive scheme of administration of services” which “balances the local and domestic interests of the people of Delhi with the democratic will of the entire nation reflected through the President of India”.

What does the Ordinance say?

The government has used the Ordinance route to indirectly return to its original position which it had taken in May 21, 2015 through a Home Ministry notification. The notification, which formed the bone of contention between the Aam Aadmi Party (AAP) government and the Centre for the past eight years, gave the Lieutenant Governor (LG) power over the services. It required the LG to consult the Chief Minister only at his “discretion”. The notification had excluded Entry 41 (services) of the State List from the scope of powers of the Delhi government.

The Ordinance forms a “permanent” National Capital Civil Service Authority (NCCSA) with the Chief Minister as chairperson, and the Chief Secretary and Principal Home Secretary as Member and Member Secretary, respectively. The NCCSA exercises authority over civil service officers working in all Delhi government departments except those in public order, police and land. It would decide transfers, postings, prosecution sanctions, disciplinary proceedings, vigilance issues, etc, of civil service officers deputed to Delhi government departments by majority of votes of the members present and voting. The Lieutenant Governor’s decision, in case of a difference of opinion, would be final.



This throws open a scenario in which bureaucrats in the NCCSA could possibly veto the Chief Minister. The Ordinance explains that the Chief Secretary would represent “the will of the officers of GNCTD” (Government of the National Capital Territory of Delhi).

The Supreme Court had envisaged a “neutral civil service” carrying out the day-to-day decisions of the Council of Ministers. The NCCSA attempts to bring civil service officers out of the administrative control of the elected Ministers, who embody the will of the people, and transform them into a power lobby. The NCCSA negates the intrinsic link between government accountability and the principle of collective responsibility highlighted in the judgment. The Ordinance, by creating the NCCSA, skirts the emphasis laid down in the judgment on the “triple chain of command” in the governance of Delhi. The court had held that the civil services were accountable to the Ministers of the elected government, under whom they function. The Ministers were in turn accountable to the legislature, and the legislature ultimately to the people of Delhi. The chain of command was forged by the Supreme Court to ensure democratic accountability.

The Ordinance also does not heed the President’s own Transaction of Business Rules of the Government of National Capital Territory of Delhi, 1993. The Supreme Court had held in 2018 that “a significant aspect of the Rules is that on matters which fall within the ambit of the executive functions of the Government of National Capital Territory of Delhi (NCTD), decision-making is by the government comprising the Council of Ministers with the Chief Minister at its head”. This view was reinforced on May 11, 2023.

The court had also dismissed the K. Balakrishnan Committee’s specific recommendation that the “services” should not be included within the legislative and executive ambit of the NCTD. The court held that the committee report was not relevant as it preceded the insertion of Article 239AA — the provision that deals with the governance structure of Delhi, in the 69th Constitution Amendment, 1991.

Does the Ordinance go against the Supreme Court judgment?

The Ordinance is based on the argument that the Supreme Court has itself acknowledged the superior authority of Parliament to make laws for the national capital. A review petition filed by the Centre in the Supreme Court claimed that Delhi is not a “full-fledged State” but only a Union Territory which is an extension of the Union. The Parliament is Delhi’s true legislature, the Centre has argued. However, the May 11 judgment addresses this contention by acknowledging that though Delhi is not a full-fledged State, its Legislative Assembly is constitutionally entrusted with the power to legislate upon the subjects in the State List and Concurrent List.

The unanimous judgment held that though Delhi is not a State under the First Schedule to the Constitution, it is conferred with power to legislate upon subjects “to give effect to the aspirations of the people of NCTD”. It has a democratically elected government which is accountable to the people of the NCTD. Under the constitutional scheme envisaged in Article 239AA(3), NCTD was given legislative power which though limited, in many aspects is similar to States. In that sense, with the addition of Article 239AA, the Constitution created an “asymmetric federal model” with the Union of India at the centre, and the NCTD at the regional level.

The May 11 judgment had also referred to how the majority in a 2018 Constitution Bench judgment had held that while NCTD could not be accorded the status of a State, the concept of federalism would still be applicable to NCTD.



The court had held that the executive power of the Delhi government was “coextensive” with its legislative power. That is, the executive arm of the government covers all the subjects, including services, except public order, police and land, for which the legislative arm can make laws.

What does the Ordinance and the judgment say about the LG’s powers?

The Ordinance has put the LG back in the driver’s seat by giving him the power to take a final call on any decision taken by the NCCSA regarding services. This is despite the fact that the LG’s powers were curtailed way back in 2018 by another Constitution Bench judgment.

On May 11, the court had agreed with its conclusions in 2018 that the LG was bound by the aid and advice of the Council of Ministers under Article 239AA(4) while exercising executive powers in relation to matters falling within the legislative domain of the legislative assembly of NCTD.

The court had held that even the “limited discretionary power” afforded to the LG “ought to be exercised in a careful manner in rare circumstances such as on matters of national interest and finance. The Lieutenant Governor could not refer every matter to the President”.

What lies ahead?

An Ordinance is not beyond judicial review of the apex court. If the 2023 Ordinance is challenged separately, the Union would have to prove the “extraordinary or emergent situation” which necessitated it to promulgate an Ordinance merely days after a Constitution Bench settled the law.

A Constitution Bench in *DC Wadhwa versus State of Bihar* had held that the power of the Executive to promulgate an Ordinance should not be “perverted to serve political ends”.

MOB AND JUSTICE

The thin line between culpable homicide and murder under Indian penal law is a subject of endless analysis, but it is not easy to accept this nuanced distinction in a case of mob lynching. A Sessions Court in Alwar district of Rajasthan has sentenced four men to a prison term of seven years for the lynching of a Muslim dairy farmer in July 2018. However, it acquitted Naval Kishore, a Vishwa Hindu Parishad functionary, for want of sufficient evidence. If one recalls the acquittal of all those tried for the 2017 murder of Pehlu Khan, who was also a victim of cow vigilantism, there is a semblance of justice for Rakbar Khan, 31, who was attacked by a mob while transporting two cows along with a friend near Lalawandi village in Alwar. The police had found Rakbar Khan with serious injuries, to which he succumbed later, presumably due to the delay in taking him for medical treatment. If one takes into account the number of attacks, some of them fatal, involving so-called cow protection gangs in various States in recent years, the record of the criminal justice system in successfully prosecuting those involved in such incidents is quite dismal. In this backdrop, the fact that the police in Alwar managed to obtain a conviction is noteworthy. However, that the assailants were found guilty only of culpable homicide not amounting to murder and wrongful restraint does raise some concern. A conviction for murder would have entailed at least life imprisonment.

Rakbar Khan’s family is justly aggrieved both over the acquittal of one suspect, who they believe was the main accused, and the seven-year prison term. The police relied on some telephone conversations between the acquitted VHP leader and the assailants to rope him in as a key suspect. However, the court did not consider this adequate proof. While deciding that the fatal attack did not amount to murder, the trial court has concluded that the assailants neither intended to cause



death nor knew that their assault may cause death. The prosecution is likely to take up both the “inadequate” sentence awarded to the four and the acquittal of one on appeal. Organised cow vigilantism poses a major threat to the safety and security of minorities, as well as to the maintenance of the rule of law. Despite the Supreme Court deprecating the bigotry and hate propaganda that underlie such activities, incidents of sectarian violence and vigilantism seem to go on. Both preventive and punitive measures are needed to arrest the trend, and one cannot emphasise enough the need for efficient investigation and prosecution.

BJP LEADER PUTS OFF DAUGHTER’S WEDDING TO MUSLIM MAN AFTER PROTESTS, SAYS: ‘MY RESPONSIBILITY IS ALSO TOWARDS MY PEOPLE’

A BJP leader in Uttarakhand has put off his daughter’s wedding to a Muslim man following protests by right-wing groups and backlash online after the invitation went viral on social media.

“I fixed my daughter’s marriage with a Muslim boy and informed everyone. They all agreed to the marriage as this is the 21st century and our children are free to marry whoever they want,” Yashpal Benam, chairman of the Pauri Municipal Corporation and a former MLA, told the media on Saturday. His daughter was scheduled to get married on May 28.

“Slowly, such an environment was created that the situation is now not favourable for the wedding. The events planned for May 26-28 are put off keeping that in mind,” he said.

“Being a father, I accepted my daughter’s love. We sat with the groom’s family and decided to get them married. But under the current circumstances, because I am also a public representative and nagar palika (municipal council) chairman, my responsibility is also towards my people. This decision has been taken so that there is a happy and harmonious environment,” he told reporters.

After the invitation card for the wedding went viral, several men under the banner of the Vishwa Hindu Parishad and the Bajrang Dal (Kotdwar) carried out a protest in Pauri Garhwal on Friday, shouting slogans and burning effigies. Benam said he also received personal messages against the wedding.

He said the wedding had been fixed around two-three months ago, and that people initially welcomed the decision. “People said I should not publish a card, but I was not hiding anything from anyone. The card, however, went viral and several organisations sent me messages and the matter was posted on social media,” said Benam.

He said he did not want the wedding to take place under police protection. He thanked the groom’s family “as they fully supported us at this time”. He also thanked the police and district administration “for keeping an eye on the matter”.

Benam said several senior office bearers of the Sangh had called him. “There are people of all kinds in this world. Some talked to me politely and others were harsh in their comments. But their anger is justified according to them, just like my love for my daughter is justified according to me... (The groom’s family) are good people, and neglecting them just because they are Muslim is not a good thing. Several people warned me against this marriage, saying this will put my political career in jeopardy. But I said that for me, my daughter’s happiness is important, and my political career is separate,” he said.



Benam has previously been with the Congress, but left the party over a decade ago. He has also been an Independent MLA from the Pauri Assembly constituency in 2007, defeating the BJP's Tirath Singh Rawat.

He did not respond to calls and messages seeking a comment.

Benam's daughter studied at Lucknow University, where she met the groom.

Uttarakhand BJP media in-charge Manveer Chauhan, when contacted, said, "This is their personal matter and we will not interfere. However, BJP's ideology is that if someone is involved in forced conversion or lures our daughters to convert them to make them terrorists, we are against that."

Congress state president Karan Mahara said it was the BJP's responsibility to take cognizance of the matter and act against those threatening Benam. "Though BJP senior leaders are saying that this is someone's personal matter... (they) should say what action they have taken against those who threatened Benam... They are trying to show otherwise, but the truth is that the BJP itself is giving the threats using organisations that support them," said Mahara.

PROTESTING WRESTLERS SAY READY FOR NARCO TEST: WHAT IS IT, HOW DOES IT WORK

Protesting wrestlers at Jantar Mantar Monday said they were willing to undergo a narco analysis test, provided it was monitored by the Supreme Court. "It was us who had mentioned it (narco test) a long time ago, we have been saying it for long and we are ready for it," Bajrang Punia said at a press conference at Jantar Mantar. "The narco test should take place under Supreme Court monitoring, and the entire country should be able to see it live," he added.

The remark was made in response to Wrestling Federation of India (WFI) president Brij Bhushan Sharan Singh's earlier comment that he was ready to undergo the narco test, or any other lie-detector test, on the condition that Vinesh Phogat and Bajrang Punia take one too

What is a narco test?

In a 'narco' or narco analysis test, a drug called sodium pentothal is injected into the body of the accused, which transports them to a hypnotic or sedated state in which their imagination is neutralised. In this hypnotic state, the accused is understood as being incapable of lying and is expected to divulge information that is true.

Sodium pentothal, or sodium thiopental, is a fast-acting, short-duration anaesthetic used in larger doses to sedate patients during surgery. It belongs to the barbiturate class of drugs that act on the central nervous system as depressants.

Because the drug is believed to weaken the subject's resolve to lie, it is sometimes referred to as a "truth serum", and is said to have been used by intelligence operatives during World War II.

However, narco tests must not be confused with polygraph tests, which, although having the same truth-decoding motive, work differently. A polygraph test is carried out on the assumption that physiological responses triggered when one is lying are different from what they otherwise would be. Rather than injecting drugs into the body, polygraph tests attach instruments like cardio-cuffs or sensitive electrodes to the suspect and measure variables such as blood pressure, pulse rate, respiration, change in sweat gland activity, blood flow, etc., while the suspect is being questioned.



Narco analysis tests were notably used in the 2002 Gujarat riots case, the Abdul Karim Telgi fake stamp paper scam, the Nithari killings case in 2007, and the 26/11 Mumbai terror attack case on captured terrorist Ajmal Kasab. However, it was in 2010 that the Supreme Court ruled on the legality and admissibility of narco tests.

What did the Supreme Court say?

In the 2010 Supreme Court ruling in “Selvi & Ors vs State of Karnataka & Anr” (2010), a Bench of the then Chief Justice of India KG Balakrishnan, and Justices RV Raveendran and JM Panchal held that no lie detector tests should be administered “except on the basis of consent of the accused”. Those who volunteer must have access to a lawyer and have the physical, emotional, and legal implications of the test explained to them by the police and the lawyer, the Bench added.

The court emphasised that the ‘Guidelines for the Administration of Polygraph Test on an Accused’, published by the National Human Rights Commission in 2000, must be strictly followed. Broadly, the guidelines say that such tests cannot be administered without the subject’s consent, which must be obtained before a Magistrate, and that the police cannot conduct them by themselves whenever they find it appropriate.

Taking into consideration the international norms on human rights, the right to a fair trial, and the right against self-incrimination under Article 20(3) of the Constitution, the court said, “We must recognise that a forcible intrusion into a person’s mental processes is also an affront to human dignity and liberty, often with grave and long-lasting consequences.

Relying on its 2010 ruling, a Supreme Court Bench of Justices BS Chauhan and SA Bobde in 2013 turned down the petition filed by the parents of the late Aarushi Talwar for producing narco-test reports conducted on the three persons initially accused in the case. Dismissing their plea, the court deemed their application a move to delay the trial proceedings at the final stage of the hearing.

In 2019, the CBI wanted to conduct narco-analysis tests on a former staffer of Punjab National Bank (PNB), who was in custody in the alleged Rs 7,000 crore fraud involving the absconding jewellers Nirav Modi and Mehul Choksi. However, the manager, Gokulnath Shetty, did not consent.

Last year, a Delhi court allowed the Delhi Police to conduct a narco test on Aaftab Poonawalla, who was accused of killing his live-in partner, Shraddha Walkar. Poonawalla consented to the test, telling the judge he was aware of the consequences.

What was the legal position before the SC ruling?

In 2006, the Madras High Court in Dinesh Dalmia v. State observed that since the accused did not come forward with the truth, the scientific tests resorted to by the investigating agency did not “amount to testimonial compulsion”. The court also stated, “When there is a hue and cry from the public and the human rights activists that the investigating sleuths adopt third degree methods to extract information from the accused, it is high time the investigating agency took recourse to scientific methods of investigation.”

Similarly, in the 2008 Delhi High Court ruling in “Sh. Shailender Sharma vs State & Another,” the court said that in light of the rising crimes against society, it is necessary to keep in mind the “need of a thorough and proper investigation as against individual rights while ensuring that constitutional rights are not infringed”. Adding that narco-analysis tests “do not suffer from any



constitutional infirmity” and are a “step in aid of investigation”, the court allowed the administration of the test.

What is the evidentiary value of such tests?

While the results of narco-analysis tests are not considered “confessions” since those in a drugged-induced state cannot exercise their choice in answering questions put to them, the Supreme Court, through its 2010 ruling, clarified that “any information or material that is subsequently discovered with the help of voluntary administered test results can be admitted, in accordance with Section 27 of the Evidence Act, 1872.”

Thus, if an accused reveals the location of, say, a physical piece of evidence (something like a murder weapon) in the course of the narco test and the police later find that specific piece of evidence at that location, the statement of the accused will not be treated as evidence, but the physical evidence will be valid.

EXPRESS VIEW ON MANIPUR VIOLENCE: NOT THE COURT’S JOB

Union Home Minister Amit Shah’s statement that a Manipur High Court order is responsible for the inter-community clashes in the state is an attempt at absolving the government from the responsibility of restoring peace. The HC directive on March 27 on a plea to grant ST status to the Meitei community may have contributed to the worsening of a fraught situation. However, there are multiple reasons for the flare up, and for its toll. The violence began earlier this month, following a tribal solidarity rally against the court order. At least 75 people have been killed since in the clashes involving Meiteis, who dominate the Imphal Valley, and members of the Kuki-Zomi tribes, who reside in the hill districts. The state government, considering the history of tense Valley-hill relations, should have known that the HC order had the potential to stoke unrest. Ultimately, governance is a political task; the onus of enforcing law and order is on the executive.

