



# CURRENT AFFAIRS FOR UPSC

15th to 21st October 2023



## INTERNATIONAL

### MISSED OPPORTUNITY

In the recent Australia referendum on the Voice, a proposed body comprising members of the Aboriginal and Torres Strait Islanders people to advise the country's Parliament on laws impacting this vulnerable group, voters dropped the plan by a resounding 60% margin, rejecting an opportunity to amend their constitution for the first time in almost 50 years towards a more inclusive ethos. The idea of the referendum came from a historic 2017 summit of Indigenous peoples, which announced the 'Uluru Statement from the Heart' and called for a treaty between the Australian government and the indigenous community as well as a commission to promote "truth-telling about our history". In March 2023, Australian Prime Minister Anthony Albanese announced a plan to hold the referendum, arguing that the Voice would formalise the "recognition" that Australians who arrived... from elsewhere "share this great island continent with the world's oldest continuous culture". On the one hand, the Voice was seen by its supporters as the means to enable consultations between lawmakers and Indigenous community leaders on policies to address, for example, the shorter life expectancy of this group relative to non-Indigenous Australians, and their considerably lower health care and education attainments, and higher incarceration rates.

However, its critics posited that the Voice might split Australians along racial lines while failing to reduce the disadvantages faced by the indigenous peoples and opening the door to compensation and reparation claims. The 'No' campaign advocates, including prominent members of the Indigenous community, also urged that at 4.8% of Parliament, which is more than the proportion of Indigenous people in the total population, the group already enjoyed fair representation. Indeed, several Indigenous leaders have argued that they would prefer to see a "legally binding, negotiated agreement" between the government and the First Nations peoples. Mr. Albanese has now called for unity across Australian society while standing by his decision to hold the referendum. While it remains to be seen whether he will — as he has indicated he intends to — hold a referendum if he wins another term in 2025, in the broader arc of history the country has missed the chance to take forward the conversation on building a more harmonious future for all Australians. Whether by the Voice, a binding treaty or more pro-Indigenous intention and action by lawmakers, unless the human development indicators and life prospects of the Indigenous peoples are brought to parity with those of other Australians, the country's socioeconomic progress will be hobbled by an unsettled question of justice from its colonial past.

### BACK IN BUSINESS

After Saturday's national election, New Zealand is poised to get its most right-wing government in years with the conservative National Party and its libertarian ally ACT winning most of the votes and the Labour Party of Prime Minister Chris Hipkins seeing a major erosion of its popular support. With most votes counted, National's vote share went up to 39% from 26% in 2020, while Labour's share collapsed from 50% to 27% in the same period. The Green Party, a Labour ally, won 11% of the votes and ACT secured 9%. Labour's fall was particularly significant as under the leadership of the charismatic Jacinda Ardern, it had swept the national elections three years earlier. Ever since New Zealand moved to the proportional representation system in 1993, 2020 was the only time a single party got an absolute majority. Ms. Ardern's leadership was widely praised, especially during her handling of the COVID-19 crisis (New Zealand saw one of the lowest per capita death rates). She was also seen as an icon of liberal politics, and Labour promised to

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tackle child poverty, climate crisis, and narrow inequality. But she stepped down in January this year citing burnout. By that time, her popularity had also tanked, with many increasingly frustrated over the country's economy.

Mr. Hipkins campaigned on Labour's achievements including the tackling of the pandemic and child poverty and promised to continue its broader agenda aimed at "helping the working people". But the Opposition's criticism that Labour had failed to bring in the "transformational change" it had promised, after six years of power, seems to have hurt the party. Its stringent COVID-19 lockdowns and border controls also contributed to the economic woes. There was a brief recession this year and the country is still reeling under high inflation and high interest rates. National Party leader Christopher Luxon, a former airline executive, focused his campaign on the economy, and promised to cut interest rates and government spending. Voters, driven by concerns about the economy, punished the party which they had voted for overwhelmingly three years ago, and turned towards Mr. Luxon. He will assume power at a critical time for New Zealand. While any radical change in foreign policy (which is leaned towards the U.S. without irking China) is unlikely, at home, Mr. Luxon is likely to move the government away from Labour's welfarism. He has to address the cost of living crisis and bring the economy back to its growth trajectory. But he should also be mindful of structural issues such as homelessness, child poverty and inequality that have plagued New Zealand's economy for decades. He has to balance his pro-business policies with incremental redistribution.

## VLADIMIR PUTIN SEEN WITH 'NUCLEAR BRIEFCASE' IN CHINA: ITS HISTORY, WHAT IT CONTAINS

During Russian President Vladimir Putin's recent visit to China, he was seen with officers carrying what is known as the "nuclear briefcase".

After a meeting with Chinese President Xi Jinping on Wednesday (October 18), Putin was seen walking in a video footage, followed by two Russian naval officers in uniform – each carrying a briefcase. One of these is likely to be the 'nuclear briefcase', which has evoked a sense of mystery over the years. How did it come into existence and what exactly is it supposed to contain? We explain.

### What is the 'nuclear briefcase'?

Also known as the 'Cheget', named after a mountain in Russia, the briefcase is part of a larger system in place for authorising the launch of nuclear strikes. It's part of a secured communication setup, meant to convey orders for a nuclear strike to the rocket forces of the country.

The communication among the forces is done via the 'Kazbek' electronic command-and-control network. Kazbek supports another system, known as 'Kavkaz'.

Apart from the Russian President, the Defence Minister and the Chief of General Staff have a briefcase each, and the three are supposed to coordinate in case of a potential order to strike. The President takes the briefcase on his visits abroad as well.

### How does the system work, exactly?

Once radar operators sent out alerts of possible enemy action, the Russian electronic command-and-control networks were activated.



“The duty general received his information from the radar operator on a special notification terminal, Krokus. He then passed it to the Kavkaz, a complex network of cables, radio signals, satellites and relays that is at the heart of the Russian command and control,” the Post’s report notes.

The alert then reached the three nuclear briefcases. “Yeltsin immediately got on the telephone with the others holding the black suitcases, and they monitored the rocket’s flight on their terminals,” the Post’s report added. Yeltsin later announced that he had used the nuclear briefcase for the first time.

A Russian TV outlet showed the inside of the older briefcases in 2019. It had several buttons, including a white one to give the go-ahead to launch a strike and a red one to stop the order.

#### **Do other countries have such a briefcase?**

Yes, the American President has a similar briefcase officially called the Presidential Emergency Satchel. It was nicknamed the ‘football’ after a 1960s mission called ‘Dropkick’ (a term related to American football). It is thought to have begun in the era of John F Kennedy, who was concerned about how in the era of a Cold War between the two superpowers of the time (the US and USSR), orders for a nuclear strike would be verified quickly.

The Atomic Heritage Foundation states that the football includes information on retaliatory options, a book listing classified site locations, and a three-by-five-inch card with authentication codes – called the ‘biscuit’. Through this, the President can authorise a nuclear attack, which is then carried out by the military – similar to the Russian system. The Vice President also has a briefcase near her, in case the President is incapacitated or has died.

A watchdog of the US Defence Department was also entrusted in 2021 to assess the safety protocols surrounding the football. It followed reports that during the January 2021 riots at the US Capitol, in which around 2,000 people entered the Capitol building illegally, the Vice President’s football was not too far from the commotion.

In November 2017, when Trump was in Beijing to meet Xi Jinping, a Chinese security official reportedly got into a tussle with a US military aide carrying the briefcase and attempted to halt their movement.

## THE UN APPROVED KENYA-LED SECURITY MISSION TO HAITI

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

Around a year after Haiti approached the United Nations seeking urgent help to combat deadly gang violence, the United Nations Security Council (UNSC) has approved international intervention in the form of a foreign security mission, led by Kenya, to restore security, protect critical infrastructure and control spiralling violence in the country. Haiti has experienced a surge in violence over the past year as armed groups took control of large parts of the country, including the capital Port-au-Prince. This has resulted in the killings of nearly 2,800 people, including 80 minors, between October 2022 and June 2023.

### **Why is UN sending a mission to Haiti?**

Haitian Prime Minister Ariel Henry first sought international support to assist the national police in October last year after the country plunged into a crisis when a group of gangs called “G9 and



Family” seized control of the entry of the main fuel port Varreux in the capital protesting the PM’s decision to cut fuel subsidies. The blockade brought the country to a standstill and led to massive shortages. The lack of gas and diesel adversely affected transportation and forced several hospitals and other medical institutions that relied on fuel-powered generators to halt operations. A UNICEF report at the time claimed that the operations of three-quarters of the country’s major hospitals were hit due to the blockade. To make matters worse, there was a shortage of bottled water in the backdrop of a new outbreak of cholera. As the crisis deepened and overwhelmed the short-staffed police force, Haitian leaders turned to the international community for help, seeking a specialised armed force to counter gangs and their sponsors.

However, the U.S. and the UN were hesitant to take the lead. The stalemate ended in July this year after Kenya proposed to head the multinational force, following which the resolution was forwarded to the UNSC.

#### **What do we know about the mission?**

Unlike the UN peacekeeping mission to Haiti that ended in 2017, the multi-national security mission (MSS) will not be operated by the UN. Kenya has volunteered to lead the force. Other countries like the Bahamas, Jamaica and Antigua and Barbuda have also offered support. The resolution says that the force will provide “operational support” to the Haitian National Police, including building its capacity to counter gangs, improve security conditions in the country and secure ports, airports and critical intersections. Notably, the resolution adds that the forces will have the authority to make arrests in coordination with Haitian police. It also intends to create favourable conditions in the country to pave the way for elections. Polls have not taken place in Haiti since 2016. The strength of the force in Haiti has not been specified in the resolution, although discussions suggest that 2,000 personnel would be part of the mission.

While the U.S. has made it clear that it won’t send its troops, it has pledged \$100 million in logistical support like intelligence, communications, airlift operations and medical aid. While the deployment date is yet to be announced, Kenyan Foreign Affairs Minister Alfred Mutua was quoted as saying by The Associated Press that the force could deploy within two to three months, or possibly early January.

#### **What led to the delay?**

Haiti’s troubled past with foreign military interventions is being viewed as the primary reason for the delay in deployment. The last time a force was sent to stabilise Haiti was in 2004 when former Haitian President Jean-Bertrand Aristide was overthrown in a rebellion. This was followed by a UN peacekeeping mission which went on from 2004 to 2017. The mission was marred by allegations during its deployment in the country. A sewage runoff from a peacekeeper camp was blamed for causing a cholera epidemic which saw more than 10,000 deaths. There were also serious allegations of sexual abuse against the UN peacekeepers. Since then, Haitians have been sceptical about the intervention of a foreign armed force.

Moreover, countries were wary of lending support to PM Henry who doesn’t enjoy the popular support of Haitians.

### **AWARD TO PALESTINIAN WRITER DEFERRED: CLOSING THE MIND**

At the heart of Adania Shibli’s third novel *Minor Detail*, longlisted for the 2021 International Booker Prize, is a true incident — the rape of a young Arab woman by Israeli troops in 1949. But

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the brutality is only the point of origin of the Berlin-based Palestinian writer's contemplations on violence and dispossession. It pushes its readers to confront larger questions of choice and empathy in the face of persistent attempts at disenfranchisement and erasure.

Like empathy, disenfranchisement also comes in varying degrees. At the ongoing Frankfurt Book Fair, where Shibli would have received the 2023 LiBeraturpreis for the novel, a postponement of the award ceremony to a later, undisclosed date and a "less politically charged atmosphere" was announced, ostensibly keeping the volatile situation in West Asia in mind. Other changes were also made — reiterating its commitment to Israel, Fair organisers declared additional platform and extra time to Israeli participants.

The postponement of the award ceremony has rightly drawn criticism from various quarters, including in the form of an open letter signed by over 600 writers, that has several Nobel and Booker Prize winners such as Abdulrazak Gurnah, Annie Ernaux, Olga Tokarczuk, Anne Enright and Ian McEwan among its signatories. As the Israel-Palestine offensive continues in the aftermath of Hamas' attack, attempts to downplay and stifle voices of protest, voices that disagree, has not been unique or confined to Frankfurt alone. Across Stanford, Columbia and other elite universities in the US, where students have spoken up in favour of the Palestinian cause and pointed to Israel's complicity in the region's crisis, pushbacks by authorities have been swift and, in several instances, tone-deaf. Soon after criticism from its former president Larry Summers for its apparent silence on Israel's suffering in the aftermath of the Hamas attack, the Harvard University leadership issued a statement condemning the attack and distinguishing itself from its student groups that had signed a statement of solidarity with Palestine. In the UK, The Guardian's long-time cartoonist Steve Bell was let go, citing concerns over his alleged anti-Semitic stance in a cartoon of Israeli leader Netanyahu.

In any situation of conflict, perspective, especially among those removed from its spiralling immediacy is crucial. It relies on the ability to call out violence against all innocent people as wrong, irrespective of who the perpetrator is or what one's political ideology dictates. The bid to silence writers and cartoonists, students and protestors does not just show misdirected energies in a precarious time. It also frames the limitations of a public rectitude whose capacity for empathy is outweighed by its disproportionate interest in appearing to be "fair" and "balanced".

#### WHY EGYPT AND OTHER ARAB COUNTRIES ARE UNWILLING TO TAKE IN PALESTINIAN REFUGEES FROM GAZA

As desperate Palestinians in sealed-off Gaza try to find refuge under Israel's relentless bombardment in retaliation for Hamas' brutal Oct. 7 attack, some ask why neighbouring Egypt and Jordan don't take them in.

The two countries, which flank Israel on opposite sides and share borders with Gaza and the occupied West Bank, respectively, have replied with a staunch refusal. Jordan already has a large Palestinian population. Egyptian President Abdel Fattah el-Sissi made his toughest remarks yet on Wednesday, saying the current war was not just aimed at fighting Hamas, which rules the Gaza Strip, "but also an attempt to push the civilian inhabitants to ... migrate to Egypt." He warned this could wreck peace in the region.

Jordan's King Abdullah II gave a similar message a day earlier, saying, "No refugees in Jordan, no refugees in Egypt." Their refusal is rooted in fear that Israel wants to force a permanent expulsion of Palestinians into their countries and nullify Palestinian demands for statehood. El-Sissi also said



a mass exodus would risk bringing militants into Egypt's Sinai Peninsula, from where they might launch attacks on Israel, endangering the two countries' 40-year-old peace treaty.

Here is a look at what is motivating Egypt's and Jordan's stances.

#### **A HISTORY OF DISPLACEMENT**

Displacement has been a major theme of Palestinian history. In the 1948 war around Israel's creation, an estimated 700,000 Palestinians were expelled or fled from what is now Israel. Palestinians refer to the event as the Nakba, Arabic for "catastrophe."

In the 1967 Mideast war, when Israel seized the West Bank and Gaza Strip, 300,000 more Palestinians fled, mostly into Jordan. The refugees and their descendants now number nearly 6 million, most living in camps and communities in the West Bank, Gaza, Lebanon, Syria and Jordan. The diaspora has spread further, with many refugees building lives in Gulf Arab countries or the West.

After fighting stopped in the 1948 war, Israel refused to allow refugees to return to their homes. Since then, Israel has rejected Palestinian demands for a return of refugees as part of a peace deal, arguing that it would threaten the country's Jewish majority. Egypt fears history will repeat itself and a large Palestinian refugee population from Gaza will end up staying for good.

#### **NO GUARANTEE OF RETURN**

That's in part because there's no clear scenario for how this war will end. Israel says it intends to destroy Hamas for its bloody rampage in its southern towns. But it has given no indication of what might happen afterward and who would govern Gaza. That has raised concerns that it will reoccupy the territory for a period, fueling further conflict.

The Israeli military said Palestinians who followed its order to flee northern Gaza to the strip's southern half would be allowed back to their homes after the war ends. Egypt is not reassured. El-Sissi said fighting could last for years if Israel argues it hasn't sufficiently crushed militants. He proposed that Israel house Palestinians in its Negev Desert, which neighbors the Gaza Strip, until it ends its military operations.

Egypt has pushed for Israel to allow humanitarian aid into Gaza, and Israel said Wednesday that it would, though it didn't say when. According to United Nations, Egypt, which is dealing with a spiraling economic crisis, already hosts some 9 million refugees and migrants, including roughly 300,000 Sudanese who arrived this year after fleeing their country's war.

But Arab countries and many Palestinians also suspect Israel might use this opportunity to force permanent demographic changes to wreck Palestinian demands for statehood in Gaza, the West Bank and east Jerusalem, which was also captured by Israel in 1967. El-Sissi repeated warnings Wednesday that an exodus from Gaza was intended to "eliminate the Palestinian cause ... the most important cause of our region."