The Supreme Court has since criticised the HC directive — it said the single judge order was “absolutely wrong”. The rioting stopped after central forces took over the management of law and order, though there were incidents earlier this week. However, the political institutions seem unable to convince the warring parties that they need to talk to each other and address their fears and concerns. Chief Minister Biren Singh and senior ministers have been to Delhi to discuss the situation with Shah and other central leaders. So have MLAs from the hill districts, who have demanded a separate administrative mechanism for their region. Both parties, however, seem uninterested in engaging with the other. This impasse has to end and a process of reconciliation needs to start. The Centre could help by encouraging a conversation among all the stakeholders.

Tensions among tribal groups and between tribal groups and the Valley communities have a long history. The Biren Singh government’s first term was remarkable for the absence of communal tensions though he was in the spotlight for cracking down on dissent. However, after his re-election in 2022, Singh has been accused of fostering an anti-tribal agenda. The government action against poppy cultivation, eviction drives and the allegation that illegal migrants from Myanmar were being given shelter in the hills have vitiated the mood in the hills. The HC directive came in this tense environment. A new fault line, along religious lines, has now emerged. The task before Shah, who has promised to visit Manipur soon, and the local administration, is to steer clear of the multiple fault lines and develop a political framework that transcends the many differences.



EXPRESS VIEW: WHO'S AFRAID OF AMUL?

Tamil Nadu Chief Minister M K Stalin does not want the Gujarat Cooperative Milk Marketing Federation (Amul) to procure milk from the state. He has even asked the Union Home and Cooperation Minister Amit Shah to “direct” Amul to desist from “infringing” on the Tamil Nadu Cooperative Milk Producers’ Federation’s (Aavin) milk-shed area. The demand is uncalled for on at least two counts. First, Amul and Aavin are supposedly farmer-owned and professionally-managed dairy cooperatives. It isn’t desirable for any minister or bureaucrat to intervene in the business operations of such organisations. The urge to control and reduce cooperatives to departmental undertakings has unfortunately only increased in recent times, both in the states and at the Centre. It goes wholly against the spirit of liberalisation: Ease of doing business shouldn’t be only for large corporates.

Secondly, whom does Amul’s entry harm in Tamil Nadu? Certainly not producers or consumers. The state’s dairy farmers will benefit when there are more buyers for their milk. In this case, Amul brings both size and credibility. For consumers, too, the more the brands, the merrier it would be. The only loser might be Aavin, the state-controlled cooperative that would like a situation of both monopsony (single buyer) and monopoly (single seller). As chief minister, Stalin should actually welcome Amul setting up processing plants and chilling centres, besides farmer producer organisations and self-help groups for milk procurement, in Tamil Nadu. Far from leading to “unhealthy competition between cooperatives”, it will force Aavin to become more efficient, pay farmers better and work towards retaining consumers. The state government should enable that, rather than blocking competition and the creation of a single national market. How can India, the world’s largest milk producer, become a dairy products exporter if firms are not allowed to buy and sell freely within its own boundaries?

The pushback against Amul in Tamil Nadu comes just over a month after the political brouhaha over the Gujarat cooperative’s announced entry into the Bengaluru market. That move was seen as threatening the local Karnataka Cooperative Milk Producers’ Federation (Nandini). In both instances, what should be normal and desirable economic competition in the marketplace is being thwarted by misplaced subnationalism. The truth is that Nandini and Aavin are strong brands in their own right. Consumers in the two states are unlikely to switch to a new entrant’s product in a hurry. Amul itself has been around in Telangana and north Karnataka for nearly a decade, but hardly made a dent in these markets against homegrown cooperative and private dairy brands. That should, however, not be a reason to deny competitors a chance to serve consumers and producers better.

HOW SIGNIFICANT IS BJP’S DEPOSIT LOSS IN 13.8% OF KARNATAKA’S SEATS?

The Bharatiya Janata Party (BJP) lost deposits in 31 constituencies — 13.8% of the seats the party contested — in the recently concluded Karnataka Assembly elections. Notably, the party won 66 seats in the election, which is 29.5% of the seats contested. According to the provisions outlined in the Representation of the People Act of 1951, it is mandatory for general category candidates competing in an Assembly election to deposit ₹10,000 and Scheduled Caste/Scheduled Tribe (SC/ST) candidates to deposit half of that. In order to retrieve their deposits, candidates must secure a minimum of one-sixth (16.67%) of the total votes polled in their constituency. While the deposits were introduced to reduce the number of candidates competing, they later turned into a matter of pride with those losing deposits facing humiliation.



EXPRESS VIEW ON WEST BENGAL'S CRUDE BOMB INDUSTRY: AN INTOLERABLE TOLL

During nearly four decades of CPM rule, Bengal's government machinery became subservient to the Party and partisan politics permeated nearly every aspect of the lives of its people. This was accompanied by violence becoming the everyday currency of exchange between the cadres of the ruling and opposition parties.

The Mamata Banerjee-led Trinamool Congress, instead of charting out a different path, has become part of the problem. The "syndicate" dominates the state — it encompasses the ruling party's control over real estate, appointments, access to government services and much else.

The crude bomb industry represents just how deep the politicisation and violence runs. All the major political players in Bengal are complicit and hence tackling the menace head-on is a formidable challenge.

The intermingling of politics, criminality and impunity, and the blurring of lines between party workers and the local goons, facilitate Bengal's crime cottage industry.

Unfortunately, the consequences are borne by the poor and marginalised, in whose neighbourhoods these weapons lie almost casually strewn about.

The state government must, first and foremost, ensure that justice is done for the families of victims. But to address the root of the problem, West Bengal's politics must make a long-overdue beginning towards untangling and separating state policy and action from partisan interests.

EDUCATION MINISTRY HOLDS MEET ON PARAKH AIMED AT UNIFYING 60 SCHOOL BOARDS

The workshop will study school assessments, examination practices and equivalence of Boards across the country.

The main component of this plan is PARAKH, the National Assessment Centre, which has been set up as an organisation under the National Council of Educational Research and Training (NCERT).

The mandate of PARAKH is to work on bringing the school Boards across States and Union Territories on a common platform.

"As a first step, a workshop on PARAKH will act as a common platform for interaction of all stakeholders concerned in order to develop a holistic approach that ensures a fair assessment system which promotes equity in performance and equivalence in assessment of students," an official from the Ministry said.

Sanjay Kumar, Secretary (School Education), emphasising the need for equivalence of Boards said that the aim was to establish a unified framework that enables seamless transitions for students moving between different Boards or regions.

The Education Ministry official added that the discussion revolved around the need to reassess the prevailing rote examination culture in the education system.



ONE IN SEVEN INDIAN PRIMARY SCHOOLS RUN BY A LONE TEACHER

The primary school in Koday Dih (Giridih district, Jharkhand) has 78 pupils but only one teacher. Also, he is a para teacher with rudimentary training. He manages by distributing the children across two classrooms and alternating between them. When he is busy with administrative or non-teaching duties, which take up a lot of his time, the children just mill around. When he's not present, the school operates as aimlessly as a ship without a rudder.

The school in Koday Dih isn't unique — it's one among many single-teacher schools in Jharkhand. Not far from there, the upper-primary school in Sirsiya has 110 pupils spread over eight grades, but only one teacher. In Jharkhand, the proportion of single-teacher schools at the primary level is close to one third, according to the Unified District Information System for Education (UDISE). The UDISE data is available online. The schools mentioned in this story are run by the Government.

The proportion of single-teacher schools in India is still a high 14.7%, 14 years after the Right to Education Act came into force, according to UDISE data. The Act states that every school must have at least two teachers. While Jharkhand is a poor performer, a few States had a similar or even higher proportion of single-teacher schools such as Andhra Pradesh (34%), Telangana (30%) and Karnataka (29%). In nine of India's 21 major States, the share of children studying in single-teacher schools was well above 10%, rising to 25% in Jharkhand.

A recent report, 'Gloom in the Classroom', sheds further light on the situation in Jharkhand. The report is based on a survey of 138 randomly-selected primary and upper-primary schools in 16 districts. About one-third of the primary schools had a single teacher. Most of these schools were run by para teachers (all men, except one). The single-teacher schools had 51 pupils on average. Most of them were Dalit and Adivasi children.

In some States, single-teacher schools are likely to have something to do with low population density, scattered settlement patterns and low fertility rates. This applies to Himachal Pradesh, where the proportion of single-teacher schools was high (27%), but the average number of children in these schools was below 20. In Kerala, single-teacher schools seem to be a second-best arrangement for tiny habitations: they had just 10 pupils on average. The proportion of single-teacher schools in Kerala was also low (4%), and so the proportion of children studying in such schools was below 1% — the lowest among major States.

In many States, however, there were plenty of single-teacher schools with a large number of children. On average, single-teacher schools had 39 pupils in Madhya Pradesh, 46 in Jharkhand, 70 in Uttar Pradesh and a whopping 96 in Bihar. Only nine of India's 21 major States had an average pupil-teacher ratio below 30 in single-teacher schools.

These figures make it clear that the issue of single-teacher schools is not the same as that of "mini-schools" (schools with a few students). Before the Right to Education Act, mini-schools were set up to extend school education to sparsely populated areas. After the Act came into force, this option became harder to sustain because of the new norms. Some States tried to merge mini-schools with bigger schools, "rationalisation" as the National Education Policy calls it. The viability of mini-schools is an important issue in its own right, and in some States such as Kerala, it is much the same issue as that of single-teacher schools. In other States, however, most single-teacher schools are not mini-schools at all.



It is possible that the Right to Education Act made it a little harder to avoid single-teacher schools as it requires the presence of a primary school within one kilometre of every habitation. But 14 years is more than enough time to get over this hurdle. The rule that every school should have at least two teachers is reasonable.

Quite likely, the State governments find it convenient to save money by under-staffing schools in underprivileged areas, and know that they can get away with it. In Jharkhand, there have been no teacher appointments since 2016. With each passing year, some teachers retire, making it hard to post more teachers in single-teacher schools. Teacher resistance to remote postings exacerbates the problem.

Last month, an agitation against the proliferation of single-teacher schools took place in Garu block of Latehar district in Jharkhand. This brought to light a critical fact that had already emerged during the COVID-19 crisis: there is a huge unarticulated demand for quality education in rural India. Few parents in Garu had thought of agitating against single-teacher schools or related deficiencies of the schooling system. But when a local organisation took the initiative, people joined in large numbers, taking a day off at the peak of the mahua collection season and travelling long distances.

Similarly, in late 2021, organised protests against prolonged closure of schools in the same area attracted parents who had never spoken up against it on their own.

Around 20 years ago, there was a vibrant movement for the right to education across the country. Paradoxically, the movement seems to have lost steam soon after the Right to Education Act saw the light of day. Perhaps the time has come for a second wave.

'NEW JAMTARA': POLICE WIDEN PROBE INTO NETWORK OF SCAMMERS IN NUH

One of the country's largest cybercrime networks in the national capital's backyard in Haryana's Nuh was busted last month with the arrest of 66 accused who had allegedly duped around 28,000 people across the country to the tune of ₹100 crore. But the job of Nuh Police is far from over yet.

Sifting through the complaints to link them to the accused, trailing the crime proceeds, taking up the matter with different agencies such as the Income Tax and the Enforcement Directorate and making efforts to block around 20,000 SIMs procured fraudulently, Nuh Police wants to "make an example out of the accused" to deter cyber criminals in the region.

Notorious for vehicle thefts and cattle smuggling, Nuh, one of the 100 most backward districts in the country, as identified by Niti Aayog in 2018, provides a perfect breeding ground to cybercrime due to its socio-economic conditions. Cybercrimes gained prominence in the region during the COVID-19-induced lockdown because of unemployment and spurt in online activities.

The spread of cybercrime in Nuh — which has earned it the sobriquet of "New Jamtara" — was also helped by the strategic location of crime-ridden villages dotting the Haryana-Rajasthan border.

Safe place

"Most of the 40 villages infested with cybercrime are along the Haryana-Rajasthan border. It makes it easy for these criminals to escape to Rajasthan in case of raids to avoid arrest. In April, we mounted raids in 14 villages. We seized 66 phones, 99 SIMs and several fake documents,



including Aadhaar cards. It helped us link them to the crime and also seek police remand citing seizure of fake documents,” said the Superintendent of Police.

“We have now linked each of the accused with their respective involvement in these complaints to make it easy for the police in other States to carry out further investigation and take them to a logical conclusion. It will also lead to registration of thousands of cases across the country making it difficult for the accused to secure bails,” said Mr. Singla.

Attachment process

Nuh Police also plans to trail the crime proceeds to identify the properties bought with the ill-gotten money and initiate the process for their attachment. The details regarding bank accounts opened through fraudulent means and crime proceeds will also be shared with the Income Tax Department and the Enforcement Directorate. Telecom companies and banks are also being contacted to plug “gaps” in the “Know Your Customer” check process for the identification of the customers exploited by the accused to procure SIMs and open bank accounts through fraudulent means.

Meanwhile, the district police have constituted ten teams each headed by an Inspector-level officer to mount raids at the possible hideouts of the suspects on the run. Around 250 suspects in Nuh are at large since the raids in April, dismantling the cybercrime network in the region for the time being.

INDIA WILL UNVEIL 18 NEW PETAFLUP SUPERCOMPUTERS FOR WEATHER FORECASTING IN 2023: WHAT ARE FLOPS IN COMPUTING?

India will unveil its new 18 petaFLOP supercomputer for weather forecasting institutes later this year, Union Earth Sciences Minister Kiren Rijiju said on May 24.

The new supercomputer is expected to improve weather forecasts at the block level, help weather scientists give higher resolution ranges of the forecast, predict cyclones with more accuracy and better lead time (the difference between a phenomenon being forecast and actually occurring), and provide ocean state forecasts, including marine water quality forecasts, PTI reported.

“Presently, we give forecasts with a 12-kilometre resolution. The new supercomputer will improve it to six-kilometre resolution. Our aim is to achieve one-kilometre resolution forecasts,” Ministry of Earth Sciences Secretary M Ravichandran said. Making the announcement after a visit to the National Centre for Medium Range Weather Forecasting (NCMRWF) in Noida, Rijiju said that the supercomputer will cost Rs 900 crore.

What are FLOPs in computing?

FLOPs, or Floating-Point Operations per Second, is a commonly used metric to measure the computational performance – processing power and efficiency – especially in the field of high-performance computing (HPC) and artificial intelligence (AI). Floating-point operations are a certain kind of mathematical calculation using real numbers with fractional parts.

How many FLOPs can a computer achieve?

Modern computing systems, such as CPUs (Central Processing Units) and GPUs (Graphics Processing Units), are designed to perform multiple operations simultaneously, using parallel processing techniques. The parallelism significantly increases the number of FLOPs a system can

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



achieve within a given time frame. Over the years, hardware has become more efficient, exponentially increasing computing power.

For instance, in 1961, the IBM 7030 Stretch, costing a whopping \$ 7.8 million at the time, performed one floating-point multiplication every 2.4 microseconds, roughly performing 417,000 FLOPs. A PlayStation 5 today is listed to have a peak performance of 10.28 TFLOP, i.e. 10.28 trillion FLOPs.

What is a petaFLOP?

Due to the immense computing power of today's computers, the FLOPs metric is most often represented in terms of billions (giga), trillions (tera), or even quadrillions (peta) of operations per second (GFLOPs, TFLOPs, PFLOPs, respectively).

A petaflop is thus equal to a thousand TFLOPs or 10¹⁵ FLOPs.

2008 was the first year when a supercomputer was able to break what was then called "the petaFLOPS barrier," when the IBM Roadrunner shocked the world with an astounding peak performance of 1.105 petaFLOPs. Currently, the world's fastest computer in terms of PFLOPs is the Hewlett Packard Enterprise Frontier, or OLCF-5 with the capability to touch a peak performance of 1,685.65.

Are FLOPs the only metric to judge a computer's performance?

No. FLOPs is not the only factor determining the performance of a computing system. Memory bandwidth, latency, and other architectural features also play significant roles. Nonetheless, FLOPs provide a valuable baseline for comparing the computational capabilities of different systems, especially in tasks where floating-point calculations dominate.

Is India already using petaFLOPs computers for weather forecasting?

The NCMRWF houses 'Mihir', a 2.8 petaflop supercomputer, while the Indian Institute of Tropical Meteorology (IITM), Pune, is home to 'Pratyush', a 4.0 petaflop supercomputer, as per PTI. These were launched in 2018 and will be decommissioned once the new supercomputer is unveiled, a senior NCMRWF official told the news agency.

According to the arrangement arrived at by the ministry, NCMRWF will be allocated eight PFLOPs computing power with the remaining 10 PFLOPs going to IITM. The Pune-based institute requires higher power as it deals with seasonal weather forecasts while the NCMRWF deals with medium-range forecasts for a period extending three to seven days in advance.

WHY INDIANS FEEL LONELY IN A CROWDED COUNTRY

A few weeks ago, the U.S. surgeon general, Dr. Vivek Murthy, in an 81-page report, called loneliness an epidemic. "Widespread loneliness in the U.S. poses health risks as deadly as smoking up to 15 cigarettes daily, costing the health industry billions of dollars annually," it said. In an Associated Press interview, he compared loneliness to hunger or thirst "a feeling the body sends us when something we need for survival is missing." "Millions of people in America are struggling in the shadows, and that's not right."

Loneliness isn't just an American phenomenon. In India, which calls itself a collectivist society, promoting interdependence and cooperation, with 1.4 billion people and a population density of



470 per sq km (America has a density of 36 people; the world 60 as per 2020 World Bank data), it doesn't seem likely that people could be lonely. Yet, they are.

In a study 'What causes loneliness among household heads: a study based in primary setting in Mumbai, India', published last year in BMC Public Health, 7% of respondents often felt lonely, while 21% had sometimes felt lonely in the week preceding the study. Another study, 'A review of loneliness in Indian youth', published in 2020 in The International Journal of Indian Psychology, says that while reliable statistics on loneliness in an Indian context do not exist, there is enough anecdotal evidence to suggest that it is dangerously at our doorstep.

India, like the world

There are multiple facets to loneliness, points out Dr Alok Kulkarni, senior consultant psychiatrist at Manas Institute of Mental Health, Hubli, adding that these range from feeling empty and abandoned to the lack of perceived intimacy. "The emotional aspects of loneliness include sadness, melancholy, frustration, shame or desperation," he says. "This may be accompanied by self-doubt, low self-esteem, and social anxiety."

The loneliness of an ageing population has been studied in the west and acknowledged in India. With the dissolution of the joint family structure that leaves the elderly isolated, the death of loved ones, children leaving home, retirement, and battling multiple health conditions, big life changes — some that come together — can bring on loneliness.

But it's also hitting India's considerable youth (15 to 29 years) population of 27.2% (figures recently released by the government's National Statistical Office). Like seniors, it's major life changes because of which many younger adults report loneliness as the most painful part of their lives, says Preeti Singh, senior consultant, clinical psychology and psychotherapy, and the chief medical officer at Lissun, a Gurugram-headquartered mental health startup. "We are more global than ever, which makes us travel more physically across the world, towns, the cities," says Singh, pointing out that people who move away from their roots, often struggle to adapt and fit in these newer, different cultures.

UPDATE NPR TO ENUMERATE SELF DURING NEXT CENSUS

If citizens want to exercise the right to fill the Census form on their own rather than through government enumerators, they will have to first update their National Population Register (NPR) details online.

The NPR, first put together in 2010 and updated in 2015, already has the details of 119 crore people.

Census 2021, which has been postponed indefinitely, will be the first digital Census giving citizens an opportunity to "self-enumerate" as and when it is conducted.

The government has not announced when the next census will be held, with a January 2 notification ruling out the exercise at least till September.

The Census is conducted in two phases.

The first phase — the houselisting operations and housing census — is to be conducted with simultaneous updating of NPR. Population enumeration is the second and the main phase, which collects details on key social and economic parameters.

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



According to a collection of reports released by Home Minister Amit Shah on May 21 at the inauguration of a new Census building, “self-enumeration for Census will be provided to only those households that have updated the NPR online”. “During self-enumeration in NPR, Aadhaar / mobile number is mandatorily collected,” the report said.

The Office of the Registrar of General of India (ORGI), which conducts the Census, has developed a “self-enumeration (SE)” portal which is presently available in English only. The yet-to-be-launched mobile-friendly portal will allow users to register the mobile number in the NPR database, self-enumerate and fill the details under houselisting operations. Respondents can update the details of their family members online without the help of an enumerator for “privacy” and to reduce financial and administrative burden incurred in collection of field data.

ONLY SIX RELIGION OPTIONS MAKE IT TO NEXT CENSUS FORM

Do you consume “packaged or bottled water”? The Census wants to know. This will be one of the new questions in the next Census, which will also introduce “natural calamities” as a new option when asking about the factors responsible for migration of an individual or a family, besides existing options.

Despite demands from several communities to be counted as a separate religion, the next Census will only count Hindu, Muslim, Christian, Buddhist, Sikh and Jain as options. Nature-worshipping Adivasis in Jharkhand, Chattisgarh and Odisha have been campaigning to include their Sarna faith as a separate religion, while Karnataka’s Lingayats have been making a similar demand.

Though respondents can write the name of any other religion, no separate code will be provided.

Census officials had, in fact, designed detailed codes for religion on the basis of data collected during Census 2011. However, they were dropped and only six religion codes were retained in the final schedule. The details are explained in a report titled, “The Treatise on Indian Censuses Since 1981”, which was released by Home Minister Amit Shah on May 22.

Digital Census

The next Census is also set to be the first digital Census, where respondents will have the option to fill in the questionnaire from the comfort of their own home.

The 31 questions for the first phase — Houselisting and Housing Schedule — were notified on January 9, 2020. As many as 28 questions have been finalised for the second phase — the Population Enumeration — but are yet to be notified. The final set of questions for both phases were asked during a pre-test exercise in 2019 in 76 districts in 36 States and Union Territories, covering a population of more than 26 lakh.

A comparison of the questions asked in 2011 and those finalised for the next Census shows that for a section on the mode of travel to place of work, respondents will have to answer new queries on their travel time in hours and minutes, and whether they use metro rail. A question on types and causes of disabilities has been expanded to include “acid attack, intellectual disability, chronic neurological disease and blood disorder”.

The next Census will also record details on whether a person who lives in a rented house owns a house somewhere else or does not own any residential property. On the question of availability



of drinking water, it explains that “near the premises” means “within 100 metres in urban areas” and “within 500 metres in rural areas”.

Directory to reduce bias

For the first time, a code directory — containing possible responses and their matching codes for questions involving descriptive and non-numeric entries — has been prepared for the use of enumerators during the second phase of Census 2021. It has codes in respect of Relationship to Head, Mother Tongue and Other Languages Known, Occupation, Nature of Industry, Trade or Service, Birth Place/Place of last residence and Scheduled Caste/Scheduled Tribe (SC/ST) etc. “Data processing of these descriptive responses required human intervention to codify into required data format as per the tabulation plan... It also involved risk to data bias and errors because of diverse judgement of enumerators and the persons codifying the response as well,” the report said.

WHAT CENTRE DID NOT TELL SUPREME COURT: IT SAID NO TO RAJASTHAN REQUEST FOR CHEETAHS

Last week, expressing concern over the death of three cheetahs in Kuno, Madhya Pradesh, the Supreme Court asked the Centre to rise above politics and consider shifting a few to Rajasthan.

“It appears that Kuno is not sufficient for so many cheetahs... Why don’t you look for a suitable place in Rajasthan? Merely because Rajasthan is ruled by (an) Opposition party does not mean you will not consider it,” a bench of Justices BR Gavai and Sanjay Karol told the Centre.

What the Centre didn’t tell the court was that soon after India inked the cheetah MoU with Namibia on July 20 last year, the Rajasthan Forest Department on August 8 wrote to the National Tiger Conservation Authority (NTCA), entrusted by the SC in 2020 to run the Cheetah Project, proposing to host a few cheetahs in Mukundra. And the Centre rejected it.

Declared a tiger reserve in 2013, Mukundra got its first tigers in 2018 when a pair was shifted from Ranthambhore to a 12-foot-high enclosure encompassing 82 sq km. The reserve has lost four adults and three cubs since and is now left with a solitary tiger. But the enclosure constructed in 2017 made Mukundra one of the potential sites in the government’s Cheetah Action Plan.

“A few cheetahs can be absorbed immediately and safely in Mukundra’s enclosure. In MP, we are preparing Gandhisagar (wildlife sanctuary) for cheetahs but it would require at least a year to develop the area. By that time, Kuno will be oversaturated,” said a forest official in the Bhopal headquarters.

According to the Cheetah Action Plan 2022, Kuno has space for 23 cheetahs. Eight were flown in from Namibia on September 17 last year, followed by another 12 from South Africa on February 18. Day after the first cheetah’s death was reported on March 27, four cubs were born in Kuno. Two more cheetahs died, on April 23 and May 10, and the population is pushing the limit at 21.

MK Ranjitsinh, head of the committee appointed by the SC to monitor the Cheetah Project, said he could not think of a reason why the ministry was not exercising the Mukundra option. “I have been repeatedly suggesting the release of cheetahs at Mukundra which Rajasthan has offered. Mukundra’s huge enclosure is ready to receive the cheetah with five species of cheetah prey. It was certified as the best conservation breeding site for cheetahs by Namibian, South African and Indian experts. Yet the ministry doesn’t take this up and gives no reason for the same,” he said.



FINDING MATES FOR INDIA'S SINGLE AFRICAN JUMBOS: IT'S COMPLICATED

The zoos at Delhi and Mysuru are grappling with a tall order. Can they — and should they — find mates for Shankar and Richie, the only two African elephants in the country?

Shankar, aged around 27, has been the Delhi zoo's sole African elephant since 2001, when a female elephant brought with it died. And at the Mysuru zoo, Richie, an African bull elephant in its 20s, has been alone since 2016 after its father Timbo died. African elephants, the largest land mammals, are different from Asian elephants. Both Shankar and Richie are housed separately from the Asian elephants at their respective zoos.

But African or Asian, all elephants are social animals, which explains the search for prospective mates. This issue, however, has run into a quagmire of monetary, legal, logistical and, importantly, ethical considerations. Not to mention, availability.

While Richie was born in captivity at the Mysuru zoo to two African elephants brought from Germany in the 1970s, Shankar is an elephant captured from the wild, one of two that arrived in India in 1998 as a diplomatic gift from Zimbabwe.

HOW DO THE NEW U.S. DRAFT RECOMMENDATIONS FOR BREAST CANCER SCREENING IMPACT INDIA?

The U.S. Preventive Services Task Force posted a draft recommendation statement on screening for breast cancer, that all women get screened every other year starting at age 40. Now, women between 50 and 74 years are advised a biennial mammography.

"In India, for a decade now we have been following the Indian Radiology and Imaging Association guidelines to start screening women for breast cancer at 40 years, with a mammogram every alternate year," says gynaecologist Dr. Meenakshi Ahuja, senior director, Fortis La Femme, and president, Indian Menopause Society, Delhi Chapter. So in effect the new guidelines don't affect India, though here, compliance is a problem, with women only going in to get a mammogram when they feel something is wrong.

Indian women are affected by breast cancer much earlier than their western counterparts: the median age of presentation is 49 years, as against 62 in the west, as per research published in the Indian Journal of Surgical Oncology.

A report in the World Journal of Clinical Oncology in 2022 says breast cancer is now the most common cancer.

EXPRESS VIEW ON A DANGEROUS RACE AT EVEREST: A TEST OF THE HUMAN SPIRIT

As far as pushing the limits of human endurance and achievement is concerned, Pasang Dawa Sherpa and Kami Rita Sherpa were already straddling the extremes. The two are mountaineers, guides and friends who have been working the Everest trail for the better part of their lives. As their careers wind down — Pasang is 46 years old and Kami 53 — they are locked in a race to break the record for the most number of ascents to the world's highest peak. On May 14, Pasang tied Kami's record and climbed the Mountain for the 26th time. The next day, his rival did it again. Then, merely a week later, both men surpassed each other once again — Kami is now in the lead



with 28 summits. The current season (from April to June) will end soon, and it is anybody's guess who will hold the record at its close.

Kami and Pasang are locked in a dangerous race: The sheer number of gruelling climbs in so short a time carries grave risks. The Everest climb, even under normal circumstances, is perilous: This season alone, 11 people have died on the trail. So, why do they do it? Some seek to find the answer in the rewards offered by mountaineering associations and companies for the person who holds the record. Others believe it is a matter of ego. But these arguments miss the heart of the matter. They do not hear the call of the mountain.

Most people, when confronted with the awe-inspiring scale of nature — the ocean, great mountains, the desert — feel dwarfed, even insignificant. But there are those who have to climb the world's tallest mountain "because it's there". Kami and Pasang have been on top of the world, multiple times: The mountain holds no surprises, the peak has been underfoot. The only competition that remains is a test of the human spirit.

WHAT IS XPOSAT, INDIA'S FIRST POLARIMETRY MISSION?

The Indian Space Research Organisation is collaborating with the Raman Research Institute (RRI), Bengaluru, an autonomous research institute, to build the X-Ray Polarimeter Satellite (XPoSat) that is scheduled to be launched later this year.

Recently, ISRO chairman S Somanath urged Indian scientific institutions to identify talented students and take steps to motivate them in effectively using the data emerging from science-based space missions. He mentioned the XPoSat in this regard.

What is the XPoSat mission?

According to ISRO, "XPoSat will study various dynamics of bright astronomical X-ray sources in extreme conditions."

It has been billed as India's first, and only the world's second polarimetry mission that is meant to study various dynamics of bright astronomical X-ray sources in extreme conditions. The other such major mission is NASA's Imaging X-ray Polarimetry Explorer (IXPE) that was launched in 2021.

"IXPE carries three state-of-the-art space telescopes. Each of the three identical telescopes hosts one light-weight X-ray mirror and one detector unit. These will help observe polarized X-rays from neutron stars and supermassive black holes. By measuring the polarisation of these X-rays, we can study where the light came from and understand the geometry and inner workings of the light source," The Indian Express reported at the time in an explainer.

How are X-Rays witnessed in space?

As NASA explains on its website, X-rays have much higher energy and much shorter wavelengths, between 0.03 and 3 nanometers, so small that some x-rays are no bigger than a single atom of many elements. The physical temperature of an object determines the wavelength of the radiation it emits. The hotter the object, the shorter the wavelength of peak emission.

X-rays come from objects that are millions of degrees Celsius — such as pulsars, galactic supernova remnants, and black holes.



AT A KUTCH HARAPPAN GRAVEYARD, TEAM WORKS TO UNLOCK A MYSTERY: LIFE AND TIMES OF THOSE BURIED

The dry, arid soil on a 16-hectare expanse on the outskirts of Khatiya village in Gujarat's Kutch district has thrown up several surprises — a shell bangle, pottery shards, stones blades, even human skeletal remains. Since 2018, a multi-disciplinary international team of archeologists has discovered 500 graves and excavated 197 of those here, but deep below, the site holds the key to an enduring mystery: whose graves are these?

Led by Rajesh S V, Assistant Professor in the Department of Archaeology in the University of Kerala, the researchers say that while it is established that the cemetery, believed to be 5,000 years old, belonged to the 'pre-urban' phase of the Harappan civilisation, they are still looking for clues to see if the burial ground — arguably the largest such cemetery — could have served a big human settlement in the vicinity or if it was a common facility for a cluster of smaller settlements.

The Harappan civilisation, one of the oldest in the world, is said to have thrived along the banks of river Indus from around 5,000 BC to 1,000 BC. While the 2,500-year-long period from 5,000 BC to 2,600 BC is known as the 'pre-urban' Harappan phase, between 2,600 BC and 1,900 BC is the 'urban' Harappan phase. From there on, the civilisation declines and 1,900 BC to 1,000 BC is considered the 'post-urban' Harappan period.