He argued that if a demilitarized Palestinian state had been created long ago in negotiations, there would not be war now. "All historical precedent points to the fact that when Palestinians are forced to leave Palestinian territory, they are not allowed to return back," said H.A. Hellyer, a senior associate fellow at the Carnegie Endowment for International Peace. "Egypt doesn't want to be complicit in ethnic cleansing in Gaza."



Arab countries' fears have only been stoked by the rise under Israeli Prime Minister Benjamin Netanyahu of hard-right parties that talk in positive terms about removing Palestinians. Since the Hamas attack, the rhetoric has become less restrained, with some right-wing politicians and media commentators calling for the military to raze Gaza and drive out its inhabitants. One lawmaker said Israel should carry out a "new Nakba" on Gaza.

### **WORRIES OVER HAMAS**

At the same time, Egypt says a mass exodus from Gaza would bring Hamas or other Palestinian militants onto its soil. That might be destabilizing in Sinai, where Egypt's military fought for years against Islamic militants and at one point accused Hamas of backing them. Egypt has backed Israel's blockade of Gaza since Hamas took over in the territory in 2007, tightly controlling the entry of materials and the passage of civilians back and forth.

It also destroyed the network of tunnels under the border that Hamas and other Palestinians used to smuggle goods into Gaza. With the Sinai insurgency largely put down, "Cairo does not want to have a new security problem on its hands in this problematic region," Fabiani said. El-Sissi warned of an even more destabilizing scenario: the wrecking of Egypt and Israel's 1979 peace deal.

He said that with the presence of Palestinian militants, Sinai "would become a base for attacks on Israel. Israel would have the right to defend itself ... and would strike Egyptian territory." The peace which we have achieved would vanish from our hands," he said, "all for the sake of the idea of eliminating the Palestinian cause."

### **AFTER THE GAZA HOSPITAL BLAST: A CRISIS MORE INTRACTABLE**

Before and beyond the claims and counter-claims around the blast at al-Ahli al-Arabi hospital in Gaza, is a stark and disturbing reality, visible to anyone who cares to take a look in the digital age: Hundreds of people are dead and several injured in a place of refuge and healing, and the terrible loss and suffering is likely to continue. Israel has claimed that it is not responsible for the attack — which comes 11 days after the Hamas strikes, the deadliest in decades — and has cited what it calls evidence in support. Initially, the Israeli military suggested that the blast was the result of a failed rocket launch by Hamas, and that it was actually due to a Palestinian Islamic Jihad (PIJ) rocket barrage. Hamas and PIJ have denied the accusation. Whatever the truth of the matter, Israel is now in a more difficult situation than it was before the attack from a security and geopolitical perspective. If it continues with its offensive in Gaza, international support — which is already fragile — for Israel's actions will continue to dwindle.

The blast has cast a shadow over US President Joe Biden's Israel visit. While there was little doubt that Biden would be unequivocal in his support to Tel Aviv — he has stated that the hospital blast "appears as though it was done by the other team" — there was hope that he would also counsel restraint as well as try to bring actors from across West Asia to the negotiating table. But the situation on the streets in the aftermath of the blast across the Arab world and the cancellation of Biden's summit-level meeting in Jordan have put paid to those hopes. The wide protests after Iran-backed Hezbollah's call for a "day of rage" to coincide with Biden's visit are a disturbing portent. The outrage following the tragedy in Gaza makes it more difficult for the Arab leadership to engage with Israel and walk back the breakthroughs in the Abraham Accords of 2020.

The fact is that there is no easy way out of the current conflict. The attack by Hamas has precipitated a muscular, military response from Israel. But the longer the violence draws on, the





worse it is for everyone, including Israel. A prolonged ground offensive in Gaza will be, in essence, a “counter-terrorist” battle with guerrilla forces without easy or definitive victories. Casualties on both sides will be significant and Israel’s adversaries in the region may feel emboldened and even attempt to open up another military front. The diplomatic costs of the conflict, too, are steadily growing. Until the recent deadly attack by Hamas and Israel’s brutal response, a real possibility of a peaceful and inter-connected West Asia had emerged with the signs of thaw between Saudi Arabia, the UAE, Bahrain and Israel. That possibility has now receded. As a first step, for long-term peace, the government of Israel should suspend military action so that humanitarian aid can reach civilians in Gaza and beyond. It is only in a respite from violence that a conversation on how to move forward can begin.

## ISRAEL, HAMAS, AND THE LAWS OF WAR

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

On October 7, Hamas, a Palestine-based terrorist group, launched an attack on Israel, killing hundreds of civilians and taking many hostage. Israel has retaliated with all its might, triggering a war in West Asia.

### **What are the laws of war?**

There are two separate and independent international law questions related to wars. First, under what conditions or when can countries use force in their international relations? This is known as *jus ad bellum*, regulated by the United Nations (UN) Charter. Second, how is a war to be fought, that is, what military actions are permissible? This is known as *jus in bello*. Assuming a country is justified under the UN Charter to use force, it still must ensure that it satisfies *jus in bello* obligations. Justification to use force does not relieve a country of its obligations to use such force in accordance with international law.

The ‘how’ of using force or the law of war is known as international humanitarian law (IHL), which provides the rules that must be followed during an armed conflict. IHL is contained in customary international law, the Geneva Conventions of 1949 and the Additional Protocols of 1977. It regulates the conduct of the parties or groups engaged in an armed conflict. Its primary objective is to protect civilians and reduce the suffering a war unleashes. No matter how just the cause of fighting a war, warring parties must comply with IHL.

### **Do the laws of war apply to the ongoing military conflict?**

Yes, because the military conflict between Israel and Hamas is an armed conflict. As was held by the International Criminal Tribunal for former Yugoslavia in the Prosecutor versus Dusko Tadić case, an armed conflict in international law exists when “there is a resort to armed force between States or protracted armed violence between governmental authorities and organised armed groups or between such groups within a State”. International law classifies armed conflicts into two categories — international armed conflict (IAC) and non-international armed conflict (NIAC). According to Common Article 2 of the Geneva Conventions, IAC includes all cases of declared war or any other armed conflict between two or more countries. NIAC includes non-governmental forces (Hamas) involved in battle with governmental forces (Israel). Common Article 3 of the Geneva Convention applies to NIAC. Thus, Israel and Hamas are obliged to abide by IHL.

### **What about civilian killings?**



The primary objective of IHL is that during an armed conflict, a distinction is always made between combatants and civilians. War parties can only attack combatants and military targets, not civilians and civilian objects. Indiscriminate attacks that fail to distinguish between combatants and civilians are forbidden and thus illegal. Accordingly, the killing of civilians by Hamas is illegal. Israel's illegal and belligerent occupation of the Palestinian territory since 1967 does not allow Hamas to kill, injure, abduct, or torture Israeli civilians or target civilian installations. Also, any military attack that causes disproportionate harm to civilians, when judged against the expected military benefit, is barred. Israel reportedly dropped 6,000 bombs on Gaza, causing widespread destruction and death. This is a disproportionate use of force. Hamas's horrific attack on Israel does not justify Israel inflicting disproportionate harm on the civilian population in Gaza. All this amounts to grave breaches of the 1949 Geneva Conventions and constitutes as war crimes.

#### **Is hostage-taking legal?**

Hamas has taken Israelis hostage. This is illegal. Hostage-taking is specifically recognised as a war crime by Article 8 of the Rome Statute — a treaty establishing the International Criminal Court. Article 1 of the International Convention Against the Taking of Hostages recognises hostage-taking as a crime.

#### **What about the Gaza Strip blockade?**

Israel's plan to block the supplies of food, electricity, water, and fuel in the Gaza Strip, where close to two million people live, amounts to collective punishment — retaliating against a group for the conduct of individual/s said to belong to that group. This action will exacerbate the already harsh air and sea blockade of the Gaza Strip since 2007. Such an action violates a fundamental tenet of IHL that no person should be punished for actions they didn't commit. Punishing all Gaza Strip residents for Hamas's actions is illegal and a war crime. Additionally, under IHL, warring parties must give advance warning to civilians to evacuate before attacking, which should be effective. If civilians are not given adequate time to evacuate, the warning will be ineffective. Israel's warning to the residents of the Gaza Strip is not effective. Given the air and sea blockade, the civilians do not have a realistic possibility of moving to safe places. In any case, civilians who do not move out despite the warning must also be protected.

Both sides need to respect their IHL obligations and an investigation should be launched into the war crimes committed.

### **WILL ISRAEL'S GAZA OFFENSIVE STOP HAMAS?**

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

On October 7, a Jewish Sabbath day, Hamas launched a surprise attack into southern Israel, raiding its military bases and residential areas, killing at least 1,300 people and injuring thousands more. The Hamas attack has triggered a massive military response from Israel, which has been pounding Gaza ever since, using missiles, jets and dangerous munitions, including, what Human Rights Watch says, white phosphorus. Some 1,900 Gazans have been killed in strikes, and Israel has also asked some 1.1 million people living in northern Gaza to move towards the south within 24 hours, while it is preparing for a ground attack.



### **Why did Hamas launch the attack?**

One explanation is that Hamas wanted to break the status quo. Over the years, the Israelis had built a security model that allowed them to keep the Palestinians under check while the occupation continued. Israel has a network of extensive checkpoints and barriers in the West Bank. Israel also saw that the Palestine issue was no longer a hindrance to improving ties with other Arab countries. When the UAE signed a normalisation agreement in 2020, Israel gave no concessions to the Palestinians. Similarly, Saudi Arabia and Israel were in advanced stage of talks until last week. So, from an Israeli point of view, the status quo allowed them to treat the Palestinian problem as a security nuisance that can be managed without major consequences. Hamas, on October 7, shattered this model — it not just drilled holes into Israel's perceived sense of security but also brought Palestine back to the fore of West Asia's geopolitical cauldron.

### **What was status quo before Hamas's attack?**

The contested Palestinian territories include three parts of historical Palestine — the West Bank, East Jerusalem (both were captured by Israel from Jordan in 1967) and Gaza strip (captured in the same year from Egypt). There's no geographical contiguity between the West Bank (which is on the western bank of the Jordan River) and the Gaza strip, a tiny enclave sandwiched between Israel and the Mediterranean Sea. Since then, the West Bank has been under Israel's military occupation. In 1980, Israel passed the Jerusalem law, declaring unified Jerusalem as its capital, effectively annexing the eastern half of the city, including the Old City, which hosts the Al-Aqsa Mosque, the Wailing Wall and the Church of the Holy Sepulchre. Since the 1970s, Israel has also encouraged Jewish settlements in the West Bank and East Jerusalem, which together now have close to 7,00,000 Jewish settlers. Gaza was under Israeli occupation and had Jewish settlers until 2005 when Israel, faced with Hamas's violent resistance, announced a unilateral disengagement from the enclave.

Currently, East Jerusalem is under Israel's total control, though a vast majority of Arabs of the city are not Israeli citizens; the West Bank is under Israel's direct occupation (the Palestinian Authority, a provisional self-governing body established as part of the 1993 Oslo Agreement, has very limited powers in limited areas of the West Bank) and Gaza is under Israel's blockade. The Islamist Hamas has been running Gaza since 2007, while the secular Fatah, the backbone of the Palestinian Liberation Organisation (PLO), has been running the Palestinian Authority since its formation — except for a brief interregnum in 2006 when Hamas swept the parliamentary elections. There is no peace process, no united or organised Palestinian movement and no international push for the two-state solution.

### **What would be the impact of the attack?**

By carrying out the largest attack by a non-state actor in Israel's history, Hamas has taken a huge risk. It was certain that Israel's response would be much more forceful this time than its past attacks on Gaza. Hamas's attack, from a strategic and humanitarian sense, has put the life of millions of Palestinians in further danger. Hamas has also put itself on the line. The Islamist group, which had carried out suicide attacks in the 1990s and early 2000s, had shown signs of moderation in recent years — it came up with a new charter in 2017 that had expunged the anti-Semitic language of its original charter and promised a lasting ceasefire (hudna) with Israel if it withdraws to the 1967 border. But the October 7 attack, in which Israeli civilians were indiscriminately targeted, suggests that Hamas hasn't evolved much when it comes to using terror as a means. Hamas is now likely to face a long phase of military attacks from Israel.



### Is there a risk of wider regional war?

Since 1973, no Arab country has gone to war with Israel. On the contrary, six Arab countries reached normalisation agreements with Israel ever since, even when the occupation continued and deepened. But Israel faces at least three non-state rivals (Hezbollah, Hamas and the Islamic Jihad) and one conventional rival (Iran). Hamas and the Islamic Jihad, both based in Gaza, were part of the Sabbath attack. Hezbollah, the Shia militia-cum-political party of Lebanon, had fired rockets into Lebanon's contested Shebaa Farms, which are occupied by Israel, showing solidarity with the Palestinians, and Israel has retaliated with strikes on southern Lebanon. Hezbollah says it's ready to fight Israel when the time comes, but doesn't show any immediate inclination to join Hamas's war. Iran, which has close ties with Hamas and the Islamic Jihad, has issued a statement saying it supports Palestinian resistance, but is unlikely to join a direct war with Israel, unless it comes under direct attack. So, as of now, the chances for a regional spillover are slim.

### What does this attack mean for Netanyahu?

If Hamas took a huge risk and put the Gazans and itself in further jeopardy by carrying out the Sabbath attack, Israel's Prime Minister Benjamin Netanyahu also doesn't have easy options. He has promised to crush Hamas. But Hamas, unlike the transnational, pan-Islamist jihadist outfits such as al-Qaeda and the Islamic State, has deep roots in the Palestinian nationalist cause and is popular among the Palestinians.

Israel's own past military operations against non-state actors show a complicated history — Israel had won the battles many times, but failed to make long-term strategic gains or peace. It fought Hezbollah for 18 years in southern Lebanon but the Shia militant group today is as powerful as ever. If Israel's deterrence against Hamas had worked, the Sabbath attack wouldn't have occurred in the first place. So here, the question before Israel is whether it wants to carry out a short-term operation in Gaza and retreat or reoccupy the enclave of 2.3 million people and bring them under Israel's direct control. The first option would allow Hamas to regroup in the long term, and the second option could trigger a long urban war of attrition in one of the world's most densely populated areas. Mr. Netanyahu himself will have to answer questions once the initial shock and hubris settle. The Likud leader's long-term promise was that only he could ensure Israel's security. Yet, Israel's biggest security crisis unfolded on his watch.

### ISRAEL'S MISSILE DEFENCE SHIELD

On the morning of October 7, around 06:30 local time in Israel, air raid sirens went off warning citizens of an aerial attack. Such instances have had occurred in the past. However, this time it was different — this was a multi-pronged attack by Gaza-based militant group Hamas from land, sea and air.

Around 2,200 rockets were fired towards southern and central Israel, according to the Israel Defence Forces (IDF). Many of them were shot down by 'Iron Dome' defensive shield, while some landed in populated areas.

Iron Dome is a short-range anti-rocket, anti-mortar, and anti-artillery system with an intercept range of 2.5 to 43 miles and was developed by Rafael Advanced Defence Systems of Israel, according to the U.S. Congressional Research Service (CRS). Israel has at least 10 Iron Dome batteries deployed throughout the country, each designed to defend a 60-square-mile populated area and can be moved as threats change, it noted.





Iron Dome's targeting system and radar first track the trajectory of incoming projectiles and are designed to fire its Tamir interceptors only at those which are likely to land in populated areas or important areas/targets. In the past, Israel has put Iron Dome's interception rate at as high as 97%.

However, there is still no reliable information on the system's interception rate from the current conflict. Iron Dome's interception rate may have remained constant compared to previous conflicts, wrote Ben Barry, an expert at the British think tank International Institute for Strategic Studies in an analysis. "It also seems possible, however, that the high number of rockets fired and their launch frequency overwhelmed the system and degraded its interception rate."

### Layered air defence

Israel has a four-layered air defence network to tackle a range of projectiles, short-range mortars, rockets and long-range ballistic missiles. These comprise the Iron Dome (short range), David's Sling (low to mid-range), Arrow II (upper-atmospheric), and Arrow III (exo-atmospheric), according to a CRS report. To date, the U.S. has provided nearly \$3 billion to Israel for Iron Dome batteries, interceptors, co-production costs, and general maintenance, according to the CRS. The U.S. began financially supporting Israel's development of Iron Dome in 2011.

A co-production agreement signed between Israel and the U.S. in March 2014 enables manufacture of Iron Dome components in the U.S. Under a joint venture 'Raytheon Rafael Area Protection Systems', set up in 2020 between Rafael and Raytheon of the U.S., Tamir interceptors (the U.S. version is called SkyHunter) are manufactured at Raytheon's facility in Tucson, Arizona, and elsewhere, and then assembled in Israel. Israel also maintains the ability to manufacture Tamir interceptors within Israel.

The U.S. Army has procured two Iron Dome batteries from Rafael at a cost of \$373 million. Currently, the U.S. Marine Corps is evaluating Iron Dome to fulfil its 'Medium Range Intercept Capability'.