The fragment of a shell bangle collected from the Khatiya cemetery and tested at Physical Research Laboratory (PRL), Ahmedabad, was found to be dating back to 2,850 BC. Prof Abhayan G S, Assistant Professor of Kerala University who is a co-director of the excavation project at Khatiya, said, "The pottery found as burial goods at the Khatiya site, mainly redware, buffware and grayware, is comparable to the pre-urban Harappan pottery of Sindh and Balochistan and North Gujarat."

However, he said, "The soil in Khatiya is acidic, facilitating faster decomposition of bodies. Therefore, researchers are finding it hard to extract DNA from samples excavated from this site."

This could then hold the answer to the Khatiya puzzle — who are the people whose remains were interred in these graves and where did they come from?

map

While Dholavira, the UNESCO World Heritage Site and one of the biggest metropolises of the Harappan civilisation, is also in Kutch, it is 150 kilometres away from Khatiya that's among the western-most of the Harappan sites in India. Given the distance, researchers say, it's unlikely that people in the urban settlements of Dholavira were buried at the Khatiya site.

"Desalpar and Khirsara, Kotda Bhadli and Nadapa are the other well-known Harappan sites in western Kutch. But each of them is a site of urban and post-urban periods of the Harappan civilisation and more than 50 km away from Khatiya. Being a pre-urban Harappan cemetery, there is a possibility that either there was a big settlement in Khatiya or there were smaller settlements around Khatiya and the cemetery was a common burial ground for them," said Prof Rajesh, who has studied regional chalcolithic cultures (Copper Age) of Gujarat as part of his doctoral research project.

The international team of collaborators included 27 archaeologists, DNA analysts, geologists and GIS specialists from Gujarat, Maharashtra, Kerala, Spain, USA, Japan and Sweden.



Prof Subhash Bhandari, associate professor and head of Krantiguru Shyamji Krishna Verma Kachchh University (KSKVKU), Bhuj, Kutch is also part of the international team of researchers.

Having excavated parts of the cemetery in 2018-19, 2019-20 and 2021-22, Prof Rajesh, Prof Abhayan and their team are now preparing to move to a new site — Padada Bhit, a hillock on whose side there are some visible mounds. “The Padada hillock is around 1.5 km from the cemetery. But we believe the two are related,” said Prof Rajesh, who has previously worked on archaeological explorations at the Harappan sites of Navinal, Deshalpar, Janan, Mundra, Moti Chher and Nadapa in Kutch.

The team has also identified a place in Lakhapar, a village two km away, which, it is believed, could hold clues to the Khatiya cemetery.

Part of Lakhapar panchayat, Khatiya is located on the banks of the Gandi, a stream that drains into the Great Rann of Kutch (GRK). Today, the GRK is an expanse of saline mudflats, but archaeologists believe it used to be navigable in prehistoric times and that the Ghaggar-Harka-Nara river used to flow through it. Later, the river dried up, turning Kutch into an arid region.

While the researchers are preparing for their fourth excavation season this winter, in Khatiya — which has a population of merely 100, mostly of farmers or cattle-herders — villagers say they are doing their best to protect the mounds.

“A pond was dug on the south-western periphery of the ancient burial site in 2016 as part of the government’s initiative to harvest the water of Dhoro Chhelo (a stream). Lots of graves were damaged during that time,” says Narayan Jajani, 65, the former sarpanch of Lakhapar-Khatiya panchayat who was the first to alert Prof Rajesh about the cemetery when the team was conducting an exploration in the area in 2016.

Isak Sumra, the present sarpanch, says elders in the village would talk about the cemetery. “They used to say that Juna Khatiya (old Khatiya) village used to be north of this burial ground. But now, after the excavation, they are saying ours is a 5,000-year-old village. That makes us special,” says the 59-year-old.

WHAT MOHENJODARO’S DANCING GIRL FIGURINE TELLS US ABOUT THE PREHISTORIC CIVILISATION

The Dancing Girl figurine discovered in Mohenjodaro in 1926 recently found itself at the centre of controversy.

On the occasion of International Museum Day (May 18), Prime Minister Narendra Modi inaugurated the International Museum Expo in Delhi’s Pragati Maidan. During the ceremony, PM Modi also unveiled the Expo’s mascot – a “contemporised” version of the famous Dancing Girl of Mohenjodaro. “The mascot is regarded as contemporary dwarf-pals extending an invitation to the expo,” it was announced during the unveiling.

The over five-foot tall adaptation drew flak from several quarters for distorting the original figure’s form. The 4,500 years old bronze figurine, just 10.5 cm in height, is dark and completely in the nude with the exception of multiple bangles and a necklace. However, the adapted mascot has fairer skin, and is dressed in a bright pink blouse and an off-white waist-coat.



The Ministry of Culture insists it is not a transformation or a new look to the original piece of art, but just “an inspired craft work”. “The idea of introducing the mascot, especially through a toy, was also to bring forth the importance of Museum merchandise and in turn, self-sustainability of these cultural institutions,” officials told The Indian Express.

They add, “The International Museum Expo 2023 Mascot was a stylised and contemporised life size (5 ft as compared to the original 10 cm) figure inspired from the Dancing Girl of the Sindhu Saraswati Sabhyata. The Mascot was also to be interpreted as a modern-day Dwarpal or Door Guardian to usher audiences into the experience of Expo. The traditional craft of Channapatna toys, also protected by a GI (geographical indication) tag, was used to create this mascot.”

Discovering the Dancing Girl

The Indus Civilisation (3300-1300 BC with its mature stage dated to 2600-1900 BC), also known as the Harappa-Mohenjodaro Civilisation, had been long forgotten till its discovery was announced in 1924. While sites and artefacts from the civilisation were in discussion since the early 19th century, it was not until the 1920s that they were correctly dated and recognised as part of a full-fledged ancient civilisation, much like the ones in Mesopotamia and Egypt.

After the initial recognition as an ancient civilisation, a spate of excavations were conducted in the two major sites that were known till then – Harappa and Mohenjodaro. The Dancing Girl was discovered in one such excavation in 1926, by British archaeologist Ernest McKay in a ruined house in the ‘ninth lane’ of the ‘HR area’ of Mohenjodaro’s citadel.

Even though Mohenjodaro and Harappa became part of Pakistani territory after the Partition, the Dancing Girl remained in India as part of an agreement. Today, the bronze figurine sits in the National Museum of India as artefact no. HR- 5721/195, enthralling visitors in the museum’s famous Indus Civilisation gallery, often referred to as its “star object”.

Some descriptions

Over the years, the Dancing Girl has been an object of fascination for archaeologists and historians. Of particular interest has been the pose the woman strikes and what that means.

The figurine has “the pleasing stance of a young and spirited woman”, historian Romila Thapar wrote in *The Penguin History of Early India: From Origins to AD 1300* (2002).

“This young woman has an air of lively pertness, quite unlike anything in the work of other ancient civilisations,” historian AL Basham wrote in his classic *The Wonder that was India* (1954). Mortimer Wheeler, director of the Archaeological Survey of India (ASI) between 1944 and 1948, described the figurine as his favourite. “A girl perfectly, for the moment, perfectly confident of herself and the world. There’s nothing like her, I think, in the world,” Wheeler wrote. John Marshall, Director-General of the ASI from 1902 to 1928 who oversaw the initial excavations in Harappa and Mohenjodaro, described the figurine as “a young girl, her hand on her hip in a half-impudent posture, and legs slightly forward as she beats time to the music with her legs and feet”.

Inferences that can – and cannot – be made

As Marshall’s description suggests, it is the pose that the figurine strikes that has led historians to believe that the woman depicted was a dancer. However, there is no other evidence to support this claim.



Recent work on the issue has suggested that the “dancer” label came from readings of Indian history from later dates, when court and temple dancers were commonplace. American archaeologist Jonathan Kenoyer wrote in *Art of the First Cities: The Third Millennium B.C. from the Mediterranean to the Indus* (2003) that the dancer label was “based on a colonial British perception of Indian dancers, but it more likely represents a woman carrying an offering.”

In 2016, a paper by Thakur Prasad Verma in *Itihaas*, the Hindi journal of the Indian Council of Historical Research (ICHR), claimed that the figurine was in fact a depiction of Hindu Goddess Parvati. The paper attempted to tie the Indus Civilisation to Vedic Hinduism. This claim has been dismissed by most historians who say that there is simply no evidence to say with certainty who the Dancing Girl depicts or whether there was any worship of Hindu Gods in the Harappa-Mohenjodaro Civilisation.

What can be inferred from the bronze statuette, though, is the degree of sophistication of Harappan artistry and metallurgy. The Dancing Girl is evidence of the civilisation’s knowledge of metal blending and lost-wax casting – a complicated process by which a duplicate sculpture is cast from an original sculpture to create highly detailed metallic artefacts.

Moreover, the very existence of a figurine such as the Dancing Girl, indicates the presence of high art in Harappan society. While art has probably been around since the very beginning of human existence, the degree of its sophistication indicates a society’s advancement. The Dancing Girl by all appearances is not an object built for some utilitarian purpose – artists took great time to create an artefact of purely symbolic, aesthetic value.

EXPRESS VIEW: IN THE REUNION OF MAHENDER KAUR AND SHEIKH ABDULLAH AZIZ, HOPES OF REDEMPTION IN A DIVIDED LAND

It happened 75 years ago, but the pain and sorrow that accompanied the partition of the Subcontinent has lingered on. It is estimated that over 14 million people were displaced. Arguably the largest mass migration in human history and one of the most violent, it left behind a trail of killings, rapes, abductions, abandonment, separation and shame. Parents lost children, siblings were separated, families divided. A generation has struggled to forgive and forget the trauma, many living in hope that they will one day unite with lost relatives, meet members of extended families.

Mahender Kaur and Sheikh Abdullah Aziz, who met at Gurdwara Sri Kartarpur Sahib on Sunday, are representatives of this generation, perhaps among the last of the people who have lived with the burden of history and memory. Like many others, the family of Sardar Bhajan Singh got divided during Partition. Aziz found himself in Pakistan Occupied Kashmir while his relatives stayed in India. After years of searching, Aziz tracked down his lost sibling on social media. Kaur and Aziz, both wheelchair-bound now, were six and three years old when they last saw each other. At Kartarpur, both families thanked the governments of India and Pakistan. The corridor provides visa-free access to Indian Sikhs. Social media initiatives have made it easier for people to track long-lost friends and family.

It was not meant to be like this, of course. Even many supporters of Partition had expected open borders and free movement of people after Independence. The violence that rocked Punjab and Bengal in 1947 and the wars Pakistan and India have fought since led to the sealing of borders. The losers, as the two nation states faced off, are people like Kaur and Aziz, victims of history. In these reunions lie hopes of redemption of a partitioned land.



BUSINESS & ECONOMICS

WHAT IS THE EU'S CARBON BORDER ADJUSTMENT MECHANISM?

The story so far:

On May 10, co-legislators at the European Commission signed the Carbon Border Adjustment Mechanism (CBAM). It has been described as a “landmark tool” to put a “fair price on the carbon emitted during the production of carbon intensive goods that are entering the EU, and to encourage cleaner industrial production in non-EU countries.”

What is the CBAM?

Its primary objective is to avert ‘carbon leakage’. It refers to a phenomenon where a EU manufacturer moves carbon-intensive production to countries outside the region with less stringent climate policies. In other words, replace EU-manufactured products with more carbon-intensive imports.

From 2026, once the CBAM is fully implemented, importers in the EU would have to buy carbon certificates corresponding to the payable carbon price of the import had the product been produced in the continent, under its carbon pricing rules. Conversely, if a non-EU producer is paying a price (or tax) for carbon used to produce the imported goods, back home or in some other country, the corresponding cost would be deducted for the EU importer. The Commission, in coordination with relevant authorities of the member states, would be responsible for reviewing and verifying declarations as well as managing the central platform for the sale of CBAM certificates. Importers would have to annually declare by May-end the quantity and embedded emissions in the goods imported into the region in the preceding year.

The idea here is to avert the possibility of carbon leakage alongside encouraging producers in non-EU countries to green their manufacturing processes. Moreover, it will ensure a level playing field between imports and EU products. This would also form part of the continent’s broader European Green Deal which endeavours to achieve 55% reduction in carbon emissions compared to 1990 levels by 2030 and become a climate neutral continent by 2050.

Why are countries worried?

CBAM would initially apply to imports of certain goods and selected precursors, whose production is carbon-intensive and are at risk of ‘leakage’ such as the cement, iron and steel, aluminium, fertilizers, electricity and hydrogen sectors.

In 2021, the United Nations Conference on Trade and Development (UNCTAD) had concluded that Russia, China and Turkey were most exposed to the mechanism. Considering the level of exports to the union in these sectors, it stated India, Brazil and South Africa would be most affected among the developing countries. Mozambique would be the most exposed least-developing country. Important to note, countries in the EU combined represent about 14% of India’s export mix for all products, steel and aluminium included.

Mannat Jaspal, Associate Fellow at the Observer Research Foundation (ORF) notes that India’s exports in the five segments represented less than 2% of the total exports to the EU between 2019 and 2021. However, according to Ms. Jaspal, while the impact of the regulation may appear limiting, its long-term effects can be severe for multiple factors. First, EU being India’s third largest



trade partner and given the latter's projected growth trajectories, the size of exports (including in the CBAM sectors) will invariably rise. Secondly, CBAM's scope would expand beyond its current ambit to include other sectors as well. "Given India's products have a higher carbon intensity than its European counterparts, the carbon tariffs imposed will be proportionally higher making Indian exports substantially uncompetitive," she told The Hindu. And finally, international climate policies (including CBAM) will compel other countries to impose similar regulation eventually translating to "a significant impact" on India's trading relationships and balance of payments.

It was informed, earlier this month in a joint statement during the inaugural EU-India Trade and Technology Council, that "the two sides have also agreed to intensify their engagement on carbon border measures."

EXPORTS, IMPORTS SHRINK ACROSS MANY NATIONS FOR MOST ITEMS

India's exports and imports further weakened in April this year, in continuation of the declining trend that has been observed since June last year. Imports declined more than exports in April, narrowing the trade deficit. The decline in exports was widespread, affecting most of the major items. The decline in imports was also recorded across all major commodities. But more importantly, the fall in imports and exports was not limited to India. Many nations have recorded similar declines, pointing to a slowing global demand.

The 2022-23 Indian Economic Survey had warned that the "slowing global demand will weigh on India's merchandise exports." It had cited the International Monetary Fund (IMF)'s forecast, which had said that global growth will slow down in 2022 and 2023. The latest IMF report (April 2023), estimates that global growth could slow to about 2.5% in 2023, in a "plausible alternative scenario." This scenario of the IMF assumes that the financial sector stress in the U.S. triggered by the sudden collapse of three regional banks is not contained. This, according to the IMF, would be the "weakest growth since the global downturn of 2001, barring the initial COVID-19 crisis in 2020 and the global financial crisis in 2008-09."

The Economic Survey's warning came true with the year-on-year trade growth starting to decelerate from the start of 2023 calendar year. In April 2023, imports and exports shrank by 14.1% and 12.7% respectively.

The Economic Survey had also said that the "non-oil, non-gold imports, which are growth-sensitive, may not witness a significant slowdown as Indian growth continues to be resilient." However, the decline in imports was seen across major commodities. The chart shows the y-o-y % change in imports of select commodities. Inbound shipments of fertilizers and gold, the two commodities whose imports fluctuate the most, shrank by over 40% in April, while vegetable oil imports were a close second with a 37.8% decline.

In parallel, the contraction of India's merchandise exports too has been broad-based. Along with petroleum products, the exports of engineering goods, gems and jewellery, chemicals, and readymade garments and plastics contracted or grew at a slower pace in 2023. While exports of electronic goods continue to see growth, the 26.5% pace in April 2023 was the slowest in 15 months. The exports of rice and pharma products were the only bright spots amid the gloom.

The recent decline in exports is a global phenomenon. The monthly economic review released in April by the Department of Economic affairs said that exports surged in FY22 due to pent up demand following the easing of COVID-19. But they became moderate in FY23 as the invasion of



Ukraine and monetary tightening of global central banks meant that discretionary consumer spending plummeted in advanced nations.

Due to internal demand slowdown and external geopolitical tensions, both imports and exports of many developed and developing nations have been contracting in 2023.

SLOW WITHDRAWAL

The Reserve Bank of India's May 19 announcement that ₹2,000 banknotes would be withdrawn from circulation, coming just over seven-and-a-half years since the economically deleterious demonetisation of ₹500 and ₹1,000 notes, has triggered a sense of déjà vu. While Prime Minister Narendra Modi's decision in November 2016, to abruptly and completely rescind the legal tender status of the then available high value currency notes was ostensibly aimed at 'combatting black money and terror financing', the RBI has asserted that the latest move is in pursuance of its 'Clean Note Policy' and does not alter the legal tender status of the withdrawn notes. The central bank has, however, set a September 30 deadline for the exchange or deposit of the withdrawn currency, thereby triggering difficulties for the common individual to continue to use the note. Reports from across the country speak of consumers, including wage earners in sectors such as construction, struggling to pay for the purchase of medicines, petrol and other day-to-day essentials despite the notes continuing to remain legal tender. Given that the RBI has acknowledged that the printing of new ₹2,000 notes was stopped in 2018-19, the sudden decision to withdraw the notes in circulation has raised questions about the rationale. The RBI stated that about 89% of the ₹2,000 notes were issued between November 2016 and March 2017 "to meet the currency requirement of the economy in an expeditious manner" following demonetisation and that since then lower denominations had become adequately available, obviating the need for the ₹2,000 notes.

The central bank has also contended that the notes sought to be withdrawn were "at the end of their estimated life-span of 4-5 years", and that the value of these bills in circulation had declined to ₹3.62 lakh crore, or 10.8% of the total notes in circulation, as on March 31. A look at previous withdrawals of bills by the RBI shows, for instance, that starting in April 2014, all banknotes issued prior to 2005, or almost a decade earlier, were gradually withdrawn even as they continued to enjoy legal tender status. Even today, lower value bills issued at least as far back as 2013, and which are used far more frequently in everyday transactions, continue to remain in circulation, raising doubts about the RBI's 'clean note' reasoning. The RBI retains the right to issue or withdraw currency bills as it deems fit for the conduct of its policy mandate, but the lack of transparency now, and the administrative flip flops, do little to enhance trust in its "promise to pay the bearer" the note's face value.

RESERVE BANK TURNS NET SELLER OF US DOLLARS IN FY23; SELLS \$25.52 BILLION IN SPOT MARKET

After remaining a net buyer of the US currency for three consecutive years, the Reserve Bank of India (RBI) turned seller in the fiscal ended March 31, 2023, having sold \$25.516 billion on a net basis in the spot foreign exchange market. During the previous fiscal, while the RBI purchased \$187.054 billion, it sold \$212.57 billion in the spot market, the data released in the RBI's monthly bulletin showed.

The central bank net bought \$17.312 billion in the financial year (FY) 2022; \$68.315 billion in FY2021; and \$45.097 billion in FY2020. It sold \$15.38 billion on a net basis in FY2019.



The RBI sold dollars in huge quantities in FY2023 mainly to curb the fall in the rupee following the Ukraine-Russia war. The domestic currency also depreciated after the US Federal Reserve started hiking rates.

In FY23, the rupee declined by around 8 per cent from close to 76 levels on April 1, 2022, to nearly 82 as on March 31. It briefly depreciated to 83 against the dollar in intraday trades during mid-October 2022.

“Had the RBI not sold dollars (in FY23), the rupee would have weakened to 84-85 levels against the dollar,” said Amit Pabari, Managing Director and Founder, CR Forex Advisors.

In FY23, the country’s foreign exchange reserves declined from \$606.475 billion as on April 1, 2022, to \$578.449 billion as on March 31, 2023. The depletion of forex reserves was majorly on valuation loss arising from the rise in the US dollar and also on the sale of dollars by the RBI.

In September 2022, RBI Governor Shaktikanta Das said, “About 67 per cent of the decline in reserves during the current financial year (FY2023) is due to valuation changes arising from an appreciating US dollar and higher US bond yields.”

RBI has always maintained that its intervention in the foreign exchange market is aimed at stabilizing the rupee movement. The sale or purchase of dollars by the RBI has a bearing on its profit.

The sale of dollars in FY2023 helped the RBI book profit which is reflected in higher dividend payout to the government in the previous fiscal.

Last week, the Central Board of the RBI approved the transfer of Rs 87,416 crore as surplus – or dividend – to the central government for the accounting year 2022-23. This is a 188 per cent jump from the last year’s (2021-22) surplus transfer of Rs 30,307 crore, which was also the lowest in 10 years.

“These dollars were probably bought (by the RBI) at the time when the rupee was in the 60-70 range and now the RBI sold at around 80 levels. So, they made a huge profit by selling dollars and, therefore, they paid a huge dividend,” Sabnavis added.

In July 2022, the RBI net sold \$19.05 billion in the spot market, the highest during the previous fiscal.

In March 2023, the central bank was a net buyer of \$750 million, after it purchased \$6.91 billion and sold \$6.16 billion in the spot market, the data showed.

In the forward market, the outstanding net forward purchase stood at \$23.6 billion at the end of March 2023, the RBI data showed.

AS YIELD ON 10-YR GOVT SECURITY FALLS, WHAT SHOULD RETAIL INVESTORS DO?

On November 12, 2021, Prime Minister Narendra Modi launched the RBI Retail Direct (RBI-RD), a one-stop solution to facilitate investment in government securities by individual investors. The total number of registrations in the retail direct scheme since its inception stands at 99,371 as on May 22, 2023.



The number of accounts opened so far are 84,158. On average, retail subscriptions to government securities in every G-sec auction held over the past few months have been around Rs 42 crore. Total cumulative primary market subscriptions stood at just Rs 2,112.83 crore as on May 22, when the last G-sec auction was held. The total traded volume on a cumulative basis in the secondary market was Rs 351.58 crore.

“Though the RBI has developed a platform, a layman finds it complicated to invest in government bonds. They need some guidance, maybe through intermediaries, for investing in government bonds,” said Marzban Irani, Chief Investment Officer (Fixed Income), LIC Mutual Fund.

Bankers said retail investors are not enthusiastic as the G-sec market lacks liquidity. “After being allotted government securities in the primary auction, a retail investor might not always get a buyer in the secondary market at a level they want to sell and so, they are stuck. When you need money, you may not be able to get it immediately,” said a banker.

Experts believe that the scheme can pick up if the government gives retail investors some tax sops or if the investment process in G-secs is simplified like for fixed deposits.

The RBI Retail Direct platform is beneficial for an informed investor who understands the government securities market, but for an uninformed participant, investment in G-secs is advisable only through mutual funds.

Why are yields on government securities falling?

The yield on the 10-year government security, which was trading at 7.4% in early March 2023, fell to 7.3% after the government on March 24 announced changes in the taxation of debt mutual funds. The benefit of indexation in the calculation of long-term capital gains on debt mutual funds was removed. The 10-year G-sec yield eased to 7.2 % following the RBI’s surprise move to keep the repo rate unchanged at 6.5 % in its April 6 monetary policy. Currently, the 10-year G-sec yield is trading at around 6.96-6.99 %.

The yield on 5-year G-sec has fallen from 7.4 % to 6.93 %, and on one-year government bonds from 7.23 % to 6.79 %.

Besides, the fall in inflation has also pushed the yield downwards. “The yields on sovereign papers have eased as there is an expectation the RBI may go for a longer pause after April inflation fell to 4.7 %. The 10-year G-sec yield may further ease to 6.5 %,” said a banker.

AN UNCLEAN CHIT

Last Wednesday, the Supreme Court granted the Securities and Exchange Board of India (SEBI) more time to complete its investigation into Hindenburg Research’s allegations of malfeasance, stock price manipulations and violations of minimum public shareholding requirements in Adani Group firms. Ahead of the Court’s original May 2 limit, SEBI had sought at least six more months, citing complexities and the need to unravel layered deals it deemed “suspicious”. The market watchdog has now got a three-month reprieve. But the findings of a six-member expert panel, tasked by the Court to review Indian securities market’s overall regulatory and investor protection framework in the wake of the dizzying volatility in Adani Group stocks’ prices, do not inspire much hope for an expedient closure. On its most vital term of reference — regulatory failure in dealing with the alleged contravention of securities market laws in relation to the Adani Group or other companies — the committee’s findings are far from emphatic.



On the question of stock price manipulation, for instance, SEBI told the Justice A.M. Sapre-led panel that 849 automated “alerts” were thrown up by stock exchanges in the 57 months up to December 2022, resulting in four reports. The first of these reports, in September 2020, attracted SEBI’s attention to some common foreign portfolio investors (FPIs) holding shares across the Adani Group. Juxtaposing this with earlier complaints, SEBI commenced a formal probe on potential violation of the 25% public shareholding norms in October 2020. SEBI cited Adani Enterprises’ trading data to the panel and said no manipulation was found. But such analyses were still underway for other group stocks, compelling the panel to conclude that “...prima facie”, it won’t be possible to say there has been a “regulatory failure”, even as it stressed that such investigations must be time-bound. Even on the probe into the public share-holding and related party transactions flagged by Hindenburg, the panel’s inference is cautiously worded and hints at its own time constraints. “In these circumstances, it would not be possible to return a finding of regulatory failure... There indeed has to be a coherent enforcement policy.” The key reason for SEBI drawing a blank in attempts (that began in 2020 and revived after the Hindenburg report) to identify the 42 ultimate beneficiaries behind 13 FPIs with sizeable stakes in Adani Group firms is that the regulator had itself tweaked the FPI norms in 2019 to make this obfuscation possible. Such a self-inflicted ‘chicken and egg’ situation, with capricious legislation diverging from enforcement, is rare and must trigger a closer look at SEBI’s approach to its key mandate of protecting investors.

COULD THE NEW ANGEL TAX TWEKS HIT START UP FUNDRAISING?

Investors from 21 countries including the US, the UK, France, Australia, Japan have been exempted from the levy of angel tax for investment in unlisted Indian startups. Countries like Singapore, Netherlands and Mauritius, which constitute the major chunk of foreign direct investment in India, have not been included in the exemption list.

What are the notified categories of exempted investors from angel tax?

In a notification dated May 24, the Central Board of Direct Taxes (CBDT) listed excluded entities which include those registered with Sebi as Category-I FPI, Endowment Funds, Pension Funds and broad-based pooled investment vehicles where the number of investors in such vehicle or fund is more than 50, and the residents of 21 specified nations, including the US, UK, Australia, Germany and Spain.

Other nations mentioned in the notification are Austria, Canada, Czech Republic, Belgium, Denmark, Finland, Israel, Italy, Iceland, Japan, Korea, Russia, Norway, New Zealand and Sweden.

The CBDT notification is effective from April 1.

The notification has come after a press release was issued by CBDT on May 19, which had detailed the classes of investors exempted from the angel tax provision. Now, stakeholders will have to wait for a formal notification for valuation guidelines, for which five methods were outlined in the press release issued last week.

Other exempt entities include government and government-related investors such as central banks, sovereign wealth funds, international or multilateral organisations or agencies including entities controlled by the government or where direct or indirect ownership of the government is 75 per cent or more; and banks or entities involved in insurance business where such entity is



subject to applicable regulations in the country where it is established or incorporated or is a resident.

What are the concerns regarding the exemptions? What do experts say on this?

Though the exclusion of Mauritius, Singapore and Netherlands is being seen as a move to plug loopholes from investments arising from such tax havens, experts also see the exclusions of these countries having an impact on fundraising by startups as these form a major chunk of investment source for them.

What is angel tax? Which startups were excluded from its levy?

The Finance Act, 2023, had amended Section 56(2)(viib) of the Income-tax Act.

The provision, colloquially known as the 'angel tax' was first introduced in 2012 to deter the generation and use of unaccounted money through the subscription of shares of a closely held company at a value that is higher than the fair market value of the firm's shares.

The provision stated that when an unlisted company, such as a start-up, receives equity investment from a resident for issue of shares that exceeds the face value of such shares, it will be counted as income for the start-up and be subject to income tax under the head 'Income from other Sources' for the relevant financial year.

With the latest amendment, the government had proposed to also include foreign investors in the ambit, meaning that when a start-up raises funding from a foreign investor, that too will now be counted as income and be taxable. The DPIIT-recognised startups were excluded from the angel tax levy.

BIHAR: SMALL-TICKET CREDIT SCHEME FOR STUDENTS COULD RUN UP NPAS OF RS 300 CR

Concerns have been raised that loans worth Rs 300 crore disbursed by more than 30 banks under the Bihar government's much-touted Bihar Student Credit Card (BSSC) scheme could become non-performing assets (NPAs).

The scheme, launched in October 2016, is aimed at giving financial support for students to pursue higher education. Under the scheme, a student can get a maximum loan of Rs 4 lakh. The interest rate for the loans has been 4 per cent since 2018, and before that, it was 10 per cent. Girls, disabled people and transgender people can avail the loan at 1 per cent interest rate. The state government is the guarantor of the loans.

Chief Minister Nitish Kumar has on several occasions hailed the scheme, which has helped many, including students from backward classes and SCs, gain access to higher education.

Loans totalling Rs 3,500 crore have been disbursed so far under the scheme. In 2017-18, student credit cards were issued to 37,308 students, in 2018-19 they were issued to 26,796, and in 2019-20 they were given to 23,405 students. Bihar State Education Finance Corporation Limited, set up in April 2018, took over the implementation of the BSSC scheme from 2019-20 onwards. In 2020-21, credit cards for loans worth Rs 2,041 crore were issued to 1,36,217 students. The state government has set a target of issuing at least one lakh credit cards every year.



The loans given out under the scheme must be repaid within six months of a student getting employment or one year of the student completing the course, whichever comes first.

Shiv Prakash Jha, from the State Level Bankers Committee (SLBC), Bihar, told The Indian Express that a list of bad student credit card loans had been submitted to the government.

An SLBC source said: “We have duly completed all the banking processes of loan recovery, including serving of legal notices to the students and their guardians. The amount of bad loans would be around Rs 300 crore, and it is increasing... The NPA trend is very discouraging.”

Regarding the reasons why the threat of NPAs was cropping up, a senior official working on the BSCC scheme said, “As interest rates were much higher at 10 per cent until 2018, most of the loan defaults could be from this period. Moreover, with the state government being the guarantor of the loan, a number of students and their guardians are perhaps taking the loans for granted.”

The official, who did not want to be identified, said the loans had started becoming NPAs since 2021. “There has been some verbal communication between banks and the government, but there is a set format for banks to raise alarms on NPAs and a timeline for the state government to take over responsibility for loans that have become NPAs,” the official said.

State Project Management Unit nodal officer for monitoring the scheme, Sanjay Ghose, said that they had been getting several complaints from students who have got notices for loan recovery.

“Some students have also been going to the Janata Darbar of the CM demanding that the interest rates of 10 per cent applicable on the loans issued in the initial period be changed to 4 per cent,” he said. Authorities have not yet received a full list of the bad loans, Ghose said.

ALL-IN-ONE POLICY PLAN TO SPREAD INSURANCE IN INDIA

If India’s insurance regulator’s plans fructify, households across the country could soon be able to get an affordable single policy that covers health, life, property and accident, get their claims settled within hours, and even secure value-added services at the time of buying a policy.

In an ambitious bid to expand the poor insurance penetration in the country, the Insurance Regulatory and Development Authority (IRDA) is devising a new affordable bundled product to give citizens protection against multiple risks, and seeking to expedite claim settlements by linking death registries onto a common industry platform.

These initiatives are part of a broader overhaul — including legislative amendments to attract more investments through differentiated licences for niche players similar to the banking sector — with an eye on making insurance “available, affordable and accessible” to all citizens with a “gram panchayat- to district- to State-level’ approach.

‘UPI-like moment’

The regulator believes these changes could double the number of jobs in the sector to 1.2 crore. IRDA chief Debasish Panda said on Thursday that they are striving to create an “UPI-like moment” in insurance through a plan worked out with general and life insurance firms that he termed “Bima Trinity”.



A new Bima Sugam platform will integrate insurers and distributors onto one platform to make it a one-stop shop for customers, who at a later stage can pursue service requests and settlement of claims through the same portal.

The regulator is simultaneously developing a possible lynchpin product — Bima Vistar — that will be a bundled risk cover for life, health, property and casualties or accidents, with defined benefits for each risk that can be paid out faster than usual without the need for surveyors. “We are trying to design it in a manner so that there are parametric triggers which don’t need a surveyor to assess the loss. If there is a loss, the defined benefit immediately goes to the bank account of the policyholder. We are trying to price it in a manner that it is affordable,” Mr. Panda explained.