Israel has extensive presence in the Indian military ecosystem, especially in air defence. In the past, Iron Dome was pitched to India to tackle threats from across the Line of Control (LoC), especially by terrorist groups. However, it did not fructify as India does not face such extremely close range threats. Instead, the Indian military had expressed interest in the Arrow system. Eventually, India procured some air defence elements and radars to take forward its indigenous Ballistic Missile Defence system.

Since the start of the war in February 2022, Ukraine has repeatedly sought Israeli-made weapons, including the Iron Dome. "Everyone in Israel knows that your missile defence is the best... And you can definitely help us protect our lives, the lives of Ukrainians, the lives of Ukrainian Jews," Ukrainian President Volodymyr Zelensky said in March 2022, addressing the Israeli Knesset by video.

Both the continued efficiency of Iron Dome, as adversaries adopt new tactics, as well as how the heavily fortified perimeter wall was breached extensively on October 7 without being detected will be analysed threadbare for some time to come.





## RAFAH CROSSING AT EGYPT-GAZA BORDER OPENS, MUCH-NEEDED AID FLOWS INTO BESIEGED TERRITORY

The Rafah border crossing between Egypt and Gaza reopened on Saturday to allow much-needed aid to reach Palestinians for the first time since Israel sealed off the territory following a violent incident by Hamas two weeks ago, news agency AP reported.

Gaza, which is home to 2.3 million Palestinians, with half of them displaced from their homes, is currently facing food shortages and is relying on contaminated water. Hospitals are struggling with low supplies and fuel for emergency generators due to a territory-wide power outage.

Israel has conducted multiple airstrikes in Gaza, but they have not stopped ongoing Palestinian rocket attacks into Israel. The reopening of the border followed over a week of intensive diplomatic efforts involving various mediators, including visits to the region by US President Joe Biden and UN Secretary-General Antonio Guterres.

Israel had maintained its position that aid would only be allowed into Gaza once around 200 individuals captured by Hamas were released. Additionally, the Palestinian side of the crossing had been temporarily closed due to Israeli airstrikes. While more than 200 trucks loaded with approximately 3,000 tons of aid had been waiting near the crossing for several days, Egypt's state-owned Al-Qahera news, which has close ties to security agencies, reported that only 20 trucks entered Gaza on Saturday. There were also hundreds of foreign passport holders waiting to cross from Gaza to Egypt to escape the conflict.

The Hamas-led government in Gaza expressed that this limited aid convoy would not be sufficient to alleviate the current humanitarian crisis in Gaza, and they called for a secure corridor to operate around the clock.

Notably, the border crossing was reopened shortly after Hamas released an American woman and her teenage daughter, the first captives to be freed following the militant group's incursion into Israel on October 7. It wasn't immediately clear if there was a direct connection between the release and the reopening of the border.

### Why is the Rafah border crossing so important?

Following the deadly attack by Hamas, Israel imposed a complete blockade on the Gaza Strip and as a result, the Gaza Strip's border crossing with Egypt, located near the southern Gaza city of Rafah, gained increased significance. It is the only point not controlled by Israel where civilians can enter and leave Gaza by land, the New York Times reported.

Egypt had kept this crossing sealed since October 10, as diplomatic negotiations regarding the passage of people and supplies had been slow. The urgency to open the crossing had grown as living conditions in the strip have rapidly deteriorated due to intense Israeli airstrikes, some of which have also affected the crossing.

## THE ISRAEL-PALESTINE CONFLICT AND 'MAINSTREAM MEDIA'

Large, established journalistic publications, amorphously clubbed together as "mainstream media", are often portrayed as villains online. Politically convenient ideas and blatant misinformation are shared as "things that the mainstream media will never tell you"; and the belief that "mainstream media" has certain "agendas" is a driving force of the online



misinformation mills. This repeated messaging across social media is reflected in studies that show a declining trust in established news outlets.

The distrust is more evident now as the fault lines in West Asia have opened up once again. To cite an example, a headline from The New York Times had initially stated that an Israeli strike had caused the explosion and fire at the Al-Ahli Arab Hospital in Gaza on Tuesday. The headline was later revised to avoid Israeli involvement, drawing intense scrutiny online. The original headline was seen as evidence of the publication being biased towards information emerging from the Palestinian side. Incidentally, in the pro-Palestine sections of social media, The New York Times is seen to support Israel and its policies.

The BBC in the U.K., too, faced such a predicament when one of its initial social media posts on the current violence spoke of many Israelis having been “killed” while many Palestinians had “died”. The choice of words was the subject of a viral video from a Palestine supporter, who claimed it was evidence of Western media’s pro-Israel bias. Meanwhile, in pro-Israel circles, the BBC is seen as being biased towards the Palestinian cause. In fact, the BBC has so far received about 1,500 complaints regarding its coverage of the current conflict, and as per a report in The Guardian, the complaints are evenly split between those alleging a pro-Palestine bias and those alleging a pro-Israel bias. This reminds one of many a veteran journalist’s adage that “if both sides are not happy, we are doing something right.”

The debate over the choice also brings to mind the flak that The Hindu takes on social media for not using the word “martyr” when it reports on soldiers killed in action. The Defence Ministry has made it clear in Parliament that the Indian armed forces do not use the word “martyr,” which by definition is reserved for someone who has been killed for their beliefs. However, it is seen by some as unpatriotic on the part of an English language publication to not use the term.

Such issues over the choice of language, headlines, and images are exacerbated as the fog of war covers the social media landscape. This is particularly true for the Israel-Palestine conflict, a decades- (or centuries-) old issue that has deeply divided opinions across the world, and which has its own vocabulary around land and rights. In the fast-changing environment of an armed conflict, the chances of a newsroom slipping up on these are very high, often feeding into existing perceptions regarding bias. Another factor aiding the perception of bias is algorithm-driven platforms, where articles are mostly consumed as stand-alone entities rather than as part of a whole. This pattern of news consumption often drives the “whataboutism” and “both-sideism” that have become the bane of online political conversations.

It should also be noted that social media is heavily visual, driven by TikTok, Instagram, and YouTube. These facilitate and encourage repeated viewing and immediate responses in the form of likes, shares, and comments. The ongoing violence in Israel is also particularly visual, with actual footage of missile strikes and their aftermath mixed with fake videos, including those from video games. The loss of trust in “mainstream media” often drives people to look for raw content online — footage and images shorn of context and analysis that only good journalism can provide.

## SILK ROADS AT A CROSSROADS

On October 17, Chinese President Xi Jinping will host more than a dozen world leaders in Beijing, including Russian President Vladimir Putin, for the third Belt and Road Forum, which will mark the 10 year anniversary of the Belt and Road Initiative (BRI).



The BRI, as it turns 10, stands at a crossroads. China has poured in billions of dollars into the plan, revitalising railway connections to Europe, investing in ports around Asia, and building high-speed railways in Africa and Southeast Asia, among other projects. Yet, on the anniversary, the project is also facing searching questions, particularly over the debt burdens faced by many BRI partners, from Sri Lanka to Zambia.

Alluding to those concerns, the Chinese government, on October 10, released a White Paper on the BRI's past, present and future, pledging that the plan was “committed to the concept of open, green and clean cooperation...[has] zero tolerance for corruption, and promotes steady and high-quality growth.”

The BRI was launched by Mr. Xi in 2013 in his first year in office, comprising two parts: a land-based Silk Road Economic Belt focusing on energy, infrastructure and connectivity projects in Eurasia that was unveiled by Mr. Xi in Kazakhstan, and a Maritime Silk Road that was announced in Indonesia. The project was first named the ‘One Belt, One Road’ but then quickly renamed as the BRI to convey a more open and inclusive initiative as opposed to a Chinese-dominated one (the name in Chinese, however, remains ‘yi dai, yi lu’, or ‘One Belt, One Road’).

The land belt envisaged six corridors: the China-Pakistan Economic Corridor (CPEC), the New Eurasian Land Bridge Economic Corridor, the China-Indochina Peninsula Economic Corridor, the China-Mongolia-Russia Economic Corridor, the China-Central Asia-West Asia Economic Corridor and the Bangladesh-China-India-Myanmar (BCIM) Economic Corridor.

Launching the plan in 2013, China courted most of its neighbours in Central Asia, South Asia and Southeast Asia. India refrained from joining the BRI, voicing its opposition to the CPEC that runs from Xinjiang in China's west, through Pakistan-occupied Kashmir (PoK), to the Arabian Sea port of Gwadar. With India staying out, the BCIM corridor has also stalled, and has been replaced by a later launched China-Myanmar Economic Corridor.

One of the biggest misconceptions about the BRI — one that is pervasive even a decade on — is that it is a monolith. This is, ironically, a perception that has been encouraged both by proponents and critics of the plan. For Beijing, arguably the BRI's biggest success has involved the narrative around the plan, that has conveyed to the world a sense of Chinese ascendance and ambition. The BRI as an idea has resonated especially with countries in Asia, Africa and Latin America that have seen an infrastructure deficit.

The BRI has essentially brought under one umbrella what is a collection of mostly disparate bilateral projects — many of which pre-dated 2013 and were subsequently given a BRI stamp. It has thus been framed as a global, interconnected master plan, even if, in reality, a large chunk of the investment has gone into stand-alone energy or infrastructure projects in partner countries barring a few transnational projects. There is little that is multilateral about the BRI. For instance, unlike the China-hosted Asian Infrastructure Investment Bank (AIIB) in which India is a member (and second largest shareholder), the BRI has no governing structure as such. It is thus not a multilateral initiative, as commonly misconstrued, but a collection of disparate bilateral ones.

This is not to say that the BRI hasn't had a discernible impact on China's diplomacy and trade. Countries that have joined the BRI have seen a jump in investment and trade with China and preferential treatments in policy, although these are, again, enabled through bilateral arrangements. As the White Paper noted, between 2013 and 2022, trade with BRI partners grew 6.4% annually reaching \$19.1 trillion while total investment reached \$380 billion.



Detractors of the plan have similarly seen it as a monolith — one that some commentators have suggested was designed as a large “debt trap” to ensnare partners. The reality of the BRI, however, is far messier. In contrast to perceptions of a grand master plan, the rollout of the initiative since 2013 has often been uncoordinated and ad-hoc. Consider the financing. There is no one lender, instead a hodgepodge of multiple funders covering various state-owned banks, China’s EXIM bank, and other players across the spectrum of China’s financial system.

In the first years of the BRI, the weight put by Mr. Xi behind the plan saw political considerations trump economic ones as funds flowed to a range of projects. Even Chinese economists have later acknowledged due diligence was lacking in many projects that were governed by politics. The most glaring examples were the projects that former Sri Lankan President Mahinda Rajapaksa pushed in Hambantota, where today stands a gleaming China-built airport that sees few flights.

### Second phase

Some analysts in Beijing have suggested the BRI is now entering a second phase. BRI 2.0 is seeing a sharp reduction in lending, and in October, reports citing the minutes of a high-level meeting of Chinese and Pakistani officials said Beijing had turned down requests for new projects there. The CPEC, a decade on, has had little of the transformative impact on the Pakistani economy that was initially hoped.

In 2023, as many as 26 BRI partners saw “a 100% drop in BRI engagement”, according to the Belt and Road Investment Report from the Green Finance and Development Centre at Shanghai’s Fudan University. BRI 2.0 is notably seeing fewer projects in South Asia, and more Chinese investments in East Asia, East Africa and Latin America, according to the report’s analysis of investments this year. The report also noted that in the first half of 2023, an increasing share of outbound investments from China is from private sector companies, which have tended to be more discerning than lending from the state.

Beyond big-ticket infrastructure projects that tend to yield little returns in the short-term, an increasing focus appears to be on roping BRI partners into closer ties with China on strategic sectors, including rolling out 5G networks through what’s being called the Digital Silk Road. The report said 2023 is likely to see more BRI deals on renewable energy and related technologies, manufacturing in new technologies such as batteries, trade-enabling infrastructure including pipelines, and a focus on Information and Communications Technology including 5G and setting up data centres, against the backdrop of the ongoing technology war between China and the U.S. In short, with a 48% decline in the average size of a deal compared to 2018, projects under the BRI are getting smaller, but more strategic.

## HOW IS THE IORA A KEY BLOC FOR INDIA?

### The story so far:

‘Reinforcing Indian Ocean Identity’ was the banner theme at the Indian Ocean Rim Association’s (IORA) Council of Ministers (COM) held in Colombo on October 11, that was attended by foreign ministers and senior officials of the 23-nation grouping of countries. This year’s conference was marked by a lot of interest from other countries, especially those who are “dialogue partners” or would like to become dialogue partners, putting a spotlight on the 26-year-old organisation, believed to be the brainchild of former South African President Nelson Mandela.





### **What is the IORA and how was it formed?**

The Indian Ocean Rim Association includes 23 countries from Africa, West Asia, South Asia, South East Asia, Australia and littoral states situated in and around the Indian Ocean. The grouping, whose apex body is the Council of Foreign Ministers that meet once a year, moves by rotation through members every two years. Sri Lanka took charge as Chair this year from Bangladesh, and India is Vice-Chair, meaning that the troika of IORA is within the South Asian region. IORA's membership includes 23 countries: Australia, Bangladesh, the Comoros, France, India, Indonesia, Iran, Kenya, Madagascar, Malaysia, the Maldives, Mauritius, Mozambique, Oman, Seychelles, Singapore, Somalia, South Africa, Sri Lanka, Tanzania, Thailand, the UAE and Yemen. It also has 11 dialogue partners: China, Egypt, Saudi Arabia, Germany, Italy, Japan, South Korea, Russia, Türkiye, the U.K. and the U.S. While the IORA was formed in 1997 (then called the Indian Ocean Region-Association for Regional Cooperation) in Mauritius, its genesis came from a speech Nelson Mandela gave in Delhi in 1995. He was invited by then Prime Minister P.V. Narasimha Rao as the guest for Republic Day, and said at a ceremony that India and South Africa should explore "the concept of an Indian Ocean Rim of socioeconomic cooperation and other peaceful endeavours" that could help developing countries within multilateral institutions "such as the United Nations, the Commonwealth and the Non-Aligned Movement".

### **Why does the Indian Ocean Region matter?**

A third of the world's population (2.6 billion people) live in the region, and 80% of global oil trade, 50% of the world's containerised cargo and 33% of its bulk cargo passes through it. The region produces a combined total of \$1 trillion in goods and services and intra-IORA trade is billed at around \$800 billion. India's other regional organisations, like SAARC (South Asian Association for Regional Cooperation) and BIMSTEC (Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation), face their own challenges. While the QUAD (Quadrilateral Security Dialogue), has made progress, it remains U.S.-led, along with military allies Australia and Japan. Meanwhile, China is actively trying to rope in India's neighbours with groupings like the Belt and Road Initiative (BRI), China-Indian Ocean Region Forum on Development Cooperation, China-South Asian Countries Poverty Alleviation and Cooperative Development Centre, which exclude India. IORA, however, remains a "safe space" for India and other countries of the region that wish to keep out the constant challenge of big-power rivalries. IORA membership is based on consensus, and Pakistan has not been admitted to the grouping since it first applied in 2001, on the basis that it has not extended MFN (most favoured nation) status to India, making the IORA a less contentious space for India as well, compared to groupings like the Shanghai Cooperation Organisation (SCO).

### **What does IORA focus on?**

According to its charter, the IORA's seven priority areas are maritime safety and security; trade and investment facilitation; fisheries management; disaster risk management; academic, science and technology; tourism and cultural exchanges; and gender empowerment. The IORA also runs a special fund in addition, disbursing \$80,000-\$150,000 for project grants to members, and has a particular focus on climate change. It is clear that strategic issues and the importance of keeping a free and open sea lane, guarding against piracy, have become an integral part of the discussions. Speaking at the conference this year, External Affairs Minister S. Jaishankar stressed the importance of maintaining the Indian Ocean as a "free, open and inclusive space" where there was "respect for sovereignty and territorial integrity" based on the UN Convention on the Law of the





Seas, and in comments understood to be aimed at China, warned of the dangers of “hidden agendas, unviable projects or unsustainable debt” to countries in the Indian Ocean Region.

## FROSTY TIES

India and Canada are headed for an even frostier season in ties after the Ministry of External Affairs (MEA)'s latest move to pare down the number of Canadian diplomats in India, from 62 to 21. While New Delhi had made its demand to equalise the numbers in each other's missions known last month, in the fiery aftermath of the Trudeau government's allegations that India had a role in the killing of Canadian national and Khalistani activist Hardeep Singh Nijjar, matters were thought to have cooled down. It had even been hoped that quiet diplomacy was at work to repair ties. However, Canada continues to hold, without proffering any further proof, that India must cooperate in its investigations against unnamed Indian officials, while India is standing by measures it has taken in reprisal: last month, after the tit-for-tat expulsions of their respective diplomats from security agencies, the Modi government suspended visas for all Canadians, and demanded the downsizing of Canadian diplomatic strength. This week, India issued an ultimatum for the removal of two thirds of those numbers with a deadline of October 31 — after which India would unilaterally withdraw diplomatic immunity. As a result, Canada's Foreign Ministry flew out 41 of its diplomats and their families, calling India's demand a violation of international law including the Vienna Convention. The MEA has retorted that the convention's Article 11.1 does authorise India to “require that the size of a mission be kept within limits”. Canada has also conveyed that with staffing shortages now, consulate “in-person” visa services would no longer be provided. The Canadian Immigration Minister has added that India's moves would not deter Canada's prosecution in the Nijjar case.

The developments indicate that if there had been any diplomatic efforts to defuse the situation in the past, they have been fruitless. Apart from the Modi-Trudeau and National Security Adviser meetings that had discussed the Nijjar case, External Affairs Minister S. Jaishankar had reportedly met Canadian Foreign Minister Mélanie Joly in the U.S. on the sidelines of the UN General Assembly. None of those appears to have turned the trajectory of events; attempts by Canada's “Five Eyes” Allies to mediate have not worked either. While the allies have supported Canada's claims, they have also shored up their ties with India, with possible visits by the British, U.S. and Australian leaders that will assure New Delhi. With diplomatic options exhausted for now, it is hoped a period of reflection will bring fresh counsel on how to break the logjam. Till then, students, tourists and businesspersons will suffer.



## NATION

### SEA SERVICE

The commencement of a passenger ferry service between Kankesanthurai in Sri Lanka's Northern Province and Nagapattinam in Tamil Nadu last week marks the fulfilment of a long-standing demand across the Palk Strait for the revival of a sea link. Sri Lanka's civil war, which lasted nearly 25 years, had disrupted the movement of people and goods on traditional maritime routes — Talaimannar to Rameswaram and Colombo to Thoothukudi. Twelve years ago, a ferry service between Colombo and Thoothukudi did not last long due to a lack of patronage. There was also the popular Boat Mail connecting Chennai and Talaimannar via Rameswaram and Dhanushkodi through a rail link and a ferry, which nonagenarians recall. The cyclone in December 1964, which devastated Dhanushkodi, and the civil war ended the multiple transport links, forcing peoples in both countries to rely only on air services, which cover Madurai and Tiruchi too these days. Ten months ago, the Chennai-Jaffna air service resumed and according to an estimate, 10,000 tourists from India visited Sri Lanka over six months. The inauguration of a private cruise service in Chennai four months ago facilitated visits by 6,000 passengers to the island-nation. As pointed out during the launch of the Nagapattinam-Kankesanthurai service, the development would not only strengthen cultural, economic, and civilisational ties but also improve cooperation in disaster management and maritime security. It may, at some stage, also enable seamless voluntary repatriation of thousands of refugees from Sri Lanka, living in Tamil Nadu.

Normal operations of the service — it ran for a few days this month — are to resume in January in view of the northeast monsoon. By then, it is hoped that the authorities, especially in India, would take steps in the interest of the sustainability of the ferry service. With a fare of around ₹7,670 a person for a journey, the difference between this rate and air fares is not competitive enough for anyone to opt for the ferry. Increasing the baggage allowance of 50 kg would help. The provision of amenities at Nagapattinam port such as a dormitory and improving rail connectivity at Nagapattinam require attention, as passengers from Sri Lanka are sure to want to visit Chennai. On the part of Sri Lanka, economists, policymakers and activists should consider promoting economic ties including exports from the Northern Province, given the inherent asymmetrical bilateral relationship. Ultimately, sustained policy attention is critical to making this service a success. After all, Nagapattinam is predominantly agrarian and one of the economically backward spots of Tamil Nadu. So, it is up to the governments of the two countries to ensure that the Nagapattinam-Kankesanthurai ferry service does not meet the fate of the Thoothukudi-Colombo service.

### WHY SLLS ALSO NEED TO BE REFORMED

The recent tabling of Bills on criminal laws has become a *causa celebre*. In as much as they set overdue reforms into motion, the Bills do well to amend the substantive criminal law as codified in the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC) and Indian Evidence Act (IEA). The offences and procedures outlined in the IPC or CrPC represent just one facet of a general criminal law and its vital to recognise that the most critical offences and procedures are encompassed within the Special and Local Laws (SLLs).

Keeping SLLs away from the ongoing reform process is a major drawback. SLLs have immense quantitative and qualitative relevance in the Indian criminal justice system.



To illustrate, nearly 39.9% of all cognisable offences registered in 2021 were under SLLs. As per the Crime in India Statistics of 2021, of the total of nearly 61 lakh cognisable offences registered, 24.3 lakh offences were registered under SLLs alone. On the qualitative side, SLLs have given rise to several fundamental and pertinent debates, discourses and discussions regarding the limits on the state's power of criminalisation especially in the context of violation of individual rights and liberties.

### **Need for reform in SLLs**

The substantive issues in SLLs are not only abundant but also varied. On the one hand, SLLs such as the Unlawful Activities (Prevention) Act, 1967 (UAPA) and the Maharashtra Control of Organised Crime Act, 1999 (MCOCA) suffer from glaringly deficient, ambiguous and vague definitions of offences and terms such as 'terrorist act', 'unlawful activity', 'organised crime', 'organised crime syndicate' etc. The Protection of Children from Sexual Offences Act, 2012 is increasingly being criticised for its applicability to consensual sexual activities between minors. Concerns have also been raised regarding criminalisation of such conduct through SLLs which would otherwise fall squarely within the domain of civil wrongs or at best, regulatory wrongs. To illustrate, the Supreme Court in the case of P. Mohanraj versus M/s Shah Brothers Ispat Ltd. (2021) referred to Section 138 of the Negotiable Instruments Act, 1881 as a 'civil sheep' in a 'criminal wolf's' clothing.

Procedurally too, it is through SLLs that universally accepted due process values are increasingly being diluted. Increased powers of search and seizure under Section 43A of the UAPA and the admissibility of confessions recorded by police officers under Section 18 of the MCOCA are prime examples. The stringent provisions provided for under Section 43(D)(5) of the UAPA, Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 45 of the Prevention of Money Laundering Act (PMLA) 2002 make the grant of bail a near impossibility.

### **An all-encompassing legal code**

Between the enactment of the IPC in 1860 and today, there has been a major shift in the canvas of criminal laws. The increasing enactments and application of SLLs represents an understanding of criminal laws which is out of sync with the original project of codification. The shift, in this sense, represents a major move from the idea of a complete codification of all criminal laws inspired by Bentham's idea of a "Pannomion" — an all comprehensive collection of rules codified in a single place. The IPC was thus conceived to be more than just a legal digest — it was meant to contain within its pages all criminal laws of the time.

At the time of its drafting, it was expected that the IPC would be suitably amended in situations requiring the creation of new offences, clarification of existing offences, and removal of inconsistencies. It is true that the IPC today is criticised for the retention of an archaic morality as well as the colonial roots which underpins many of its offences. The challenges to homosexuality under Section 377 in Navtej Johar versus Union of India (2018) and sedition under Section 124A in S.G. Vombatkere versus Union of India (2022) are all symbolic of the need to reform several aspects of our criminal laws. Nonetheless, it is hard to argue that as far as the idea of codification is concerned, the penal experiment in the form of IPC and CrPC has been unsuccessful.

As successive governments place increasing reliance on the SLLs for a variety of reasons, it becomes imperative that the same should not be allowed to overpower the idea of codification of penal laws as imbibed in the IPC as well as the CrPC. All SLLs which criminalise/seek to criminalise a conduct should find a place as separate chapters within the larger structure of the penal code.



All SLLs which create a separate procedure for reporting of offences, arrest, investigation, prosecution, trial, evidence and bail must be included either as separate procedures within the CrPC or as exceptions to the general provisions provided therein.

Non-inclusion of the substantive and procedural aspects of the SLLs in the ongoing reform project is a serious limitation. It is imperative therefore that a second generation of reforms be brought in, in order to address the lacunae.

## WHY ARE ABORTION LAWS IN THE SPOTLIGHT AGAIN?

### The story so far:

A married woman 26 weeks pregnant has approached the Supreme Court seeking to terminate her pregnancy citing inability to take care of the child due to post-partum depression and other health issues. She has two other children. The Supreme Court on October 9 agreed to her plea, but two days later, a two-judge Bench of Justices Hima Kohli and B.V. Nagarathna delivered a split verdict when the government brandished a report from the All India Institute of Medical Sciences (AIIMS) which said that the foetus was viable and had a heartbeat. Aborting it at this stage would mean either putting a stop to the heartbeat or delivering the baby prematurely which might lead to severe complications both mental and physical for the child. The case was then referred to a larger Bench headed by the Chief Justice of India, which has observed that the highest court of the land cannot overlook the rights of an unborn child thus igniting a pro-life versus pro-choice debate.

### What does the MTP Act say?

According to the Medical Termination of Pregnancy (MTP) Amendment Act 2021, opinion of only one registered medical practitioner will be required for the abortion of a foetus up to 20 weeks of gestation and of two for the termination of pregnancy from 20 to 24 weeks of gestation. The opinion of a state-level medical board is required for abortions over 24 weeks, in case of suspected foetal abnormalities.

### How is the 2021 law different from the earlier 1971 MTP Act?

The 2021 Act increased the upper gestation limit from 20 to 24 weeks for special categories of women, including survivors of rape, victims of incest and other vulnerable women like differently abled and minors. A confidentiality clause was added which said that the name and other particulars of a woman whose pregnancy has been terminated cannot be revealed except to a person authorised by law. It also extended MTP services, under the clause of failure of contraceptive, to unmarried women to provide access to safe abortion based on a woman's choice, irrespective of marital status.

### What is the global trend on abortion laws?

Globally, there has been a trend towards liberalisation of abortion laws and increased access to abortion services. Since the early 1990s, nearly 60 countries across the world have eased abortion laws to expand the grounds under which abortion is legal. Only four countries, namely the U.S., El Salvador, Nicaragua, and Poland have removed legal grounds for abortion during this time period. Most notably, the U.S. Supreme Court eliminated the constitutional right to abortion in 2022.





### **What arguments did SC judges give while delivering a split verdict on the case?**

A two-judge Bench of Justices Kohli and Nagarathna first allowed the woman to end her pregnancy, then withdrew the verdict and differed on whether the abortion could go forward. This was following a medical report from AIIMS that said the foetal heart would have to be stopped as part of the procedure. To this, Justice Kohli said she would not proceed with the earlier decision wondering which court could ask to stop the heartbeat of a foetus that has life. However, Justice Nagarathna differed and said that the petitioner was determined about her decision to not proceed ahead with her pregnancy triggering a pro-life versus pro-choice debate. The petitioner through her counsel had argued that she was asking for her rights under Article 21 (protection of life and personal liberty), which overrides the MTP Act.

### **Is a foetus a living being? What does the law say?**

According to Dr. Arathi P.M., Assistant Professor, School of Indian Legal Thought, Mahatma Gandhi University, Kerala, the Indian legal scenario is not clear on whether the foetus is a living being or not. A pro-choice discourse, according to her, is not a materially and politically conducive argument for Indian society. Even if the Supreme Court takes a pro-choice view in this case, it will not be able to set a precedent for the future. The reason, she says, is that the Indian public health system is not geared up to address this and that private health care is very expensive. So, getting a safe abortion in India has become very precarious.

### **What were the observations by the CJI-headed Bench?**

On October 12, the top court asked the woman to reconsider her decision to terminate the pregnancy and carry the foetus for a few more weeks so that the child isn't born with any deformities. The Bench observed that there are rights of the unborn child too and that a woman's autonomy is also important. The Bench said that the rights of the unborn child should also be balanced.

### **What is the way forward?**

The petitioner's counsel and the Additional Solicitor General have both said that the 27-year-old woman was unwilling to continue with her pregnancy even after the AIIMS report. She has said that she was under medication for post-partum depression and other medical issues. The three-judge Bench, headed by the CJI, asked the AIIMS medical board to examine if there is any abnormality in the foetus. The apex court also asked the medical board to examine the health status of the woman, who says she is suffering from depression and severe post-partum psychosis. The government has also offered to take care of the child and put it up for adoption if the woman agrees to carry it full term.

## **CALCUTTA HIGH COURT SAYS EVERY 'FEMALE ADOLESCENT SHOULD CONTROL SEXUAL URGE'**

Calling for decriminalisation of consensual sexual acts involving adolescents above 16 years, the Calcutta High Court, in a recent order, suggested that every female adolescent should "control sexual urge/urges" and "protect her right to integrity of her body".

Hearing a case under the Protection of Children from Sexual Offences (POCSO) Act, the court set aside the conviction of the appellant, who is the maternal uncle of the prosecutrix, stating that this was a case of "non-exploitative consensual sexual relationship between two consenting





adolescents though consent in view of the age of the victim is immaterial". The Bench of Justices Chitta Ranjan Dash and Partha Sarathi Sen added that the case should not be treated as a precedent.

"It is the duty/obligation of every female adolescent to: protect her right to integrity of her body; protect her dignity and self-worth; thrive for overall development of herself transcending gender barriers; control sexual urge/urges as in the eyes of the society she is the loser when she gives in to enjoy the sexual pleasure of hardly two minutes; protect her right to autonomy of her body and her privacy," the October 18 judgment said.

For male adolescents, the Bench said they should "respect the aforesaid duties of a young girl or woman and he should train his mind to respect a woman, her self worth, her dignity and privacy, and right to autonomy of her body".

#### **Parental guidance**

The court stressed the need for parental guidance for adolescents and requisite sex education with emphasis on the aforesaid aspects and reproductive health and hygiene should be a part of the curriculum of every school.

"We do not want our adolescents to do anything that will push them from the dark to darker side of life. It is normal for each adolescent to seek the company of the opposite sex but it is not normal for them to engage in sex devoid of any commitment and dedication," the verdict said. The court added that it does not propose to tinker with the age of consent in the POCSO Act.

### **FORCING CHILDREN TO RECITE ANY PRAYER AGAINST FREE THOUGHT: HC**

The Kerala High Court on Friday observed that forcing or inducing children to write or recite any prayer contrary to their parents' choice at the Vidyarambham ceremony will be in contrast to free thought and freedom of belief.

Justice Devan Ramachandran made the observation while disposing of a writ petition against the format of the application issued by the library committee of the Mattannur municipality in Kannur for a function to initiate children into the world of letters. According to the petition, the format of the application was designed to humiliate certain sections of people.

The court observed that India is a land of religious pluralism. The event must be conducted by the Mattannur municipality and its library committee implicitly respecting this and the individual choices to be made by the parents.

The court recorded the submissions of the counsel for the library committee that there will be no compulsion on any parent to participate in the event contrary to their beliefs.

### **LAW AND CUSTOM**

The Supreme Court of India's refusal to accord legal recognition to marriages between persons of the same sex is a huge legal setback to the queer community in the country. Given the progress in law in recent years and the deepening of the meaning of individual rights, there was widespread expectation that the five-judge Constitution Bench would give the Special Marriage Act (SMA), a law that allows any two people to marry, a gender-neutral interpretation to include people belonging to the same sex. Over the years, the amplitude of Article 21 of the Constitution has been



expanded to cover the rights of privacy, dignity and marital choice, but the highest court has stopped short of the extra step needed to allow marriages or civil unions that are not heterosexual. All five judges have chosen to leave it to the legislature to enact such a law. Chief Justice of India D.Y. Chandrachud and Justice Sanjay Kishan Kaul have ruled that queer couples have a right to seek recognition for their union, but declined to read down the provisions of the SMA to that effect. On the other hand, Justices S. Ravindra Bhat, Hima Kohli and P.S. Narasimha reject the position, holding that any such recognition can only be based on statute. In effect, the Court has accepted the government's view that any move to legalise same-sex marriages will fall in the legislature's domain.

In concluding that there is no fundamental right to marry, the Court has negated the expectation that it would not allow discrimination against same-sex couples in the marital domain to continue. Marriage is indeed a social institution, with its own legal requirements and conditions for what constitutes a valid marriage. The right to seek social and legal validation through marriage is a matter of individual choice protected by the Constitution, but the Court still views it as being subject to statutory limitations. The majority disfavours the position that queer couples have a right to adopt children, but agrees with the minority that there is no bar on transpersons entering into heterosexual marriages. There is no disagreement among the judges about the right of such same-sex couples to cohabit and be free from coercion and threats. Given that large sections of India may be opposed to the legalisation of same-sex marriages on religious and cultural grounds, the possibility of Parliament taking the initiative to do so is quite bleak. The LGBTQIA+ community may now have to take heart from the Court's direction that the government should form a committee to decide the rights and entitlements of queer couples. The community, however, still has quite a struggle ahead before the law catches up with its yearning for equality.