Banks can possibly be given an auto-debit authority for the premium payments, the IRDA chief added. The third part of the trinity envisaged by the IRDA entails a women-centric workforce of Bima Vaahaks (carriers) in each Gram Sabha that will meet the women heads of each household to convince them that a composite insurance product like Bima Vistar can “come in handy if there is any distress”.

With many States digitising their birth and death registries, Mr. Panda said the IRDA platform, if integrated with those registries, could help settle claims as fast as six to eight hours or a day at the most.

Game changer

“All a policy holder needs to do is go to the platform, use his consent to pull their policy from insurers’ repository and the death certificate. The engine at the back-end will process the claim from the insurance company and put the money in the bank account within 6-8 hours or maximum, the next day, the claim settlement can be in your account. We believe that this is going to be a game changer,” he said.

To meet the target of providing insurance cover for all by 2047, the IRDA is also looking to form State-level insurance committees similar to the ones prevalent in the banking sector, and rope in State governments to formulate district-level plans, he said at the Confederation of Indian Industry’s annual meeting.

Separately, the IRDA has proposed amendments to the insurance laws that the government may take up soon, which will allow differentiated capital requirements for niche insurers so as to attract more investments, and permit players to add value-added services to the policies they sell.

“Currently, the statute doesn’t permit this. For example, if you are selling a health cover, and you give a yoga membership along with it, then I would believe a millennial girl or a boy would be keener to go for such a product, rather than a plain vanilla product. Or you can offer a nursing service for the parents of that person who could be living 1,000 km away,” Mr. Panda explained.

“The amendments will also enable the entry of new players in the form of micro, regional, small, captive players, specialised players, and even composite licences,” he said.

To buttress the idea, he cited the developments on the banking front, where the central bank oversees several types of banks addressing the needs of different geographies and segments of the population, such as payment banks, small finance banks, co-operative banks, et al.



WHAT IS THE 'OPEN NETWORK FOR DIGITAL COMMERCE'?

The story so far:

The Union government is looking to formally launch the Open Network for Digital Commerce (ONDC) this year to “democratise e-commerce” and “to provide alternatives to proprietary e-commerce sites”. While it has urged companies to join the ONDC platform, major e-commerce players such as Amazon and Flipkart have been reluctant to get on board.

What is the ONDC?

The government wants to change the fundamental structure of the e-commerce market from the current “platform-centric model to an open-network model”. The ONDC is modelled after the Unified Payments Interface (UPI) project that is seen as a success by many. The UPI project allows people to send or receive money irrespective of the payments platforms on which they are registered. Similarly, the government wants to ensure that buyers and sellers of goods in the e-commerce market can transact regardless of the platforms on which they are registered. So under ONDC, a buyer registered on Amazon, for example, may directly purchase goods from a seller who sells on Flipkart. To make such transactions a reality, the government has ordered companies to list themselves on the ONDC. The pilot version of ONDC was launched last year in a few major cities and thousands of sellers have already been on-boarded onto the platform. Amazon and Flipkart, however, have not on-boarded their main shopping platforms onto the ONDC network yet.

Why is the Centre pushing for it?

The government believes that the ONDC will put an end to the domination of the e-commerce market by a few large platforms. It says that the e-commerce market is currently broken into “silos” operated and dominated by private platforms. Amazon and Flipkart, for instance, have been accused of promoting certain seller entities in which they hold indirect stakes. Food delivery apps such as Swiggy and Zomato have also been accused of charging high commissions from sellers. With an open network like ONDC that connects buyers and sellers across platforms, the government hopes to level the playing field and make private platforms redundant.

What do critics say?

Critics argue that the purported benefits of an open network for digital commerce are far from certain at the moment. For one, sellers are already free to list their products across various e-commerce platforms even in today’s platform-centric e-commerce model. Buyers also routinely shop across platforms. Then there are also services such as price-comparison that are offered by various private websites that bridge the information gap and help buyers make better decisions. So, critics argue, the domination of the e-commerce market by platforms such as Amazon and Flipkart may not be due to any captive hold that these platforms have over buyers and sellers. Further, the supposed monopoly that platforms are said to enjoy may be no different from the limited monopoly that any business today has over its property.

What lies ahead?

The capacity of the government’s technocrats to come up with an efficient alternative to e-commerce platforms that can work seamlessly will be tested as the government rolls out the ONDC. It remains to be seen if and how the government’s open network will list products offered



by various sellers. Competition generally pushes e-commerce platforms to prominently list products that are most likely to catch the fancy of buyers. Their on-boarding and listing of sellers is also heavily influenced by the ability of sellers to fulfil customer orders. In fact, platforms may invest money to build exclusive on-boarding and listing processes. If the open network's rules prevent platforms from benefiting from such investments, they may cease to make them anymore. This will eventually affect the quality of services available to consumers. Building an efficient marketplace for the sale of goods and services may turn out to be the key challenge for ONDC.

WHY HAS THE EU SLAPPED A RECORD €1.2B FINE ON META?

Tech giant Meta was hit with a record € 1.2 billion fine and ordered to stop data transfers of Facebook users in Europe to the United States, for not complying with the European Union's privacy framework.

The social media company's data transfers to the United States "did not address the risks to the fundamental rights and freedoms" of Facebook's European users, the Irish data protection board held. The penalty – which is the highest ever for violating EU's General Data Protection Regulation (GDPR) – applies only to Facebook and not to other Meta group entities like Instagram. The ruling comes with a period of at least five months for Meta to comply, but the company has said that it will appeal the decision.

TESLA'S INDIA PLAN: WHAT HAS CHANGED THIS TIME AROUND?

After the Union Government conclusively turned down a demand for import duty cuts by US-based Tesla Inc. and the Texas-based electric vehicle maker subsequently moved ahead to shelve its India debut plans back in mid-2022, there are now signs of renewed activity.

While the specific details are still under wraps, what is clear is that Tesla seems to have communicated a change in stance: dropping its demand for an upfront cut in import duties as a precondition to considering manufacturing in India. And a Tesla team, including some of its supply chain executives from the US, we're in India and have held meetings with key nodal union ministries here.

The change

Nothing has changed in the government's position with respect to the import duty cuts, an official with one of the nodal ministries handling the case told The Indian Express. If at all there is a change, it is on Tesla's side, given that the company now seems willing to discuss manufacturing in India without putting across the import duty cuts as a precondition. And if presented with a coherent plan by the electric vehicle maker for domestic manufacture of cars, there is a likelihood that the government could consider some sops that could incentivise phased manufacturing.

This could include some concessions on duties, depending on the domestic manufacturing plan. Some tweaks on the PLI scheme could be in the offering, among other concessions.

Senior government officials indicated that the car manufacturer's earlier demand for a duty cut was seen as a precondition, that too only for importing cars into the country as fully assembled units, without any immediate or firm proposal to set up a domestic manufacturing facility in India.

The view then, and now, is that any concession on the import duty side has to be offered to everybody as an across-the-board cut, instead of concessions to just one player, a government



official said. This is even more crucial given that India is currently negotiating free trade agreements with other countries and trading blocs, including the European Union and the UK, which have a competitive car manufacturing sector and negotiations include a demand for lowering of import duties.

Import duties in India

Tesla had, in 2021, written to nodal central ministries seeking a reduction in import duties on fully assembled cars. Currently, customs duty ranging from 60 to 100 per cent is levied on cars imported as completely built units (CBUs), depending on the engine size and cost, insurance and freight (CIF) value less or above \$40,000. For those costing \$40,000 or more, the duty is 100 per cent while the duty on cars costing below this is 70 per cent. Tesla had asked for these duties to be cut to 40 per cent or lower.

In response to Tesla founder Elon Musk's tweet early last year that claimed that challenges with the Indian government were proving to be a hindrance in the launch of Tesla's electric cars in India, several state government representatives lined up with invitations to the billionaire to set up shop in their respective territories.

States vying for investments

There are multiple states that responded to Musk's tweet on January 13 last year, where the billionaire, replying to a Twitter user urging the launch of Tesla vehicles in India, said: "Still working through a lot of challenges with the government". The day after that, Telangana Cabinet Minister KT Rama Rao tweeted: "Hey Elon, I am the Industry & Commerce Minister of Telangana state in India. We will be happy to partner with Tesla in working through the challenges to set up shop in India/Telangana. Our state is a champion in sustainability initiatives & a top-notch business destination in India".

The same day, West Bengal's Minister of State for Minority Affairs & Madrasah Education tweeted: "Drop here, we in West Bengal have best infra & our leader @MamataOfficial has got the vision. Bengal means Business..." Officials in Maharashtra and Punjab too responded to Musk's tweet, soliciting investments from the company in their respective jurisdictions.

Tesla's India set-up

Tesla India Motors And Energy Private Limited had been incorporated as a private company in January 2021 and is technically classified as a subsidiary of a foreign company. It is registered with the RoC, Bangalore with an authorised share capital is Rs. 50 crore and a paid-up capital of Rs 35 crore.

PLAN BEING DISCUSSED TO CREATE PETROLEUM RESERVES FROM SALT CAVERNS IN RAJASTHAN

India is exploring the idea of developing salt caverns in Rajasthan as strategic petroleum reserves and public sector consultancy company Engineers India Ltd (EIL) has been tasked with studying its prospects and feasibility.

According to EIL's Chairman and Managing Director Vartika Shukla, the company's recent partnership with Germany's DEEP.KBB GmbH is in line with the objective as neither EIL nor any other Indian company has the requisite technical knowhow, which the German company has.



The country has three strategic petroleum reserves at Mangaluru, Padur, and Visakhapatnam, but all of these are made up of excavated rock caverns. Over the past decade, while there were plans to build a strategic oil reserve in Rajasthan's Bikaner, the project never really took off. Shukla said that examining the possibility of salt cavern-based strategic storage in Rajasthan can be seen as a renewal of that proposal.

"There are formations in geology which have salt inside. The salt has to be taken out and then the caverns have to be prepared for storage of crude. Majority of the caverns in the south in America, in the Houston area, are all salt caverns. EIL and Indian companies do not have the technology for preparing salt formations underground for cavern storage of crude. We have done this alliance to get this technology into the country," Shukla said.

Salt caverns a cheaper option

Unlike rock caverns, which are developed through excavation, salt caverns are developed by pumping water into geological formations with large salt deposits to dissolve the salt. Then the salt cavern is created by draining out the salt dissolved in water. Developing salt caverns is said to be easier, faster, less labour-intensive, and cheaper than building a rock cavern.

On being asked about the likely project cost and whether any specific site is being considered, Shukla said that it is too early to draw up a cost estimate or zero in on a specific site. But she added that the idea is that it would be somewhere in Rajasthan, as it is the state in India that has salt caverns. Rajasthan has a forthcoming refinery in Barmer and has crude pipelines as well, and such infrastructure is conducive for building strategic oil reserves.

India's strategic petroleum reserves have a cumulative capacity of 5.33 million tonnes of crude, and can meet around 9.5 days of the country's oil demand. The strategic oil reserves come under the petroleum ministry SPV Indian Strategic Petroleum Reserve.

EXPLAINSPEAKING: THE ECONOMICS OF CLIMATE CHANGE IN INDIA

Over the past few weeks and months there have been several stories about how extreme weather events (such as unexpected rainfall or unusually high temperatures) have disrupted normal life in India. There is also a constant reminder that more of the same can be expected with each passing year. To be sure, the Global Climate Risk Index 2021 had ranked India seventh in the list of most affected countries in terms of exposure and vulnerability to climate risk events.

In its latest report of currency and finance, the RBI (India's central bank) has a chapter dedicated to answering many of these questions and explaining the macroeconomic effects of climate change in India.

What is the evidence of climate change?

The most obvious signs of climate change are the anomalies in temperature and precipitation (rain, hail, snow etc.). While annual average temperature in India has been increasing gradually, the rise has been significantly sharper during the last vicennial (twenty years) than during any other 20-year time interval since 1901 finds the RBI paper.

Similarly, the south west monsoon, too, has been becoming more erratic.

"Notably, while the average annual rainfall at the all-India level during the last vicennial (2000-2020) saw a rise over that during 1960-1999, over a longer time horizon since 1901, annual

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



average rainfall in India has gradually declined...Moreover, evidence suggests that while dry spells have become more frequent during the last several years, intense wet spells have also increased," finds RBI's research.

Research about natural disasters since 1975 has shown that India is relatively more exposed to floods and storms (i.e., cyclones and hailstorms) than droughts and heatwaves. "Such incidences pose significant risks to agricultural production and food price volatility," states the RBI.

How vulnerable is India to climate change?

India's economic structure has undergone a considerable change since Independence. As such, bulk of the economic activity now happens in the services sector as against the agriculture and allied sectors. This has significant implications for carbon emissions because services are "globally considered to be emission-light with relatively lower energy intensity of output".

metal industries, electricity and transports are the highest emission-intensive sectors, together accounting for around 9 per cent of India's total GVA (gross value added) in 2018-19. In other words, the sectoral composition of the Indian economy helps reduce its carbon emissions. However, notwithstanding this, fossil fuels have an overwhelmingly large share in India's primary energy consumption and this fact needs to change.

What is the macroeconomic impact of climate change on India?

Climate change can adversely impact both the supply side (read the productive potential) as well as the demand side. It can stroke inflation, reduce economic output, trigger uncertainty and change consumer behaviour.

Over the years, there have been several predictions and assessments made about the impact of climate change on India's economy. Some are listed below:

- According to Niti Aayog in 2019, around 600 million of India's population are facing severe water stress, with 8 million children below 14 years in urban India at risk due to poor water supply.
- The World Bank in 2020 said that India could account for 34 million of the projected 80 million global job losses from heat stress associated productivity decline by 2030.
- The IPCC Working Group in 2022 stated that India is one of the most vulnerable countries globally in terms of the population that would be affected by the sea level rise. By the middle of the present century, around 35 million people in India could face annual coastal flooding, with 45-50 million at risk by the end of the century.

Typically the risks from climate change are categorised in two main ways. One is the physical risks and these include chronic issues (such as a gradual and sustained change in temperature and precipitation) as well as acute events such as extreme weather occurrences).

The second category of risks are called transition risks; simply put, these refer to economy-wide changes arising from the transition towards a low-carbon economy. This is best encapsulated by a paradox called "success is failure". This phrase was used by Mark Carney, Governor of the Bank of England, in 2016. Carney meant that if the shift towards becoming a low-carbon economy is too rapid, it could materially damage a country's financial stability.



LIFE & SCIENCE

NEW TECHNIQUE WELCOMES CALCIUM-41 TO RADIOMETRIC DATING

Since its invention in 1947, carbon dating has revolutionised many fields of science by allowing scientists to estimate the age of an organic material based on how much carbon-14 it contains. However, carbon-14 has a half-life of 5,700 years, so the technique cannot determine the age of objects older than around 50,000 years.

Calcium-41

In 1979, scientists suggested using calcium-41, with a half-life of 99,400 years. It is produced when cosmic rays from space smash into calcium atoms in the soil, and is found in the earth's crust, opening the door to dating fossilised bones and rock. But several problems need to be overcome before it can be used to reliably date objects.

One important advancement was reported in *Nature Physics* in March 2023.

When an organic entity is alive, its body keeps absorbing and losing carbon-14 atoms. When it dies, this process stops and the extant carbon-14 starts to decay away. Using the difference between the relative abundance of these atoms in the body and the number that should have been there, researchers can estimate when the entity died.

A significant early issue with carbon dating was to detect carbon-14 atoms, which occur once in around 1,012 carbon atoms. Calcium-41 is rarer, occurring once in around 1,015 calcium atoms.

ANTARCTIC SEA ICE COVER HITS MANY RECORD LOWS

On February 19, the extent of sea ice in Antarctica fell to the lowest level ever recorded. This is in continuation of the worrying trend where sea ice cover shrinks as global temperatures rise. Sea ice melts during Antarctica's summer, which starts around October and ends in March, and then freezes again during the winter months.

Data show that in the last six years, the Antarctic sea ice cover has recorded major declines. The increased melting of sea ice leads to a rise in global sea levels, which poses a major threat to coastal cities. According to NASA, meltwater from Antarctic ice accounts for about one-third of the global average rise in sea level since 1993.