#### DELAY AS TACTIC

The Centre's assurance to the Supreme Court that it would soon notify the appointment of Justice Siddharth Mridul of the Delhi High Court as Chief Justice (CJ) of the Manipur High Court is a welcome development. In another sign that it would be more accommodative of the Collegium's recommendations, it has forwarded as many as 70 names approved by constitutional authorities in various States for appointment as judges of High Courts. The delay in notifying the appointment of Justice Mridul was apparently due to the State government taking time to give its views on the proposal. His name was recommended by the Collegium on July 5, and the delay was quite strange. The Collegium has also mooted the transfer of Justice M.V. Muralidaran, now Acting CJ in Manipur to the Calcutta High Court. A few days ago, it rejected his request that he be either retained in Manipur or allowed to go to his parent court, the Madras High Court. It is to be seen how long the Centre takes to notify his transfer. It was an order passed by Justice Muralidaran, directing the Manipur government to consider the inclusion of the Meitei community in the Scheduled Tribes category, that is seen by some as one of the triggers for the ethnic violence that rocked the State from early May. However, the order was not stayed by the Supreme Court as there was a request by the Centre that a stay order might exacerbate tensions.

The Court has been vocal about the Centre's selective treatment of its recommendations. There are instances of the government returning names that had been reiterated more than once. In recent times, it has shown that it can have its way by merely ignoring some of the Collegium's decisions. For instance, it ignored the proposal to appoint Justice S. Muralidhar, now retired, as CJ of the Madras High Court for so long that the Collegium ultimately rescinded its recommendation. In the case of Justice T. Raja, who was Acting CJ in Madras for an unusually long period, the



recommendation to transfer him to the Rajasthan High Court was ignored by the government until his retirement. The conflict between the government and the Collegium over the appointment process is quite pronounced and often reaches a flashpoint. It is time the process was streamlined to give effect to the Supreme Court's April 2021 order that set timelines for the government to process names recommended by the Collegium and express its reservations, if any. Once the Collegium reiterates any recommendation, it should be implemented within three to four weeks. Whatever the inadequacies and failures of the Collegium process, it does not augur well for the institution if the legal position that a reiterated decision is binding on the government is undermined.

## SC GIVES NARWEKAR LAST CHANCE TO SET TIMELINE FOR ANTI-DEFECTION PROCEEDINGS

Maharashtra Assembly Speaker Rahul Narwekar on Tuesday was given a final opportunity by the Supreme Court to frame a realistic time schedule to hear and decide the anti-defection proceedings against Chief Minister Eknath Shinde and other MLAs.

In the previous hearing, a three-judge Bench headed by Chief Justice of India D.Y. Chandrachud had slammed the Speaker for reducing the proceedings to a "charade" by "merrily" deferring hearings. The court accepted Solicitor-General Tushar Mehta's submission that he would personally intervene with the Speaker during the Dussehra vacations to finalise a firm set of modalities for the pending disqualification proceedings under the Tenth Schedule of the Constitution. The court posted the case for its next hearing on October 30.

On October 13, the CJI said the Speaker had disregarded the court's September 18 order to prepare a schedule to complete the disqualification proceedings against the Shinde camp. The court had even warned that it may even be compelled to set a timeline of two months for the Speaker, who is acting as tribunal under the Tenth Schedule, to complete the proceedings.

The court had categorically said it would not allow the Speaker to drag the disqualification proceedings till the next election, which would make the Tenth Schedule proceedings against the Shinde camp infructuous. On May 11, a five-judge Bench had directed the Speaker — in his capacity as tribunal under the Tenth Schedule (anti-defection law) of the Constitution — to hear and decide the disqualification petitions within a "reasonable time". Fifty-six MLAs are facing disqualification under the Tenth Schedule. There are 34 disqualification petitions pending, waiting for the Speaker to decide.

"The Speaker's stance will be presented before the SC. We will soon work to determine which developments should be considered illegal or unconstitutional. Only then can we proceed further," Mr. Narwekar said on Tuesday.

## NITHARI FIASCO

The Allahabad High Court verdict acquitting the two men accused of killing girls and young women at Nithari village in Noida near Delhi is a scathing indictment of how investigators can leverage popular revulsion against the alleged perpetrators to build a case without credible evidence. Any acquittal in grave crimes may be seen as a miscarriage of justice, but it is usually because of the perception that the culprits got away due to the failure of the prosecution to prove its case. However, in the Nithari case, the judgment indicates that two men were brought to trial with nothing more than purported confessions. It is incredible that a high-profile case, in which



the police believed they had solved the mystery of the disappearance of several girls and women in 2006 after body parts and bones were unearthed from behind the house where Moninder Singh Pandher and his domestic help Surinder Koli resided, could have been so shoddily investigated. It is equally unbelievable that the CBI, which took over the probe, went to trial with nothing more than a confessional statement before a magistrate and purported recoveries based on statements that neither recorded the details of the disclosures allegedly made nor the time it was done. The Bench has ruled that the confession made by Koli before the magistrate, based on which Pandher was also convicted, was invalid because it was preceded by 60 days in police custody and a mere five-minute interaction with a legal aid lawyer.

Koli and Pandher were sentenced to death by the trial court, but the High Court has now acquitted Koli in 12 cases, and Pandher in two. The prosecution case itself was strange: that Koli was often pushed to an 'automaton state' on seeing the alleged promiscuous acts of his master with many women and that he lured girls who passed by into the home, killed them, had sex with the bodies and ate body parts after cooking them. The claim that all remains were thrown from a high window to an enclosed space behind his house also did not explain why and how the remains went deep into the earth and had to be dug out. Also, the judgment raises the pertinent query why a doctor next door who had been arrested in the past for involvement in illegal organ trade was never interrogated. That the remains unearthed consisted mostly of skulls, bones and flesh, but not even one torso, also indicated the possibility of the removal of organs. The case is a study on how criminal cases cannot be decided mainly on their shock value and the sensation around widely televised and gory images.

#### ST STATUS FOR MEITEIS EXAMINED AND REJECTED IN 1982 AND 2001, GOVT. RECORDS SHOW

A proposal on the inclusion of the Meitei community in the Scheduled Tribes list has been examined and rejected twice over the last four decades, according to documents seen by The Hindu — once, in 1982, by the Office of the Registrar General of India; and again, in 2001, by the Government of Manipur. The Union and Manipur governments have not made this information public during the ongoing ethnic conflict in the State, nor presented these records in the Manipur High Court court case on the Meitei petition for inclusion.

In fact, officials of the Tribal Affairs Ministry fished out these historical documents in late April this year, just days after the controversial Manipur High Court order to send a recommendation on ST status to Meiteis was made public. Officials in Delhi were recording these findings in files related to the Meiteis' demand, even as the Hill Areas Committee in Manipur passed a resolution against the order amidst growing opposition by tribal groups.

#### **Order triggers violence**

On May 3, a protest rally against the HC order triggered the eruption of violence between the valley-based Meitei community and the hills-based Scheduled Tribe Kuki-Zo communities, with nearly 180 people killed in the conflict over the next five months.

The records, accessed by The Hindu under the Right to Information Act, 2005, showed that the Office of the RGI had looked into the Meiteis' inclusion in the ST list on a request from the Ministry of Home Affairs in 1982. It found that, based on "available information", the Meitei community "does not appear to possess tribal characteristics", and said it was not in favour of inclusion. It





noted that historically, the term had been used to describe the “non-tribal population in the Manipur valley”.

Almost 20 years later, when the erstwhile Ministry of Social Justice was revising the SC/ST lists of States and Union Territories, it had sought recommendations from the Manipur government. In response, the Tribal Development Department of Manipur on January 3, 2001, told the Centre that it agreed with the 1982 opinion of the Office of the RGI on the status of Meiteis.

The Manipur government, then headed by Chief Minister W. Nipamacha Singh, had said that the Meitei community was the “dominant group in Manipur” and need not be included in the ST list. It noted that Meitei people were Hindus and “assumed the status of Kshatriya Caste in the ladder of Hindu Castes”, adding that they had already been listed as OBCs. (Some Meiteis are OBCs in Manipur.)

The Union government, however, did not submit any of these records before the single-judge Bench of Acting Chief Justice M.V. Muralidharan, which was hearing the Meiteis’ petition.

In the controversial order, the Acting CJ had said, “By consent, the main writ petition is taken up for final disposal at the admission stage,” issuing notice to the State and Union governments in the same order of March 27 through which it also decided the writ petition filed by members of the Meitei Tribe Union.

In the review and appeal matters pending before the Manipur High Court, the State and Union governments are yet to file any written submissions on ST status for Meiteis.

#### **Decades-old criteria**

The modalities for inclusion of tribes allow only proposals initiated by the State government to be processed, with primacy given to the opinion of the Office of the RGI. The Constitution allows only Parliament to finalise the inclusion by passing the required amendments to the Constitution (Scheduled Tribes) Order, 1950.

The criteria followed by the Office of the RGI to decide inclusion in ST list were set in 1965 by the Lokur Committee: indications of primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large, and backwardness. The same criteria are used to this day.

A proposal to change the criteria for defining Scheduled Tribes, based on an internal committee’s report, was floated in the Ministry of Tribal Affairs in 2014, soon after the Narendra Modi-led government came to power. After mulling it for almost eight years, the Ministry said in 2022 that it had put the proposal on hold, with officials saying there were no plans to tinker with the decades-old criteria.

### **MAHUA MOITRA AND ‘CASH FOR QUERY’ ROW: HOW MPS ASK QUESTIONS IN LOK SABHA**

Trinamool Congress MP Mahua Moitra on Friday (October 20) said she welcomes answering questions from the Central Bureau of Investigation (CBI) and the Lok Sabha Ethics Committee pertaining to ‘cash for query’ allegations against her.

In a post on X, Moitra said: “I welcome answering questions to CBI & Ethics Committee (which has absolute majority of BJP members) if & when they call me.” Her comment came a day after Darshan Hiranandani, CEO of the Hiranandani Group, claimed in an affidavit to the Ethics

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Committee that the MP gave him her Parliament login and password so that he could “post the questions” directly “on her behalf when required”.

When in session, Lok Sabha generally starts with Question Hour — a one hour time period provided to MPs to ask questions of ministers and hold them accountable for the functioning of their ministries. Here is a look at what kind of questions the MPs can raise, what is the procedure for asking the questions, and what’s the importance of the exercise.

#### **What is the procedure for raising the questions?**

The procedure for raising questions is governed by Rules 32 to 54 of the “Rules of Procedure and Conduct of Business in Lok Sabha” and Directions 10 to 18 of the “Directions by the Speaker, Lok Sabha”.

To ask a question, an MP has to first give a notice addressed to the lower house’s Secretary-General, intimating their intention to ask a question. The notice usually contains the text of the question, the official designation of the Minister to whom the question is addressed, the date on which the answer is desired, and the order of preference, in case the MP tables more than one notice of questions for the same day.

“A Member is allowed to give not more than five notices of questions, both for oral and written answers, in all, for any day. Notices received in excess of five from a Member for a day, are considered for the subsequent day(s) concerning that Minister(s) during the period of that session only,” according to a government document, ‘Question Hour in Lok Sabha’.

#### **Usually, the period of notice of a question isn’t less than 15 days.**

There are two ways through which MPs can submit the notices of their questions. First, through an online ‘Member’s Portal’, where they have to enter their ID and password to get access. Second, through the printed forms available in the Parliamentary Notice Office.

The next stage is when the Speaker of Lok Sabha examines the notices of the questions in the light of the laid out rules. It is the Speaker, who decides if a question, or a part thereof, is or isn’t admissible.

#### **What are the conditions for the admissibility of questions?**

There are numerous rules that govern the admissibility of a question raised by an MP. For example, questions shall not ordinarily contain more than 150 words. They shouldn’t contain arguments, defamatory statements, refer to the character or conduct of any person except in their official or public capacity. Queries raising larger issues of policy are not allowed, for it is not possible to enunciate policies within the limited compass of an answer to a question.

Besides these, a question isn’t admissible if its subject matter is pending judgment before any court of law or any other tribunal or body set up under law or is under consideration before a Parliamentary Committee. A query also can’t seek information on matters which may weaken the unity and integrity of the country.

#### **What are the different types of questions?**

There are four different types of questions: starred, unstarred, short-notice questions and questions addressed to private Members.



A starred question is asked by an MP and answered orally by the Minister-in-charge. Each MP is allowed to ask one starred question per day. Starred questions have to be submitted at least 15 days in advance (so that the Minister-in-charge has the time to prepare the answers) and only 20 questions can be listed for oral answers on a day. When a question is answered orally, supplementary questions can be asked thereon.

An unstarred question receives a written reply from the Ministry. These also need to be submitted at least 15 days in advance. Only 230 questions can be listed for written answers in a day. Unlike starred questions, unstarred questions don't permit any follow-up questions.

While starred questions are better suited to inquire about the government's views on issues and its policy inclination, unstarred questions are more conducive for getting answers to queries related to data or information, according to a report by PRS Legislative Research.

Short notice questions are ones pertaining to a matter of urgent public importance. They can be asked with less than 10 days' notice, with reasons for the short notice. Like a starred question, they are answered orally, followed by supplementary questions.

The question to a private Member is addressed to the MP themselves. It is asked when the subject matter pertains to any Bill, Resolution or any matter relating to the Business of the House for which that MP is responsible.

"For such questions, the same procedure is followed as in the case of questions addressed to a Minister with such variations as the Speaker may consider necessary or convenient," the government document said.

#### **What is the importance of raising questions?**

Asking questions is an "inherent and unfettered" parliamentary right of an MP, according to the 'Question Hour in Lok Sabha' document. The exercise is meant to act as a parliamentary device to practise legislative control over executive actions. It can be used to get information on aspects of administration and government activity, criticise government policies and schemes, throw light on government lapses, and push ministers to take substantive steps for the common good.

On the other hand, the government can use these questions to gauge public reaction to their policies and administration. At times, questions lead to the formation of a parliamentary commission, a court of enquiry or even the enactment of a legislation.

### **CAN AAP BE AN ACCUSED IN DELHI EXCISE POLICY CASE? WHAT LAW SAYS**

The Enforcement Directorate (ED) told the Supreme Court on Monday that it is "contemplating" adding the Aam Aadmi Party (AAP) as an accused in its money laundering probe linked to the Delhi government's now-scrapped excise policy.

How can a political party be booked for money laundering and why is the ED considering charging AAP in the case?

#### **What is the law under which a political party can be booked for money laundering?**

Section 70 of the stringent Prevention of Money Laundering Act deals with offences by companies.



The provision states that, “Where a person committing a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder is a company, every person who, at the time the contravention was committed, was in charge of and was responsible to the company, for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.”

While a political party is not a ‘company’ incorporated under the Companies Act, 2013, the provision has a crucial explanation that could bring a political party under the ambit of the anti-money laundering law. It reads: “Explanation 1[1].–For the purposes of this section (Section 70),– (i) “company” means any body corporate and includes a firm or other association of individuals;”

The phrase ‘association of individuals’ can include a political party. A party, according to Section 29A of the Representation of the People Act, is any association or body of individual citizens of India calling itself a political party.

#### **Has a political party ever been booked for money laundering?**

If AAP is directly named as an accused in the excise scam under the PMLA, it would be the first instance of a political party being accused of money laundering. However, political parties have been booked and investigated under the Income Tax Act.

Trusts and NGOs are already under the PMLA ambit. In May, the Finance Ministry in a notification included trustees of an express trust also within the PMLA.

#### **How are the charges against Sisodia tied to AAP?**

The main allegation of the ED is that AAP was the recipient of the proceeds of crime in the excise scam.

A second explanation to Section 70 of the PMLA adds that a “company may be prosecuted, notwithstanding whether the prosecution or conviction of any legal juridical person shall be contingent on the prosecution or conviction of any individual.” This means that, even if the cases involving Sisodia and others fall, the political party can still be prosecuted for money laundering separately. While Sisodia was arrested in February and AAP’s communication in-charge, Vijay Nair, was arrested in September last year, the party’s Rajya Sabha MP Sanjay Singh was arrested earlier this month.

#### **What prompted the ED to consider booking AAP as an accused?**

Additional Solicitor General S V Raju, who appeared for the ED, told the SC that the AAP might be booked under the PMLA “to probe it additionally with respect to vicarious liability.” This statement before a Bench comprising Justices Sanjeev Khanna and SVN Bhatti was made during a hearing seeking bail for former Delhi Deputy Chief Minister Manish Sisodia.

Raju’s statement was in response to an observation by the Bench in an earlier hearing on October 4 that, as per the ED’s case, the recipient of the proceeds of crime was “a political party” and not Sisodia. The bench then asked why the party was not made an accused too.

“As far as PMLA is concerned, your whole case is that it went to a political party. That political party is still not an accused. How do you answer that? He is not the beneficiary, the political party is the beneficiary,” Justice Khanna had said.



## CM MANN MUST CONFRONT DRUG SCOURGE IN PUNJAB

Earlier this week, Punjab Chief Minister Bhagwant Mann led a large prayer gathering of schoolchildren, in which they pledged to reject the scourge of drugs. The Opposition has predictably labelled it as an admission of defeat. But it's evident that Punjab continues to grapple with the menace that has plagued it for over a decade. Seasoned police officers describe it as narco-terrorism, propagated by an unfriendly neighbour. The state's vulnerable geography makes it a hotspot for smuggling of heroin and other opioids across the border. For years, every government in Punjab has risen to power with the solemn promise of eradicating this poison. Former Chief Minister Captain Amarinder Singh's pledge to eliminate drugs within two months at his high-profile swearing-in ceremony was seen as a response to a major factor behind his election victory. In the lead-up to the 2017 assembly elections, the current chief minister would conclude every campaign meeting with his viral ditty on "chitta" (heroin).

The AAP government rode to power on the high hopes of voters who believed it would magically turn off the deadly tap. But drugs continue to infiltrate the state, often delivered by unconventional means like drones. There are accounts of traffickers employing innovative techniques, including crossing flooded rivers. The Director-General of Police regularly updates the public on drug seizures, citing an alarming annual tally of 12,000 to 14,000 cases filed under the NDPS Act, alongside a record seizure of 1,100 kg of heroin in 2023. However, this hasn't yielded a discernible impact on the ground, as police operations frequently target small end-users rather than the major players within the drug network. Drug overdose deaths continue — as per the government's own report, 266 persons have died of drugs between April 2020 and March 2023.

Many villages have formed their own anti-drug committees, whose actions occasionally verge on vigilantism. Responding to this groundswell, the police have initiated some creative approaches to wean the youth away from this poison. Some police districts have introduced gully cricket, while others have instructed constables to mentor addicts. Cops are also harnessing the power of social media, with district police chiefs often leading these initiatives. The prayer gathering at the Golden Temple was an attempt in this direction. While persuasive communication can be potent, the menace will persist unless the drug mafia is dismantled. Just last week, a High Court bench rebuked the Punjab police for their absence in drug trials. This is the challenge that Chief Minister Mann must confront, and overcome. It's a battle for Punjab's future, and he must lead the state to a win.

## U.S.-BASED ADVOCACY GROUPS RAISING VOICE FOR MINORITY RIGHTS BLOCKED ON X IN INDIA

The Indian American Muslim Council (IAMC) and Hindus for Human Rights (HfHR), two U.S.-based non-profits that frequently criticise Indian political leaders' record on minority and caste rights issues in India, have had their accounts on X withheld in India, with the blocking taking place on Sunday. X is the social media platform formerly known as Twitter. A message on the platform says that their handles were suspended following a "legal demand".

It is unclear who issued the order. The Hindu has reached out to the Ministry of Electronics and Information Technology (MeitY) for comment. The two non-profits' Facebook pages continue to be accessible from India.

While X is fighting a case in the Karnataka High Court on what it says is the Union government's excessive Internet blocking orders, it has largely complied with most takedown orders.

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HfHR co-founder Raju Rajagopal told The Hindu that the non-profit was in touch with U.S. government officials on the blocking, and that it had “set the ball rolling” on challenging the action legally in India. IAMC was not immediately available for comment.

The New Delhi-based Internet Freedom Foundation hit out at the government’s move. “Of late, we have seen an increase in the instances of entire accounts being blocked on Twitter in India,” the IFF said in a statement.

“This is a disproportionate measure, and may be potentially unconstitutional. Further, in nearly all cases, copies of the blocking orders are not made available publicly or even to the owners of the Twitter account. This lack of transparency is illegal, and perpetuates an environment of zero accountability,” it added.

The IAMC frequently shares reported instances of violations of Indian Muslims’ rights, such as incendiary speeches by politicians, violence against places of worship, and police abuses. HfHR has been one of the organisations advocating for an explicit prohibition of discrimination on the basis of caste.

#### OTT SERVICES, GOVT. REACH UNEASY COMPROMISE ON SMOKING WARNINGS

Over-the-top (OTT) streaming services such as Netflix, Disney+ Hotstar and Amazon Prime Video reached an uneasy compromise with the Centre on adding smoking warnings to their content, according to the minutes of a meeting with the industry obtained by The Hindu, and a review of smoking warnings on different platforms.

Some streaming services such as Hotstar have included video and on-screen warnings for even older films, while others such as Netflix have chosen less-intrusive messages, cautioning viewers against tobacco consumption at the top left of the screen at the beginning of content with a smoking scene.

The Ministry of Health and Family Welfare had on May 31 notified the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendment Rules, 2023, which required streaming services showing tobacco consumption in the middle of each film or episode, to display a warning at the beginning, on top of text scrolls of each shot containing smoking.

No other country has required filmmakers and TV series makers to interrupt own content this way, and the Health Ministry was aware of this, according to file notings also accessed by The Hindu.

At the meeting, Pankaj Chaturvedi, Deputy Director of Mumbai’s Tata Memorial Hospital, argued for ‘strong measures’ to curb tobacco consumption.

OTT services then pleaded for relaxations in rules and the timelines to comply. V. Hekali Zhimomi, Additional Secretary, resisted the entreaties, saying that the rules “should be implemented regardless of the difficulties.”

#### GOVERNMENT’S DEMAND FROM WHATSAPP: FINETUNE THE BALANCE

A new front is opening up in the battle between Big Tech and the state. According to a report in this paper, the central government is looking to send an order to Meta’s WhatsApp under Section



4(2) of the Information Technology Rules, 2021, to divulge the identities of those who first shared certain videos on the social messaging platform. The videos under the scanner are deepfakes of politicians, not limited to those belonging to the ruling dispensation, but from political parties across the spectrum. While this is the first time that the central government will be directly sending an order to WhatsApp under this rule, it is not the first instance of WhatsApp being asked to provide such details. A few weeks ago, the Tripura High Court had, in fact, stayed an order by a trial court which had asked WhatsApp to reveal the originator of a chat that contained a fake resignation of Chief Minister Manik Saha.

Under Section 4(2) of the IT Rules, social media intermediaries that provide messaging services are required to identify the first originator of a message on their platform. However, this can be done only for the “purposes of prevention, detection, investigation, prosecution or punishment of an offence” that involves issues of sovereignty and integrity of India, security of the state, friendly relations with foreign states, and public order, among others. These caveats that have been drawn up can serve as checks on state action. For instance, in the case involving the Tripura Chief Minister, the High Court had held that “the extent of the threat to public order” was not specifically addressed by the trial court.

In times when misinformation campaigns are rampant, deepfakes can indeed be used to serve political ends. They can also be used to disturb peace between communities. This does pose a genuine problem and an argument can be made for lifting the veil of encryption in exceptional circumstances. However, it must be kept in mind that this is also a slippery slope. Ordering WhatsApp to divulge the identity of the first originator would involve breaking the platform’s end-to-end encryption, which undermines the privacy of users. There is a legitimate concern that this provision could be weaponised by the government to silence its critics. Considering that state arbitrariness needs to be guarded against, a careful balance must be struck, leaning towards protecting the rights and freedoms of citizens, with the courts stepping in to reinforce the guardrails. A less careful and more heavy-handed approach could also have implications for the larger innovation system that the government is keen to promote.

## PM MODI FLAGS OFF RRTS: WHAT IS THIS MASS TRANSPORT SYSTEM, HOW IT CAN BENEFIT NCR

Prime Minister Narendra Modi inaugurated the first leg of the Regional Rapid Transit System (RRTS), India’s first mass rapid system dedicated to regional connectivity, on Friday morning (October 20). Capable of running at speeds up to 180 km/hour, trains on the first section will eventually cut the journey time between Delhi and Meerut to less than an hour.

### What is the RRTS project?

With semi high-speed rail connectivity at its core, the RRTS is an integrated, mass transit network which aims to ensure “balanced and sustainable urban development” through better connectivity and access across the NCR.

RRTS is supposed to serve the region around Delhi and enhance inter-state connectivity. The idea of such a network lies in a study which the Indian Railways was commissioned to carry out in the year 1998-99. The study identified the possibility of an RRTS network to connect various locations in the NCR through fast commuter trains. The proposal was re-examined in the year 2006 with the extension of the Delhi Metro lines to some NCR towns such as Gurgaon, Noida and Ghaziabad.



It was soon taken up by the National Capital Region Planning Board (NCRPB) while developing its “Functional Plan on Transport for NCR-2032”. The NCRPB identified and recommended eight RRTS corridors to connect NCR towns with high speed rail-based commuter transit services.

**Who built the Nammo Bharat, which PM Modi will inaugurate?**

The National Capital Region Transport Corporation (NCRTC), which is a joint venture company of the Central government and the governments of Delhi, Haryana, Rajasthan and Uttar Pradesh, has constructed the Regional Rapid Transit System (RRTS) also known as Nammo Bharat.

The body, under the Ministry of Housing and Urban Affairs, is mandated with implementing the RRTS project across the National Capital Region, which is spread across an estimated 55,000 square kilometres and is home to a population of over 46 crore with a combined GDP of an estimated \$370 billion.

**How is the RRTS different from existing metro or railways systems?**

When compared with metros, the RRTS network is faster. It will cater to commuters who want to travel relatively longer distances across the NCR in a short time.

Compared with the Indian Railways, though the RRTS train will cover relatively smaller distances, it will do so at higher frequency and provide relatively more comfort than the average Railways coach.

The RRTS is modelled on systems such as the RER in Paris, Regional-Express trains in Germany and Austria as well as the SEPTA Regional Rail in the United States, among others.

**What is the objective behind the RRTS project?**

The RRTS seeks to “unlock the entire potential” of the NCR in various ways in addition to enhancing multi-modal connectivity at the existing transportation hubs within it. One of the most significant aims of the project is to nudge commuters towards public transportation and have a positive impact on relieving the congestion both on its road/highways as well as existing metro and railway networks.

In terms of the economy, the project aims to give a push to employment generation and the opening up of newer commercial hubs along the current contours of the NCR. This is expected to allow more citizens residing in regional centres located in Delhi’s suburbs to be a part of economic activity in the capital, and vice versa, without the necessity to relocate near their workplace or place of business.

Shorter travel times are expected to increase the overall economic productivity of the region and allow more economic activity to spring up in and around suburban locations spread across the states of Uttar Pradesh, Rajasthan and Haryana.

**How fast can RRTS trains travel?**

RRTS trains will travel significantly faster than metro trains. These will operate at a speed of 160 km/hour but are designed to be able to run at speeds up to 180 km/hour. Delhi Metro trains can operate at 100 km/hour to 120 km/hour, at the most, depending on the line. The Delhi Metro Rail Corporation’s fastest line, the Airport Express Line, for example, operates at a speed of 120 km/hour.



### **Which corridors are being developed under the RRTS project?**

Eight corridors will be developed under the project, of which three are being constructed under phase I: the 82-km Delhi-Ghaziabad-Meerut, the 164-km Delhi-Gurugram-SNB-Alwar, and the 103-km Delhi-Panipat corridors. The corridors to be developed in future include Delhi – Faridabad – Ballabgarh – Palwal; Ghaziabad – Khurja; Delhi – Bahadurgarh – Rohtak; Ghaziabad-Hapur; and Delhi-Shahadra-Baraut. The RRTS station at Sarai Kale Khan in the heart of the capital will form the backbone of the entire project with all three corridors being constructed under phase I – connecting the city to U.P, Haryana and Rajasthan – converging at it.

### **What part of the RRTS is being thrown open? How long will it take for the entire project to be operational?**

The Prime Minister will inaugurate a 17-km stretch classified as the ‘priority section’ of the 82-km-long Delhi-Ghaziabad-Meerut RRTS corridor. It has 16 stations, of which the priority section has five: Sahibabad, Ghaziabad, Guldhar, Duhai and Duhai Depot. The entire corridor is expected to be operational by 2025.

## **CPM, CONGRESS FIGHT FOR CREDIT OVER THE VIZHINJAM PORT: THE PROJECT AND ITS SIGNIFICANCE**

Soon after Kerala Chief Minister on Sunday (October 15) flagged in the first-ever cargo ship at the under-construction Vizhinjam international seaport project, the country’s first deepwater transshipment port, a war of words was sparked between the ruling CPI (M) and Opposition Congress over the origin of the project. Meanwhile, the BJP has termed the reception for the ship a publicity stunt to create the impression that the project has been completed.

### **What is the Vizhinjam International Seaport Project?**

The Rs 7,600 crore transshipment deepwater multipurpose seaport project is being built by Adani Ports and SEZ Private Limited on a design, build, finance, operate and transfer (DBFOT) model. The project has been in the pipeline for decades — different governments tried to develop but it was the Kerala Congress government in 2015 that finally inked a deal with the Adani Group.

According to the agreement, out of the total investment, Adani Group is supposed to invest Rs 2,454 crore and another Rs 1,635 crore will be mobilised from the state and central governments as viability gap funding. The Kerala government has also gave 500 acres of land. The DBFOT deal is for 40 years, with provisions extending for 20 years.

### **What triggered the row between CPI(M) and Congress**

A project vessel, Hong Kong-flagged heavy load carrier Zhenu Hua 15, carrying a ship-to-shore crane, docked at the seaport under construction on Sunday. It is meant for moving cargo from ships to the shore. Seven more such cranes will be brought from China in the coming months. The heavy loader carrier has also brought rail-mounted gantry cranes. Docking of the heavy load carrier is considered a major milestone for such a project. To mark the occasion, the CPI(M)-led government organised an event, which wasn’t received well by the Congress and the BJP.

### **Why India needs a container transshipment port**

India has 13 major ports. However, the country lacks a landside mega-port and terminal infrastructure to deal with ultra-large container ships. Hence, nearly 75 per cent of India’s transshipment cargo is handled at ports outside India, mainly Colombo, Singapore, and Klang.

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





In fiscal 2021-22, the total transshipment cargo of India was about 4.6 million TEUs (twenty-foot equivalent units), out of which about 4.2 million TEUs were handled outside India.

Developing a port into a Transshipment Hub will accrue significant benefits such as forex savings, foreign direct investment, increased economic activity at other Indian Ports, development of related logistics infrastructure, employment generation, improved operation/logistics efficiencies and increase in revenue share.

Several other allied businesses viz. ship chandlery-ship supplies, ship repair, crew change facility, logistics value-added services, warehousing and bunkering also come up at the transshipment port.

A deepwater container transshipment port can attract a large share of the container transshipment traffic which is now being diverted to Colombo, Singapore and Dubai. It can also ensure India's economic development and open up immense job opportunities.

#### **What are the features of the Vizhinjam port?**

Located near Thiruvananthapuram, Vizhinjam would be India's first international deepwater transshipment port with a natural depth of more than 18 meters, scalable up to 20 meters, which is crucial to get large vessels and mother ships.

It is designed to cater to container transshipment, multi-purpose, and break-bulk cargo. The port is located ten nautical miles from the international shipping route. Other features include minimal littoral drift along the coast and virtually no requirement for any maintenance dredging.

The port is expected to compete with Colombo, Singapore, and Dubai for winning trans-shipment traffic. The cost of movement of containers to and from foreign destinations is likely to come down. Its capacity in the first phase is one million TEU, which can be increased to 6.2 million TEU.

The project is expected to generate 5,000 direct job opportunities, apart from giving a boost to an industrial corridor and cruise tourism. Vizhinjam port offers large-scale automation for quick turnaround of vessels with state-of-the-art infrastructure to handle Megamax container ships.

#### **Where the project stands — and the missed deadlines**

As per the latest assessment, 65.46 per cent of the project is done. The construction of 2,960 meter breakwater has achieved 68.03 per cent progress. Dredging and reclamation are at 68.51 per cent and construction of the berth has gained a progress of 82.53 per cent.

After inking the deal in 2015, Gautam Adani promised that the project would be made operational in 1,000 days and the port would handle 20 million tons of cargo by 2020. However, it has missed deadlines several times since 2019 mainly due to the delay in the construction of the breakwater. The 2017 Ockhi cyclone, the Covid-19 pandemic, the acute shortage of granite boulders to build a 3.1-km breakwater and last year's fishermen's protest contributed to the delay. As per the latest work schedule, the first phase of the project is slated to be operational in December 2024.