Barring March and April, on all the other days of this year, the sea ice extent remained the lowest-ever recorded. For instance, the 8.73 million sq km of ice extent recorded on May 20 was the lowest-ever recorded on that date since 1950. On many days, the sea ice extent declined notably lower than the levels seen in 2022, the year which recorded the now second-lowest summer sea ice extent in Antarctica.

Such a drastic reduction in ice also changes the way in which water flows across the world, affecting global weather and underwater ecosystems. The Southern Ocean, according to a report by the Intergovernmental Panel on Climate Change, is important for the transfer of heat from the atmosphere to the global oceans. Scientists say that the increase in cold, fresh water from the melted ice leads to a disruption in the way hot, cold, fresh and salty water is circulated across the globe. This change in temperature and density can subsequently affect weather patterns, and alter deep water nutrient flows. Beyond the underwater nutrients, algae that feed smaller crustaceans



like krill, which feed whales, seals, penguins and other birds, are found growing on the sea ice. Diminishing sea ice means that less food is available to support the Antarctic food chain.

With global temperatures rising, the Antarctic region saw higher air temperatures this year. Less sea ice also means that more of the sun's heat, which would otherwise be reflected back, is absorbed by the darker coloured ocean. Heat is trapped in what is known as the ice-albedo feedback cycle.

Anomalies in Antarctica's temperatures have been seen over the years. In 2023, the April temperature in the region was 0.93°C higher than the 1910-2000 average for that month — the second highest increase in the millenia.

While ice sheets melt every summer, the record-breaking drop seen this year is far greater than the minimum levels recorded in the past. February 19, 2023, recorded 1.76 million sq km of Antarctic sea ice extent, the lowest-ever. Although ice does form again in the winter months, freshly formed ice is generally thinner than multi-year ice, which changes the overall surface area of Antarctica to a more fragile state.

ON COPYRIGHT INFRINGEMENT AND AI

The story so far:

The recent decision of the U.S. Supreme Court in the *Andy Warhol Foundation for the Visual Arts Inc. versus Goldsmith et al.* has added more unpredictability to the process of being exempted from copyright infringement liabilities. The judgment is set to have implications for how we regulate a powerful form of artificial intelligence.

To what extent does copyright law protect artists?

Copyright law protects the work of diverse artists, including photographers, and provides a set of exclusive rights for artists over their creative output. This includes controlling the manner in which others reproduce or modify their work. However, these exclusive rights are balanced with the rights of the users of such work, including other artists who might want to build on or comment on them, with the help of diverse exceptions under the copyright law.

What is exempt from infringement liability?

Different jurisdictions follow different approaches to exceptions. Some countries, particularly those in continental Europe, adopt the 'enumerated exceptions approach' — the use in question needs to be specifically covered under the statute to be considered as an exception to copyright infringement. Some others, including the U.S., follow an open-ended approach that does not specify exemptions beforehand, instead, they have guidelines about the types of uses that can be exempted.

The U.S. courts primarily consider four factors when determining whether a particular use can be considered to be an instance of fair use — the purpose and character of the use; the nature of the copyrighted work; the amount and substantiality of the portion taken by the defendant, and the effect of the use on the potential market of the plaintiff's work. Of these, the U.S. courts have been giving the highest importance to the first factor — whether the use of something can be considered "transformative" has often played the most critical role in determining the final outcome in a fair-use case.



This open-ended approach to exceptions provides U.S. copyright law considerable flexibility and strength to deal with challenges posed by emerging technologies on the copyright system. However, it has a major limitation: there is no way to know whether an activity will be exempted from liabilities until after litigation. That is, it is very hard to predict ex ante whether an activity will be exempted from copyright infringement liabilities.

What is the AWF case?

Known for her concert and portrait shots, Lynn Goldsmith photographed the famous musician Prince in 1981. One of those photos was licensed in 1984 to Vanity Fair magazine for use as an “artist reference”. The licence specifically said the illustration could appear once as a full-page element and once as a one-quarter page element, in the magazine’s 1984 November issue. Vanity Fair paid Ms. Goldsmith \$400 for the licence.

It then hired the celebrated visual artist Andy Warhol to work on the illustration. Mr. Warhol made a silkscreen portrait of Prince using Goldsmith’s photo. It appeared in the magazine with appropriate credits to Ms. Goldsmith. But while the licence had authorised only one illustration, Mr. Warhol additionally created 13 screen prints and two pencil sketches. In 2016, Condé Nast, the media conglomerate that publishes Vanity Fair, approached the Andy Warhol Foundation (AWF) to reuse the 1984 illustration as part of a story on Prince. But when they realised that there were more portraits available, they opted to publish one of them instead (an orange silkscreen portrait). As part of the licence to use it, they paid \$10,000 to AWF, and nothing to Ms. Goldsmith.

When the AWF realised that Ms. Goldsmith may file a copyright infringement suit, it filed a suit to declare that it had not committed infringement. Ms. Goldsmith then counter-sued AWF for copyright infringement.

What did the courts find?

First, a district court summarily ruled in favour of the AWF, opining that Mr. Warhol’s use of Ms. Goldsmith’s photo constituted fair-use. The court banked on the first factor and held that Mr. Warhol’s work was “transformative” as they “have a different character, give Goldsmith’s photograph a new expression, and employs new aesthetics with creative and communicative results distinct from Goldsmith’s”. It also observed that Mr. Warhol’s work added something new to the world of art “and the public would be deprived of this contribution if the works could not be distributed”.

However, the Court of Appeals for the Second Circuit reversed these findings and disagreed that Mr. Warhol’s use of the photograph constituted fair-use. The case subsequently went to the U.S. Supreme Court, which delivered its verdict on May 18, 2023.

The majority of judges concluded that if an original work and secondary work have more or less similar purposes and if the secondary use is of a commercial nature, the first factor may not favour a fair-use interpretation unless there are other justifications for copying.

In this particular instance, according to the majority decision, both Ms. Goldsmith’s photos and Mr. Warhol’s adaptations had more or less the same purpose — to portray Prince. The majority said that while copying may have helped convey a new meaning or message, that in itself did not suffice under the first factor. The dissenting opinion focused extensively on how art is produced, particularly the fact that no artists create anything out of a vacuum. Justice Elena Kagan, author of this opinion, wrote of the need for a broader reading of ‘transformative use’ for the progress of



arts and science. The dissenters also opined that Mr. Warhol's addition of important "new expression, meaning and message" tilted the first factor in favour of a finding of fair-use.

How does this affect generative AI?

While this dispute arose in the context of the use of a photograph as an artistic reference, the implications of the court's finding are bound to ripple across the visual arts at large. The majority position could challenge the manner in which many generative artificial intelligence (AI) tools, such as ChatGPT4, MidJourney, and Stable Diffusion, have been conceived. These models' makers 'train' them on text, photos, and videos strewn around the internet, copyrighted or not.

For example, if someone is using a generative AI tool to create pictures in the style of Mr. Warhol, and if the resulting images are similar to any of the work of Mr. Warhol, a court is likelier now to rule against this being described as fair use, taking the view that both the copyrighted work and the models' output serve similar purposes.

The majority's reliance on the commercial nature of the use may also result in substantial deviation from the established view — that the commercial nature of the use in itself cannot negate a finding of fair use. But the true extent of the implications of the verdict will be clear only when trial courts begin applying the ratio in this judgment to future cases.

What about the implications on Indian copyright law?

There may not be any direct implications for Indian copyright law, as the framework of exceptions here is different. India follows a hybrid model of exception in which fair dealing with copyrighted work is exempted for some specific purposes under Section 52(1)(a) of the Copyright Act 1957. India also has a long list of enumerated exceptions.

This said, the observations by the U.S. Supreme Court's decision could have a persuasive effect, particularly when determining 'fairness' as part of a fair-dealing litigation. Then again, only time will tell which one will have a more persuasive effect — the majority or the minority.

UNDERSTANDING A HUMAN PANGENOME MAP

The story so far:

A new study published in the May 10 issue of the Nature journal describes a pangenome reference map, built using genomes from 47 anonymous individuals (19 men and 28 women), mainly from Africa but also from the Caribbean, Americas, East Asia, and Europe.

What is a genome?

The genome is the blueprint of life, a collection of all the genes and the regions between the genes contained in our 23 pairs of chromosomes. Each chromosome is a contiguous stretch of DNA string. In other words, our genome consists of 23 different strings, each composed of millions of individual building blocks called nucleotides or bases. The four types of building blocks (A, T, G and C) are arranged and repeated millions of times in different combinations to make all of our 23 chromosomes. Genome sequencing is the method used to determine the precise order of the four letters and how they are arranged in chromosomes. Sequencing individual genomes helps us understand human diversity at the genetic level and how prone we are to certain diseases.



The genome is an identity card like Aadhaar. As each of our Aadhaar card is unique, so is our genome. As sequencing individual genomes of all humans is expensive, we do not yet have all our genome identity cards. To circumvent this, one can have a collective identity card. For example, we can have a single genome identity card for everyone living in a region.

What is a reference genome?

When genomes are newly sequenced, they are compared to a reference map called a reference genome. This helps us to understand the regions of differences between the newly sequenced genome and the reference genome. One of this century's scientific breakthroughs was the making of the first reference genome in 2001. It helped scientists discover thousands of genes linked to various diseases; better understand diseases like cancer at the genetic level; and design novel diagnostic tests. Although a remarkable feat, the reference genome of 2001 was 92% complete and contained many gaps and errors. Additionally, it was not representative of all human beings as it was built using mostly the genome of a single individual of mixed African and European ancestry. Since then, the reference genome map has been refined and improved to have complete end-to-end sequences of all the 23 human chromosomes.

Although complete and error-free, the finished reference genome map does not represent all of human diversity. The new study published in Nature changes this. The main paper and the accompanying articles published in the same journal and Nature Biotechnology describe the making of the pangenome map, the genetic diversity among the 47 individuals, and the computational methods developed to build the map and represent differences in those genomes.

What is a pangenome map?

Unlike the earlier reference genome, which is a linear sequence, the pangenome is a graph. The graph of each chromosome is like a bamboo stem with nodes where a stretch of sequences of all 47 individuals converge (similar), and with internodes of varying lengths representing genetic variations among those individuals from different ancestries. To create complete and contiguous chromosome maps in the pangenome project, the researchers used long-read DNA sequencing technologies, which produce strings of contiguous DNA strands of tens of thousands of nucleotides long. Using longer reads helps assemble the sequences with minimum errors and read through the repetitive regions of the chromosomes which are hard to sequence with short-read technologies used earlier.

Why is a pangenome map important?

Although any two humans are more than 99% similar in their DNA, there is still about a 0.4% difference between any two individuals. This may be a small percentage, but considering that the human genome consists of 3.2 billion individual nucleotides, the difference between any two individuals is a whopping 12.8 million nucleotides. A complete and error-free human pangenome map will help us understand those differences and explain human diversity better. It will also help us understand genetic variants in some populations, which result in underlying health conditions. The pangenome reference map has added nearly 119 million new letters to the existing genome map and has already aided the discovery of 150 new genes linked to autism.

Although the project is a leap forward, genomes from many populations are still not a part of it. For example, genomes from more people from Africa, the Indian sub-continent, indigenous groups in Asia and Oceania, and West Asian regions are not represented in the current version of the pangenome map.



Even though the current map does not contain genome sequences from Indians, it will help map Indian genomes better against the error-free and complete reference genomes known so far. Future pangenome maps that include high quality genomes from Indians, including from many endogamous and isolated populations within the country, will shed light on disease prevalence, help discover new genes for rare diseases, design better diagnostic methods, and help discover novel drugs against those diseases.

COULD AN OCEAN COCKTAIL HAVE BEEN THE TRIGGER FOR ABIOGENESIS?

WHAT IS IT?

The origin of life on Earth is often a topic of hot debate within the scientific community. One of the prominent theories of how life came to be is abiogenesis.

This theory states that life started on earth 3.5 billion years ago from non-life components such as amino acids, nucleotide molecules or sugars.

These are the building blocks of life. To prove this theory, the now-famous Miller-Urey experiment was conducted in 1952.

Two scientists, Stanley Miller and Harold Urey, applied a substantial amount of electricity to a mix of hydrogen, ammonia, methane and water vapour, mimicking the conditions found on earth at the time.

Proponents of abiogenesis hypothesise that these simple components came together to form complex molecules such as proteins and nucleic acids, which then went on to form single-stranded RNA and its more complex cousin, the double-stranded DNA.

Scientists believe this process kicked off most likely around hydrothermal vents deep in the ocean.

THE TRAGEDY OF THE AXOLOTL MUTANT

The axolotl is a species of salamander (lizard-like amphibians) originally found in Lake Xochimilco, near Mexico City. Sadly, they are now almost extinct in the wild. Their gene pool survives among individuals bred in captivity for the pet trade and for aquaria.

Even though they are amphibians, axolotls remain aquatic throughout their lives. In 1965, the American biologist Rufus R. Humphrey wrote:

“The common name, ‘axolotl’, of Aztec origin, has been variously interpreted as ‘water dog’, ‘water twin’, ‘water sprite’, or ‘water slave’. The last interpretation (“slave of the water”) is in one sense particularly appropriate: Since the Mexican axolotl does not ... become adapted to a terrestrial existence, it must spend its life in water, in contrast with its many relatives of the genus *Ambystoma*.”

Today, a small number of scientists study how axolotls manage to quickly regenerate lost limbs, gills, tail, even their eyes, and parts of the head.

The hope for such research is that by understanding how axolotls regenerate lost body parts, we might gather clues on how to increase our own chances of doing the same thing.



ANIMALS OF INTERMEDIATE MASS TRAVEL FASTER, SAY SCIENTISTS

A group of German scientists studied the travel speeds of 532 animal species to arrive at the result: that the highest travel speeds are achieved by animals that have intermediate body mass. On the other hand, larger animals must reduce their speeds to avoid hyperthermia during extended periods of motion. Hyperthermia is a condition that causes an abnormally high body temperature.

The ability to move is crucial for animals because it allows them to access resources and reproductive opportunities they need to survive in fragmented ecosystems. Animals' moving speeds usually depend on the mode of locomotion (flying, running, swimming, etc.), body mass, and the experienced temperature.

The study used a hump-shaped relationship between travel speed and body mass, based on previously studied models of maximum speed. The study paper also pointed out that thus far, few other studies have considered how metabolic heat can limit movement speed.

Metabolic heat is the inevitable by-product of muscular contractions, and is directly proportional to the amount of physical work, including locomotion. To keep the core body temperature stable, an animal's body must sufficiently dissipate 'excess' heat to its surroundings. So it is important for animals to decrease their metabolic demands when heat dissipation can't balance metabolic heat production. This is why animals must reduce their speeds.

The researchers used three models of how travel speed varies with body mass: a simple metabolic model, a constant heat-dissipation model, and an allometric heat-dissipation model. Comparing between the three showed that the allometric heat-dissipation model best describes the systematic relationship between body mass and realised animal travel speeds across flying, running, and swimming.

This model provided also an important insight: even though the largest animals possess the metabolic potential to sustain higher speeds, the speed that they do realise is limited by the risk of hyperthermia.

The study also provided an understanding of animal travel velocities, based on the laws of physics, that can be generalised across species even when biological details of the individual species are unknown. This will help make more realistic predictions of biodiversity dynamics in divided landscapes, as consequences of anthropogenic activities like climate change disrupt the natural movements of animals.

GLOBAL POLIO TARGETS SET FOR THIS YEAR UNLIKELY TO BE MET

Since 1988, when the World Health Assembly established the Global Polio Eradication Initiative (GPEI), wild poliovirus subtype-2 and subtype-3 have been successfully eradicated. The number of wild poliovirus cases across the world have sharply dropped by more than 99.9%.

Today, Afghanistan and Pakistan are the only countries where indigenous wild poliovirus subtype-1 transmission continues uninterrupted.

Rise in cases

Last year, the number of wild poliovirus subtype reported from Afghanistan and Pakistan shot up to 22 (two in Afghanistan, and 20 in Pakistan), from just five such cases in 2021. All the 20 cases



reported in Pakistan were from security-compromised districts in Khyber Pakhtunkhwa province, representing a 19-fold increase over the single case reported in 2021. As of May 10, 2023, one case of wild poliovirus subtype-1 (WPV1) was reported in Khyber Pakhtunkhwa. In the case of Afghanistan, the latest reported WPV1 case was on August 29, 2022.