### **WHY ODISHA GOVT'S NEW RURAL DEVELOPMENT SCHEME HAS TRIGGERED A CONTROVERSY**

Ahead of the simultaneous General and Assembly elections in Odisha due in April-May 2024, Chief Minister Naveen Patnaik on Tuesday (October 10) rolled out a scheme, 'Ama Odisha, Nabin

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



Odisha' (our Odisha, new Odisha), under which every panchayat of the state will get assistance of Rs 50 lakh to take up projects for protecting places of worships, upgrading sites of historical significance, and improving rural infrastructure and digital access.

#### **Why the new scheme is politically significant**

The newly launched initiative builds on the 'Ama Gaon, Ama Bikash' (our village, our development) scheme, which turned out to be a game changer for Naveen Patnaik's BJD in 2019. Launched after the BJD suffered a setback in the 2017 panchayat polls and the BJP increased its tally, the scheme helped the party win a fifth consecutive term in the subsequent Assembly elections.

Under the Ama Gaon, Ama Bikash initiative, Patnaik directly interacted with people in panchayats through videoconferencing and sanctioned projects as per their need.

Under the new scheme too, the BJD government has allocated funds for various projects based on suggestions by people from rural areas — who comprise 80% of the state's population — through video conferencing.

On Tuesday, Patnaik sanctioned Rs 148 crore for 297 panchayats in Keonjhar district and Rs 109 crore for 218 panchayats in Bhadrak district.

#### **Move to address anti-incumbency**

The party believes Ama Odisha, Nabin Odisha will replicate the success of the earlier scheme and help beat anti-incumbency. Every village is expected to get at least one project, up to Rs 10 lakh per project.

These projects range from strengthening internet connectivity, developing playgrounds and science parks, training facilities, work hubs and skill centres for rural entrepreneurs, projects to bridge the gap in education infrastructure, providing banking facilities, and digital infrastructure at the village level.

#### **Controversy over the scheme**

The Opposition BJP has questioned use of the 'conch' symbol in government advertisements for the Ama Odisha, Nabin Odisha scheme, as conch is the electoral symbol of ruling BJD. The saffron party has also questioned the timing of the scheme, coming months before the 2024 polls.

Senior BJP MLA Mohan Majhi said the use of the conch symbol in government ads shows the BJD fears defeat in the upcoming polls and is trying to "manipulate public opinion". He said the BJP would challenge the use of the symbol in court.

The BJP MLA also accused the government of not following proper guidelines while implementing the scheme.

### **WHAT THE GI TAG CAN MEAN FOR THE CASHEW INDUSTRY IN GOA**

Last week, Goan cashew (kernel) got the geographical indication (GI) tag.

Goa Chief Minister Pramod Sawant hailed the recognition as a great opportunity for the cashew industry in the state and "a milestone towards Swayampurna Goa mission". In a post on X,



formerly Twitter, Sawant said, “Goan cashew has a long and cherished heritage and this GI status helps to preserve our legacy.”

A GI tag is conferred upon products originating from a specific geographical region, signifying unique characteristics and qualities. Essentially, it serves as a trademark in the international market. It is given by the Geographical Indications Registry in Chennai.

#### **What does the GI tag mean for the cashew industry in Goa?**

Cashew manufacturers and processors in Goa said they hoped the GI tag would help consumers differentiate between authentic Goan cashews and cashews sourced from outside the state, which are often marketed as ‘Goan cashews’.

The application for the GI tag for the Goan cashew — derived from the Portuguese name ‘caju’ or ‘kaju’ in Konkani — was filed by the Goa Cashew Manufacturers’ Association (GCMA), with the Department of Science, Technology and Waste Management, Government of Goa, acting as facilitator.

Deepak Parab, nodal officer, patent facilitation centre at the State Council for Science and Technology, said, “Goan cashew will come with the GI logo. Traders cannot use Goa cashew logo on the packets without registration. The government will take steps to promote it.”

Rohit Zantye, GCMA president, said Goa cashew nuts were an integral part of Goan identity and “over the years have become synonymous with Goa”. “Tourists travelling to Goa make it a point to carry Goan cashews and use them for gifting,” he said. Zantye said in the past few years, a chunk of the cashew market has been captured by small traders from other states, who sell cheaper imported cashews by labelling them as ‘Goan cashew’ for profiteering.

“Benin cashews have had a better yield than Goan cashews in the past two years, and are being sold at lower prices. Typically, the Goan cashew is organic and better in taste and it has a unique flavour. The problem is that the compliance is poor. Big producers, who have volumes and economies of scale, can compete, but since the cashew market is unorganised to a large extent, the relatively smaller producers in Goa are struggling,” he said. Agriculture Minister Ravi Naik said earlier last week that the government would crack down on illegal marketing practices.

#### **How did cashew come to Goa and become a contributor to the economy?**

Cashew was native to northeast Brazil in Latin America and was introduced to Goa by the Portuguese in the 16th century (1570). At the time of its introduction on Indian coasts, cashew was known mainly as a crop for afforestation and soil conservation. Historical records cited by the GCMA in its GI application state that Christian missionaries imported high yielding varieties from Latin American countries and cultivated them extensively in Goa. However, the economic value of cashew nuts became known about a century after its introduction.

The story goes that the edible value of cashew nut was discovered by Goan prisoners exiled to the Portuguese territory of Africa (Mozambique) during Goa’s freedom movement in the mid-18th century.

According to a research thesis by Murelle Maria Leonildes Da Costa titled ‘History of Trade and Commerce in Goa 1878-1961’, the first cashew factory in Goa started operations in 1926 and the first consignment of cashew kernels was exported in 1930. Cashew production gradually evolved



from a cottage industry to a large-scale one, facilitating foreign trade because of demand, mainly in the USA.

## IN BIHAR, AN ATTEMPT TO ADDRESS THE MENTAL HEALTH NEEDS OF TEACHERS

Where do they feel greater stress, at home or in school? Are they able to complete the syllabus on time? How does stress impact their teaching? These are some of the questions that the over four lakh teachers in Bihar's government schools will be asked as part of a mental health survey to be conducted by the end of the month. The State Council of Educational Research and Training has been tasked with this job in response to the growing number of complaints about rising teacher absenteeism and inability to teach the syllabus in time as well as reports of corporal punishment meted out to students.

While the challenges that teachers face, especially in government schools, are well known, any policy that seeks to relieve some of their pressure would require identifying the factors involved.

The Bihar government's survey is an important step towards that. Teachers have pointed to the demands of non-teaching assignments such as election duty and the conduct of the recent caste survey in the state, as well as the management of the midday meal scheme which all too often keep teachers from doing justice to their primary duties.

Addressing these concerns will ensure that teachers are equipped to perform the demanding job of nurturing young minds. It could also mark a turnaround for a state that has, in the past, benefitted from creative interventions in the field of education:

For example, the 2006 Mukhyamantri Balika Cycle Yojana, one of the pet schemes of the Nitish Kumar government, under which girls from Class 9 to 12 were given free bicycles to go to school, resulted in the secondary school enrollment of girls increasing by 30 per cent within a year.

A majority of the students who enroll in government schools belong to socially and economically backward sections of society. It is important that they not only stay in school, but also receive quality education. The role of the teacher in creating the right environment cannot be overlooked. For Bihar — and, indeed, for other states — this is an end worth pursuing. Helping teachers do their jobs better would serve the larger cause of ensuring a better education for the nation's young — a vision outlined in the National Education Policy, 2020 as well. Not just children — adults in the classroom need the right environment too.

## NO DENGUE EPICENTRE SO FAR IN 2023; CASES SPREAD ACROSS INDIA

This year, close to 95,000 dengue cases have been recorded in India until September 17, leading to over 90 deaths. The fact that the case burden is spread out across many regions is unusual. In general, dengue follows a pattern in India where one region bears a disproportionately high case burden one year, followed by another region the next year. This year, Kerala and Karnataka in the south have recorded the highest number of cases (over 9,000 each) followed by Maharashtra in the west (8,496 cases), Odisha in the east (6,563), Uttar Pradesh in the north (5,742), and Assam in the north-east (5,604).

### Case burden

In 2008, close to 55% of India's cases were recorded in the northern States of Punjab, Delhi, and Haryana. In 2009, close to 50% of the cases were recorded in the western and central States of





Rajasthan, Maharashtra, Gujarat, and Madhya Pradesh. In 2015, the northern States were again more disproportionately impacted. In 2017, over 60% of the cases were recorded in the south. In 2022, the eastern State of West Bengal was impacted the most with 29% of the cases. Till September 17 this year, no such region-specific pattern has emerged.

The State-wise dengue case burden in the 15-year period between 2008 and 2022: West Bengal recorded the highest share of cases — 11% of India's total — followed by Punjab (8.9%) and Uttar Pradesh (7.1%). Tables 1A and 1B do not list the States which contributed to a smaller share of India's case burden. For instance, Goa's share in total cases never crossed the 2% mark during any year. Table 1B lists the total number of dengue-related deaths in the period. Maharashtra recorded the most deaths in the period (460) followed by Punjab (286) and Kerala (273).

Chhattisgarh recorded a disproportionately high death rate for a State which formed the lowest share of dengue cases. While the State's share in dengue cases was just 0.7% between 2008 and 2022, dengue deaths per one lakh cases peaked at 557, the highest among all the States. This data points to the poor management of the disease in the State.

A similar analysis of all the States shows that along with Chhattisgarh, Haryana and Madhya Pradesh also recorded a disproportionately high death rate though their share in case burden was relatively low. Both the case burden and death rate were higher than the average in Punjab and Maharashtra. West Bengal, Karnataka, and Gujarat managed the disease better with lower death rates though their case burden is high. In the rest of the States, both the case burden and the death rates were relatively low.

#### **Note of caution**

The above analysis should be read with a note of caution as only about 22% of the registered deaths in India were medically certified. There were also wide inter-State variations in this metric. For instance, in Tamil Nadu, 43% of the deaths were medically certified in 2020, while in Uttar Pradesh only 12.6% deaths were certified and in Bihar only 3.4% deaths. So, Tamil Nadu's dengue death figures are more accurate than the figures in Bihar and Uttar Pradesh.

### **CENTRE SEEKS INCLUSION OF TRADITIONAL MEDICINE ON WHO'S LIST**

In a move meant to put the Indian system of medicine on the world map and provide it with a common standardised language, the Union government has sought the inclusion of Ayurveda and related systems in the 11th revision of the World Health Organization's International Classification of Diseases (ICD), as the second module of a supplementary chapter on traditional medicine conditions.

The ICD provides a common language that allows health professionals to share standardised information across the world. The traditional medicine module of the 11th revision provides a list of diagnostics categories to collect and report on medicine conditions in a standardised and internationally comparable manner. Speaking to The Hindu, Ayush Ministry Secretary Vaidya Rajesh Kotecha said, "We are hopeful that the addition of Module-2 for Ayurveda could happen by next January."

After a decade of repeated consultations, ICD-11 had facilitated the inclusion of Module-1, which covers traditional medicine conditions originating in ancient China, which are now commonly used in China, Japan, Korea, and elsewhere around the world.



The 11th revision contains around 17,000 unique codes and more than 1,20,000 codable terms, which are now entirely digital. The joint use of ICD-11's chapter on traditional medicine along with other chapters on neoplasm, patient safety, and injuries, can enhance the reporting of adverse events. It will enable the integration of traditional medicine into insurance coverage and reimbursement systems, in line with larger WHO objectives relating to universal health coverage. It will also link traditional medicine practices with global conventional medicine's norms and standard development.

The development of Module-2 for Ayurveda-related diagnostic systems is being actively supported by the Ministry of Ayush. It banks on the implementation experience gained on the ground by the National Ayush Morbidity and Standardised Terminologies Electronic portal, and the Ayush Health Information Management System, the Ministry said.

## OLYMPIAN HEIGHTS

From time immemorial, the Olympics has been used as a soft-power medium. Governments worldwide have bet on the sporting, economic and socio-cultural impact the games can leave, as well as on the political legitimacy the hosting of the event can bring. Post-World War Europe, post-apartheid South Africa and Brazil of the 2010s are vivid examples. Prime Minister Narendra Modi's announcement at the International Olympic Committee (IOC) session in Mumbai that India "would leave no stone unturned" in its efforts to organise the 2036 edition of the quadrennial extravaganza is to be seen in this light. That India has also expressed an interest in the Youth Olympics as a precursor is a clear signal that it wants to shed the reticence that came with the unsavoury happenings at the scam-ridden and ineptly handled 2010 Delhi Commonwealth Games. Though the ratification of the host city for 2036 will take time — Brisbane was selected for the 2032 edition only in July 2021 — and there will be other claimants, the move lays bare India's global ambitions. Be it through the desire for a permanent membership at the United Nations Security Council or the euphoria surrounding the G-20 presidency, India has consistently sought a seat at the high table. The tag of an Olympic host can give it a vantage position in a shifting world order.

Sporting-wise, it is clear that India wants to benefit from the strong tailwind produced by the stellar 107-medal show at the recently concluded Asian Games. Ever since Abhinav Bindra won the nation's first-ever individual Olympic gold at Beijing 2008, there has been a steady uptick in performances at multi-disciplinary competitions. There is even a firm belief that India will win double-digit medals at Paris 2024. While such confidence is not entirely misplaced, conducting a mega event such as the Olympics presents a humongous challenge. Costs are often prohibitive, as seen from the fierce public outcry during both Rio 2016 and Tokyo 2020. In the case of Tokyo, the financial burden was said to have ballooned to \$15.4 billion, more than double the initial estimate. Recently, the Australian state of Victoria pulled out of hosting the 2026 Commonwealth Games because of mounting expenditure and the Canadian province of Alberta withdrew a bid for the 2030 edition. To avoid being seen as a populist ephemera in a deeply unequal society, the IOC has moved away from the one-size-fits-all solution and now asks potential organisers to present projects that best fit their economic, social and environmental realities. India's success will depend on how it marries its aspirations with the inherent complexities.



## BUSINESS & ECONOMICS

### SRI LANKA MOVES TOWARDS RCEP; BANGLADESH IN QUEUE

Four years after India walked out of the Regional Comprehensive Economic Partnership (RCEP) agreement, neighbours Sri Lanka and Bangladesh are now considering their chances of membership in the 15-nation trading bloc.

Sri Lanka has already applied to join the RCEP. President Ranil Wickremesinghe, who begins a visit to China for the Belt and Road Initiative (BRI) Forum on Sunday, is expected to seek support for his country's candidacy in meetings with leaders there.

The Bangladesh government — whose Commerce Ministry has recommended joining the RCEP — is expected to take a final decision only after the elections are held there in January 2024, Foreign Minister A.K. Abdul Momen said.

The Sri Lankan Presidential Secretariat confirmed the government's application for the RCEP membership in an August statement, saying that it recognised “the potential of this vast trade bloc comprising major economies like China, Japan, and [South] Korea”.

As his government negotiates with the International Monetary Fund (IMF) and other creditors for loans to tide over the financial crisis, Mr. Wickremesinghe has moved more purposefully towards the RCEP membership. Through bilateral meetings, he is seeking support for the move from Malaysia, Indonesia, Japan, and Thailand, and is likely to raise the issue in his meetings in Beijing as well.

“There have been some processes and discussions [towards joining RCEP], but we haven't made an application yet. Our general principle is not to join any big organisation or agreement until after the election mandate,” Mr. Momen said in an interview to The Hindu. He explained that this was why Bangladesh had not yet pursued the RCEP membership or that of the Brazil-Russia-India-China-South Africa (BRICS) earlier this year.

Both countries are also in talks with India for updated free trade agreements (FTAs), and are part of the 2006 South Asia Free Trade Agreement (SAFTA). However, they recognise that joining the RCEP would take them out of the orbit of subcontinental trade, and enable access to the Association of South East Asian Nations (ASEAN)-led group that comprises China, Japan, South Korea, Australia, and New Zealand. At present, the RCEP members represent 30% of the global GDP; in fact, it is the first such agreement involving the big Asian economies. The final RCEP document said that the 15 countries would aim to eliminate up to 90% of tariffs imposed on goods traded within the bloc within 20 years.

#### **Rethink the decision?**

External Affairs Ministry officials did not respond to requests for a comment on whether India would reconsider its decision to pull out of the RCEP talks, as Sri Lanka and Bangladesh make plans to join. A senior government official dealing with international trade said that if India's neighbours joined the RCEP, it would be a “development of concern”, citing the opening up of markets in India's vicinity to a group dominated by Chinese trade, and the possibility that those markets may become “more globally competitive” than India's.



While India was a founder member of the RCEP grouping, Prime Minister Narendra Modi announced that India would pull out of the talks in 2019, owing to concerns over mobility in services and fears of Chinese goods flooding the market, as well as objections raised by the domestic agriculture sector and small businesses. While India has been invited to return to the RCEP meetings on several occasions, the government has not yet indicated that it would consider a review.

Sri Lanka and Bangladesh have additional reasons for the move away from the more protectionist policies in both countries, analysts say.