This year, as of May 10, one WPV1 case has been reported in Pakistan (February 20, 2023), while two cases have been detected from environmental samples. In contrast, there have been no wild poliovirus subtype-1 cases reported this year in Afghanistan, while 18 positive environmental samples have been reported so far this year.

Cause for concern

According to a recent report in the Morbidity and Mortality Weekly Report (MMWR), 859 cases of circulating vaccine-derived polioviruses (cVDPVs) have been reported last year. This marks an increase of 23% (698 cases) increase in such cases a year earlier — 2021. But what is particularly concerning is the fact that circulating vaccine-derived polioviruses have been reported from countries where poliovirus transmission had long been eliminated such as Canada, Israel, the U.K. and the U.S. In addition, there has been co-circulation of multiple poliovirus types occurring in multiple countries globally — Democratic Republic of the Congo (DRC), Israel, Malawi, Mozambique, Republic of the Congo, and Yemen.

The report warns that it is “unlikely” that the current global epidemiology of poliovirus transmission will make it possible to meet the 2022-2026 GPEI goal of detecting the last cases of WPV1 and cVDPV this year.

WHO'S GUIDELINE ON NON-SUGAR SWEETENERS

The story so far:

The World Health Organization (WHO) issued new guidelines on May 15 advising against the use of non-sugar sweeteners (NSS) like aspartame, saccharin, stevia and other derivatives as a “healthy” alternative to sugar. In its ‘conditional’ guideline, WHO says non-sugar sweeteners should not be used as a means of achieving weight control or reducing risk of diet-related non-communicable diseases. The spotlight on NSS intensified after 2015, when the WHO had said that high intake of free sugars is linked to weight gain and obesity, leading consumers to turn to NSS as an alternative.

What are non-sugar sweeteners?

Non-sugar sweeteners (NSS) are marketed as low or no-calorie alternatives to free sugars which aid in weight loss, and in controlling blood glucose in individuals with diabetes. NSS categories studied by WHO include acesulfame K, aspartame, advantame, cyclamates, neotame, saccharin, sucralose, stevia, and stevia derivatives. Aspartame is popularly used to sweeten diet colas that claim to have ‘no sugar, no calories.’ Saccharin is used to sweeten tea or coffee.

How did WHO conclude its findings?

The WHO analysed a total of 283 studies on the intake of NSS in adults and children. The outcome of the trials was that they noted ‘higher intake’ of NSS was associated with a 76% increase in risk of obesity and a 0.14 kg/m² increase in BMI (Body Mass Index). The WHO warned that long-term



use of NSS could lead to increased risk of Type 2 diabetes, cardiovascular diseases, chronic kidney disease and cancer.

Dr. Amrith Mithal, Chairman and Head, Endocrinology and Diabetes division of Max Healthcare Hospital, says more studies are required because currently the evidence cited by the WHO on non-sugar sweeteners has been categorised into either moderate, low or very low certainty. Moderate certainty indicates that WHO is moderately confident about the risks and that the true effect is likely to be close to the estimate, but there is a possibility that it is substantially different.

Dr. Mithal says the guidelines have been particularly issued “to prevent unfettered consumption of artificially sweetened products like chocolates and colas, as consumers tend to over-indulge in these with a perception that they may be better than sugary products.”

What are the concerns?

Health experts point out that India should take necessary steps to guide people on non-sugar sweeteners because one in nine women and one in 25 men are obese, according to the latest National Family Health Survey. Obese people are more prone to suffer from diabetes. There are an estimated 25 million people living with pre-diabetes in India, according to WHO data. Two or three decades ago, Dr. Mithal says he never diagnosed a 20-year-old or a 25-year-old with lifestyle-related Type 2 diabetes. “This has changed. Now for every three young patients who are Type 1 (diabetic at birth due to genetic factors), I have one patient under 25 years who has diabetes due to lifestyle and diet-related causes,” he explains. Those who are obese in their teenage years and diabetic in their twenties have a higher chance of getting heart attacks in their thirties and forties, he cautions.

A food industry player who adds artificial sweeteners to the ice-creams the company sells says: “For us, developing products that have no added sugar but taste as sweet with similar palatability is a priority.” Dr. Mithal points out that non-sugar sweeteners are known to have an effect on the gut and bones and that they cause bloating. “I know young patients who have at least six diet colas a day. This needs to be restricted,” he says.

What is WHO’s nutritional advice?

The WHO says it is difficult to view the role of NSS in isolation when it comes to weight loss studies that were analysed, so it is important to note that the quality (nutritional profile) and quantity of diet are also crucial in this matrix. It recommends having alternative foods which are minimally processed, unsweetened foods and beverages. While analysing studies, WHO has found that weight loss in certain subjects cannot entirely be attributed to switching from sugars to NSS, as it also depended on having a reduced portion size or energy intake of food.

What happens next?

The Ministry of Health will have to initiate discussions among policy-makers before it decides to adopt this ‘conditional’ recommendation as a national policy, say health experts. The WHO recommends that with the help of this guideline, efforts should be made, with a focus on youngsters, to tweak taste preferences and eating behaviours.



AFTER SUGAR, IT IS TIME TO REGULATE HOW MUCH SALT IS BEING CONSUMED

Salt reduction in diet is the most cost-effective measure to control non-communicable diseases. The World Health Organization had previously cautioned that the world is off track to achieve its global target of reducing salt intake by 30% by 2025

After the COVID-19 pandemic, what seems to have caught the world's attention is salt intake and its harmful effects on the human body. Recently, the Indian Council for Medical Research tweeted about the ways to reduce salt intake by avoiding the addition of salt while cooking rice or preparing the dough, skipping pickles and table salt and going in for salt substitutes. It rightly pointed out that children, younger than 12 years, require only three grams of salt per day.

The World Health Organization had cautioned a couple of months ago that the world is off track to achieve its global target of reducing salt intake by 30% by 2025. The report shows that only 5% of the WHO member states have mandatory and comprehensive sodium-reducing policies. Additionally, seventy-three per cent of the WHO member states lack the full range implementation of the policies.

Implementing highly cost effective sodium reducing policies could save an estimated seven million lives globally by 2030.

Reducing sodium in diet

An unhealthy diet is the leading cause of non-communicable disease, with excess sodium being the main culprit. WHO has suggested the following measures — reformulation of food to contain less salt; controlled procurement of high sodium food in public institutions like schools, workplaces and hospitals; labelled promotion of packed foods with low sodium choices and achieving behavioural changes in population through campaigning in media.

The WHO has also established a scorecard for various countries. According to that card, India does not have a national policy but it does have voluntary measures to reduce sodium. However, this has not caught up well in the last decade. Only persons who have hypertension or kidney disease are advised by their personal physicians to reduce salt in the diet. The population at large is still not aware of the danger of hidden salt — salt that is present in ready-made and packed foods.

The effects of excess salt

Unfortunately, sodium labelling is not mandatory in our country so far. It is also important to use the word salt rather than sodium so that people can appreciate the relationship to hypertension. A recent study from Sweden has shown a connection between salt consumption and atherosclerosis, even in the absence of hypertension. Atherosclerosis is a disease which blocks the blood vessels. The study included 10,788 individuals between 50 to 64 years. Every gram of extra sodium was associated with a 9% occurrence of plaques in the carotid arteries which supplies blood to the brain; and a 17% increase in coronary artery plaques.

Recently, a salt awareness week was celebrated between May 15 to May 21. The pioneering organisation from U.K., WASH (World Action on Salt and Health) has been spearheading campaigns all over the world.

Sapiens Health Foundation, an NGO from Chennai has also been campaigning throughout India since 2010. The organisation was given the Notable Achievement Award by the World



Hypertension League in 2014 for reducing salt intake in the population. So far the studies conducted in India have been in small numbers of approximately 1,000 individuals. The foundation is planning to form a low-salt group and involve more than 100 physicians and food manufacturers to conduct research and bring down the sodium content of packed foods. The foundation has already written to more than 300 food manufacturers in the country to use modern technology for prolonging the shelf life rather than use sodium and that low-salt substitutes should be offered in various snacks. It has also written to the Central Government to make salt labelling mandatory and copy the signal labelling of U.K., where a red colour indicates unhealthy high salt content.

To reduce salt consumption

The U.K. has been the leading country in the world to have reduced salt consumption in the population. Over the last decade, the salt content of bread has been brought down by 30% gradually, without people being aware. This has resulted in preventing thousands of strokes and cardiovascular events. According to a Cochrane review, reducing salt in the diet in diabetic patients is associated with slower progression of kidney disease, with fewer drugs required to control blood pressure.

During the COVID-19 pandemic, there were notable studies from China and Germany which pointed out the association between high salt intake and decreased immunity in the body. Salt reduction in the diet is the most cost-effective measure to control non-communicable diseases. India should wake up to this reality. Improving the quality of life by avoiding strokes and heart attacks is the goal — not just prolonging longevity.

DOES EATING TOO MANY CARBS CAUSE SUGAR SPIKES, INSULIN RESISTANCE? WHY YOU NEED GOOD CHOLESTEROL FOOD, MILLETS TO LOWER THEM?

Insulin resistance is a condition where the body's cells stop responding to the glucose control hormone. It can happen due to different foods in different countries. When it comes to India and broadly South Asia, the commonest cause of insulin resistance is the consumption of excess carbohydrates.

Nowhere else in the world, and we have data, so much rice is consumed. Not even in China now, they have reduced their rice intake. Whereas South Asia – India, Pakistan, Bangladesh, Sri Lanka, Nepal, Maldives, and Bhutan – there are the places where rice is the major contributor towards insulin resistance. Of course, in north and west India the major contributor is refined wheat flour, which is no better than rice.

To understand why the consumption of excess carbohydrates leads to insulin resistance – and diabetes – we need to understand why it happens. Excess carbohydrates can lead to obesity, particularly central obesity or fat in the abdominal area. While this fat itself can lead to the insulin not working properly, a person with central obesity is likely to have fat deposited on their liver and their muscle. Without all the fat, the insulin can work smoothly and easily burn off the glucose. The fat acts like an obstruction that slows down the activity of the insulin.

Coming back, rice and wheat when consumed in moderation do not lead to insulin resistance. But we do not consume it in moderation – it is the main part of our breakfast, lunch, and dinner. Rice or chapati is the main component of our meals and everything else is an accompaniment. Instead,



there is a need to create a plate where vegetables make half of it, proteins a quarter, and carbohydrates just one quarter.

To improve the plate, the highly polished rice and refined wheat can be replaced with complex carbohydrates such as whole grains, millet, and oats.

Now, let's come to foods other than these carbohydrates. Most of the fruits are okay in moderation. However, certain fruits like bananas, mango, and other highly sweet fruits, can also lead to insulin resistance. This happens particularly with fruit juices where there is no fibre left.

Next, we need to take a look at the fats that are used in our food. It is the saturated fats – such as high-fat dairy, ghee, vanaspati, coconut oil, and palm oil – that lead to insulin resistance. Broadly, remember any oil that remains solid at room temperature – including trans fats that are the greasy, solid layer seen on many desserts – can lead to insulin resistance.

The unsaturated fats – mainly mono-unsaturated fats like olive oil, corn oil, groundnut oil, sesame oil (gingelly oil), and mustard oil – don't produce insulin resistance. While mono-unsaturated fats are the best, poly-unsaturated fats such as sunflower oil and safflower oil are also quite good.

The other thing that can give you fat is meat – red meat has definitely been shown to produce insulin resistance. But lean meat like poultry or fish is good; in fact, fish contains omega-3 fatty acids that can actually reduce insulin resistance. Vegetarians can include Bengal gram, green gram, rajma, and mushrooms in their diet as they are low in carbohydrates, high in fibres, and high in protein. Soya is also very good, with a very high 40% protein content.

Then we come to vegetables – there has to be lots of fresh, green, leafy vegetables. Starchy vegetables such as potatoes, yams, beetroot, and tapioca should be avoided because they are almost the same as consuming rice and wheat. A broad rule can be to avoid vegetables that grow under the roots, they are usually the starchy ones, except for carrots – carrots are very fibrous and contain nutrients like carotenoids and vitamin A. And also try and eat vegetables like tomato and cucumber raw.

Next, we come to sugars – the World Health Organization recommends that less than 5% of total daily calories come from sugars. So, only one or two spoons of sugar should be consumed during the entire day. In fact, sweetened beverages are the commonest reason for insulin resistance in the West.

Coming to the surprising findings.

We used to think nuts are bad, but for every nut that we have worked with so far – groundnut, pistachio, cashew, and almond – the finding has been consistent. It reduces insulin resistance and decreases weight. They contain a lot of calories, but they are also very satiating. You cannot eat too much – you end up eating less of say rice and roti. If you have say a fistful of nuts at 11 o'clock before your lunch at 1, you are likely to eat less at lunch.

They give you fat, but the right type of fat – the mono-unsaturated fat mentioned earlier.

But while eating nuts, two things have to be kept in mind.

First, the quantity – you cannot polish off a huge amount. Have only a fistful of nuts a day. In fact, Indians have low good cholesterol or HDL levels and the nuts can increase it. For the first time in



the world, we showed that cashews can not only increase the HDL level, they can also bring down the blood pressure. Then a study from the US confirmed these findings.

Second, the nuts have to be unsalted.

The other thing that we found in our studies from Chennai is that dairy seems to be actually protective against insulin resistance, obesity, and diabetes. Initially, we doubted it, we thought there may be some confounders. Then we did a 15-year follow-up prospective study of people who did not have diabetes at the beginning of the study and divided it into whether they consumed dairy or not and found that dairy was actually protective, thereby confirming our previous finding.

Among the dairy, yogurt came out to be the best, milk was good, cheese was okay, but butter was neutral. So, you need not give up dairy. Not only is it protective, but it also gives you a lot of protein and calcium. But, again no one should go overboard – don't drink two or three glasses of milk a day. One glass of milk gives 500 mg of calcium, which is half the daily requirement even for a pregnant woman and okay for a man.

In addition, yogurt also improved the gut microbiota. The foods that we consume affect the gut microbiome. When you have high-fat, salt, and sugar food, it destroys the good bacteria and replaces them with the bad ones. This leads to leakiness of the gut which causes inflammation, which again leads to insulin resistance.

Other than diet, the key to reducing insulin resistance is three types of exercise FAR — flexibility, aerobics, and resistance.

ADVOCATES FOR OCTOPUSES TRY TO BREAK THEM OUT OF SPANISH DETENTION

Animal rights activists gathered on Sunday in Madrid to protest plans for an octopus farm in Spain, saying there are no laws in the country and the European Union to guarantee the welfare of the animals in captivity.

The proposed farm, which aims to breed octopuses on a large scale in captivity, is scheduled to be built next year in the Canary Islands, a Spanish archipelago in the Atlantic Ocean, at a cost of \$74 million.

A few dozen people showed up to express their concerns regarding a project that plans to confine three million octopuses in pools, despite these creatures being solitary predators in the wild.

Jaime Posada, a spokesperson for the protest called by various animal welfare organisations, said the octopus would “attempt to escape due to their high intelligence and adeptness”.

Octopuses grown in captivity will behave differently from those in the wild, said Nova Pescanova, the seafood company promoting this farm.

Since 2018, the company has run a pilot project in a research facility in northern Spain, where it has successfully bred five captivity-born octopus generations.

Since the demand for octopus has risen, farming them is being regarded as a first step to ensure sustainable food production.

Octopus is a staple in the Mediterranean diet, particularly in Spain and Italy, although both of them import most of the octopus they consume.

Recently, the global demand for the cephalopod has expanded, with the U.S. recording a 23% increase in imports and China, a 73% surge between 2016 and 2018, according to the U.N. Food and Agriculture Organisation.

Demand is also surging in South Korea and Japan, and natural fishing grounds are feeling the strain.

Since the 2020 documentary *My Octopus Teacher* captured the public imagination with its tale of a filmmaker's friendship with an octopus, concern for their well-being has grown.

Last year, researchers at the London School of Economics reviewed 300 studies and found that octopus were sentient beings capable of experiencing distress and happiness, and that high-welfare farming was impossible.

Traditional octopus fishers are also wary of the venture, worried it could push down prices and undermine their reputation for quality produce.



DreamIAS