“During the crisis in Sri Lanka, I think we learned that regional markets are the key. Sri Lanka has missed the boat on other regional groupings and FTAs in the past. I hope joining RCEP and other FTAs will help us spread our market, and frankly think it will force us to become more competitive with international players,” explained Kasturi Chellaraja Wilson, CEO of Sri Lanka’s Hemas Group, the island’s biggest FMCG and healthcare company. She was speaking to a group of South Asian diplomats, economists and editors in Colombo, attending the “One South Asia” conference organised by the World Bank.

Meanwhile, Bangladesh is expected to graduate from the list of Least Developed Countries by November 2026, and will lose preferential access to global markets, with a recent paper estimating that export earnings could drop by 14% and average tariffs could increase by 9%.

According to The Business Standard, a Bangladeshi newspaper, its Commerce Ministry’s proposal said that joining the RCEP could increase Bangladesh’s exports by \$5 billion. As Bangladesh is already negotiating free trade agreements with six of the 15 RCEP countries, joining the grouping would simplify the process, the proposal added.

### FOREX RESERVES FALL \$14.15 BN IN LAST ONE MONTH ON VALUATION IMPACT, RBI INTERVENTION

Country’s foreign exchange reserves have declined by \$14.154 billion in almost one month due to valuation loss and the Reserve Bank of India’s (RBI) intervention in the currency spot market to curb the fall in the rupee against the dollar.

From \$598.897 billion as of September 1, the foreign exchange reserves have dipped to \$584.742 billion, the lowest in more than five months, on October 6, the RBI data showed.

During the period, the Foreign Currency Assets (FCA), a major component of the overall forex reserves, have fallen by \$11.162 billion and the valuation of gold reserves has reduced by \$2.633 billion.

“The fall in (forex) reserves is because of selling of dollars by the RBI to support the rupee and also because of the impact on valuation as the dollar has strengthened,” said Anindya Banerjee, Vice President (Currency Derivatives & Interest Rate Derivatives) at Kotak Securities Ltd.

The rupee has depreciated as the strengthening of the dollar index and hardening of US bond yields have triggered outflows from India.

“The US Fed is consistently maintaining that interest rates are likely to be higher for longer, which is driving the US bond yields higher. The dollar index is staying strong and is well above 106 levels.





This is something which is strengthening the US dollar,” said Dipti Chitale, Director, Mecklai Financial Services Pvt. Ltd, a consulting company focusing on treasury risk management.

Last week, RBI Deputy Governor Michael Patra said the movements in the reserves are more or less due to valuation change rather than a durable fall.

“If you knock out the valuation changes as we do in the balance of payments (BoP), you will see there is an increase of \$24 billion (in forex reserves) in a quarter,” Patra said in a press conference after the October monetary policy announcement.

Foreign exchange reserves are maintained as a multi-currency portfolio comprising major currencies such as the US dollar, Euro, Pound sterling, and Japanese yen, among others, but are valued in terms of US dollars. When the dollar strengthens, the valuation of other currencies vis-à-vis the US currency declines, leading to a notional fall in the overall forex reserves position.

The RBI also keeps the forex reserves in the dollar-denominated assets like the 10-year benchmark securities of the US and UK. Since the yield of the 10-year bonds has risen in the last few weeks, it has impacted the country’s foreign exchange reserves.

The rupee depreciated from 82.689 against the dollar on September 1 to 83.118 on October 6. The domestic currency depreciated to an all-time low of 83.22 on September 7.

After remaining net buyer of domestic equities in the first five months of fiscal 2024, foreign portfolio investors (FPI) net sold Rs 14,768 crore of local shares in September. Overseas investors sold Rs 9784 crore of domestic shares till October 13.

Due to higher outflows, the RBI had to sell dollars to prevent the rupee from falling to a new all-time high, forex market participants said. The RBI has always maintained that its intervention in the forex market is aimed at preventing excessive volatility, anchoring market expectations and providing a stable exchange rate regime.

## FEAR FACTOR

Inflation faced by consumers eased to 5% in September, bringing some relief after a sharp rally in prices that began with July’s 15-month high inflation rate of 7.44%. This not only marks a return to the 2% to 6% tolerance range of the Reserve Bank of India (RBI), but also matches the bank’s upgraded estimate of 6.4% average inflation between July and September. Of course, the preferred inflation rate remains 4% and the RBI will remain “resolutely focused” on durably attaining that. By its own reckoning, that target appears distant — this quarter is expected to average 5.6% inflation, followed by 5.2% between January and June 2024. Even these expectations may need to be tempered. While the RBI has projected an average inflation of 5.4% in 2023-24, the International Monetary Fund and World Bank raised their estimates this month to 5.5% and 5.9%, respectively. So, September’s 5% inflation, which was partly aided by base effects from 2022 when the inflation pace was 7.4% and partly by a sharp dip in volatile prices of tomatoes and vegetables, with a little help from the Centre’s LPG price cuts, is unlikely to sustain or cool further.

Although food inflation which had spurred the spike in prices through July and August, has eased to 6.6% in September, this was disproportionately influenced by crashing vegetable prices even as the inflation pace accelerated for pulses, fruits, eggs and sugar. Cereals and spices inflation remained sticky at 11% and 23.1%, respectively. Rural inflation remained higher than that faced by urban consumers, and with the erratic monsoon hurting kharif season sowing in crops like



pulses and uncertainties about the El Niño effects on the rabi crop, weak rural demand as well as food price pressures remain a source of concern for the economy. The Wholesale Price Index released on Monday shows pulses prices spiked 17.7% while onions rose 55% in September, compared to 10.4% and 31.4% in August, respectively. At -0.26%, wholesale price rise just about stayed in deflationary mode for the sixth month on the back of double-digit upticks through the same period last year. But that streak may be nearing its end. The government has held retail fuel prices since last May and may even be tempted to cut them ahead of critical elections. But producers, facing the brunt of higher global oil and gas prices, which rose at an eight-month high pace of 15.6% in September, have been raising prices for two months now. Global prices for urea, that India largely imports, are up 20% since March. These will start to feed into retail prices soon so it is not time to celebrate cooling inflation yet.

#### RATE CUTS NOT ON AGENDA, RBI REMAINS EXTRA VIGILANT ON INFLATION, SAYS DAS

Stating that interest rate cuts are not on the agenda of the Reserve Bank of India (RBI), Governor Shaktikanta Das on Friday said the central bank remains “extra vigilant” about inflation. Das said monetary policy must remain “actively disinflationary” In the current situation, adding that financial stability is non-negotiable.

Speaking at the Kautilya Economic Conclave, Das said there is a need for a sustained decrease in inflation and the RBI wants to reduce it to 4 per cent. Referring to the Israel-Palestine conflict in West Asia, Das said central banks “need to remain very agile” amid global uncertainties.

“...we all thought the period of uncertainty is over but I think as you would have seen in the last fortnight, new uncertainties have been thrown up. Therefore, central banks need to remain very agile and more than central banks, the first line of defence are the financial institutions and markets themselves... custodians of financial market infrastructure, stock exchanges, other exchanges, other regulators, financial sector entities, banks, (and) NBFCs themselves will have to remain agile,” Das said.

The RBI Governor underlined that in good times, the seeds of future vulnerabilities are sown, and hence, buffers are best built up during good times. “Banks, NBFCs and other financial sector entities should remain vigilant and complete the pending repairs, if any, to their houses. Roofs need to be fixed, walls need to be further strengthened and foundations need to be augmented when the weather is good to withstand potential adverse weather events in the future,” he said.

On monetary policy, Das said the RBI is focused on growth-inflation dynamics and will take whatever action needs to be taken. “If you take a cue that the Reserve Bank of India is thinking of reducing interest rates, sorry there is no such agenda about it. Interest rates will remain high. How long they will remain high, I think, only time and the way the world is evolving will tell,” he said.

The headline retail inflation rate fell to a three-month low of 5.02 per cent in September, but it has remained over the RBI’s medium-term target of 4 per cent for four years. The RBI has raised the policy repo rate by 250 bps cumulatively between May 2022 and February 2023 and left it unchanged since then. “The 250-bps hike is still working through the financial system. We have also appropriately fine-tuned our communication to ensure successful transmission of the rate hikes,” Das said.

While pointing out the risks from uncertainties such as the Israel-Hamas conflict over the last fortnight, Das said it has resulted in rise in US bond yields to all-time highs, which has wider



implications for other economies, but macroeconomic fundamentals in India remain strong. “Crude oil prices have also gone up. Some of these uncertainties were there, but they have become more pronounced in some sense. What is different in the context of India, we are impacted by whatever is happening all over, no doubt about that.

Our macroeconomic fundamentals continue to be sound. Eventually, in these uncertain times, what matters is how strong are your macroeconomic fundamentals, how strong is your financial sector. I think on both these parameters India is well placed,” he said.

Das also said rupee is stable and the RBI intervenes in the forex market but only to prevent excessive volatility. “The dollar index has become strong, but if you look at the volatility of the Indian rupee, from January 1 till now, the rupee depreciation is 0.6 per cent whereas on the other side, the appreciation of the US dollar for the same period has been 3 per cent. So, the rupee is stable,” he said.

### WILFUL DEFAULTS RISE TO RS 3.53 LAKH CRORE, TO SPIKE FURTHER

After rising by close to Rs 50,000 crore in fiscal 2023, banks are expected to witness a spike in wilful defaults following the Reserve Bank of India (RBI) proposal to classify a borrower as wilful defaulter within six months of the account becoming a non-performing asset (NPA).

According to TransUnion Cibil, wilful defaults rose by nearly Rs 50,000 crore to Rs 353,874 crore involving 16,883 accounts as of March 2023 as against Rs 304,063 crore (14,899 accounts) in March 2022. The State Bank of India (SBI) reported 1,921 wilful default accounts, involving Rs 79,271 crore, Punjab National Bank Rs 41,353 crore, Union Bank Rs 35,623 crore, Bank of Baroda Rs 22,754 crore, and IDBI Bank Rs 24,192 crore.

Banks have filed suits against 36,150 NPA accounts to recover Rs 926,492 crore as of March 2023. Many of these legacy accounts are likely to be added to the wilful default category when the RBI issues the final guidelines.

Interestingly, NPAs — loan accounts in which principal or interest is overdue for more than 90 days — which declined to a 10-year low of 3.9 per cent in March 2023, is expected to fall further to 3.6 per cent by March 2024, the RBI’s latest Financial Stability Report said.

As per the RBI classification, a ‘wilful default’ would be deemed to have occurred if the borrower has defaulted in meeting their repayment obligations to the lender even when they have the capacity to honour the obligations.

On September 21, the RBI proposed that lenders should complete the process of classification of a borrower as ‘wilful defaulter’ within six months of the account being declared as non-performing asset (NPA). The revision of norms comes after a review of the instructions and consideration of various judgments and orders from the Supreme Court and High Courts, as well as representations and suggestions received from banks and other stakeholders, the central bank said. It said the evidence of wilful default needs to be examined by an Identification Committee, to be set up by lenders.

However, wilful defaulters will be eligible for compromise settlements as per a June 8, 2023 circular of the RBI. As much as 77 per cent of the total wilful defaults are accounted by nationalised banks and SBI.



Wilful defaults rise, Banking, non-performing asset, banking sector, loan defaulters, Reserve Bank of India, RBI, wilful default category, Business news, Indian express

A wilful default happens when the borrower has not utilised the finance from the lender for the specific purpose for which finance was availed, and has diverted the funds for other purposes, or siphoned off funds, or disposed of or removed the movable fixed assets or immovable property given for the purpose of securing a term loan without the knowledge of the bank.

On June 8, 2023, the RBI said in a circular that banks can undertake compromise settlements or technical write-offs in respect of accounts categorised as wilful defaulters or fraud without prejudice to the criminal proceeding underway against such debtors. Compromise settlement refers to a negotiated settlement where a borrower offers to pay and the bank agrees to accept in full and final settlement of its dues an amount less than the total amount due to them under the loan contract.

This settlement invariably involves a certain sacrifice by way of write off and/or waiver of a portion of the lender's dues on a one-time basis. Banks had approved several compromise settlements running into hundreds of crores with huge haircuts – or the reduction of outstanding payment or loans that will not be repaid by the borrowers – between 2000 and 2014, leading to huge losses for banks in the last two decades.

The central bank also directed banks to fix a minimum cooling period of at least 12 months before making fresh exposures to borrowers who had undergone compromise settlements. This means a wilful defaulter or a company involved in fraud can get fresh loans after 12 months of executing compromise settlement.

The central bank has virtually reversed its earlier policy of keeping wilful defaulters out of compromise settlement. On June 7, 2019, the RBI, in its 'Prudential Framework for Resolution of Stressed Assets', made clear that the borrowers who committed frauds/ malfeasance/ wilful default would remain ineligible for restructuring. Now this change in the framework by the central bank to grant compromise settlements to wilful defaulters came as a shocker to the banking sector as it will not only lead to erosion of public trust in the banking sector but also undermines the confidence of depositors.

## ANGEL TAX FOR START-UPS: WHAT CBDT HAS CLARIFIED AFTER SCRUTINY NOTICES

Amid notices being sent to start-ups, the Central Board of Direct Taxes (CBDT) has stepped in to direct its officers to not carry out scrutiny of angel tax provisions for start-ups recognised by the Department for Promotion of Industry and Internal Trade (DPIIT).

In a directive issued last week, the tax department has asked its field officials to not do verification for the recognised start-ups for cases pertaining to Section 56 (2) (viib) of the Income-tax Act, which was amended in the Finance Act, 2023 bringing in non-resident investors also under the angel tax levy.

### **What is the new tax directive on start-ups?**

Citing issuance of scrutiny notices to start-up companies under the CASS (Computer-Assisted Scrutiny Selection), the CBDT in its directive has stated that procedure has been laid out for the assessment of such startup companies, which have been recognized by the DPIIT and no





verification is required for such start-ups for notices related to the amended provisions for angel tax.

This clarification by the tax department comes after many startups had raised concerns about receiving scrutiny notices for angel tax.

The CBDT has outlined two scenarios: firstly, where the case of such start-up company is selected under scrutiny on the single issue of applicability of section 56 (2) (viib) of the Income-tax Act, no verification on such issues shall be done by the Assessing Officers during the proceedings u/s 143 (2) or u/s 147/143(2) of the Act and contention of such recognized start-up companies on the issue will be summarily accepted.

Secondly, where the case of such start-up company is selected under scrutiny with multiple issues including the issue under section 56 (2) (viib) of the I-T Act, the issue of applicability of section 56 (2)(viib) of the Act “shall not be pursued during the assessment proceedings of such startup company”.

#### **What is angel tax for start-ups ?**

Angel tax – which is income tax at the rate of 30.6 per cent – is levied when an unlisted company issues shares to an investor at a price higher than its fair market value. Earlier, it was imposed only on investments made by a resident investor. However the Finance Act 2023 proposed to extend angel tax even to non-resident investors from April 1.

#### **What were the changes for angel tax in Budget 2023-24?**

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 had 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.

In September, the Finance Ministry notified final valuation rules for foreign and domestic investors into unlisted companies such as start-ups under the new angel tax mechanism. The rules had accounted for the industry’s calls by addressing an additional sub-clause of compulsorily convertible preference shares (CCPS), stating that the valuation of CCPS can also be based on the fair market value of unquoted equity shares.

Besides the discounted cash flow (DCF) method for resident investors, the tax department prescribed five valuation methods for non-resident investors: comparable company multiple method; probability weighted expected return method; option pricing method; milestone analysis method; and replacement cost method.

In May, the Finance Ministry had exempted investors from 21 countries including the US, UK and France from the levy of angel tax for non-resident investment in unlisted Indian start-ups.



However, the list excluded investment from countries like Singapore, Netherlands and Mauritius – which have traditionally been key geographies for start-ups to raise money.

## EXPLAINSPEAKING: HOW TO READ INDIA'S LATEST EMPLOYMENT DATA

Last week, the Ministry of Statistics and Programme Implementation released the results of the Periodic Labour Force Survey for the period July 2022 to June 2023. This is the sixth PLFS report and each tracks a 12 month period between July and June.

### Significance of PLFS reports

The annual PLFS — as well as its predecessor, the quinquennial Employment-Unemployment Surveys — are conducted by the National Sample Survey Office in order to get an understanding about the state of employment in India.

The PLFS provides data on different metrics so that the policymakers can understand the proportion of people demanding work, the proportion of people among them who failed to get a job, the gender differences in employment as well as wages etc. The PLFS also tells the sectoral distribution of workers in the economy — what percentage is involved in agriculture, for instance. It also records the type of work people do — for instance, how many are engaged in casual labour, how many work for themselves, and how many have regular salaried jobs etc.

### Recall periods

It is also noteworthy that PLFS collects data in two ways — Usual Status (US) and Current Weekly Status (CWS). Broadly speaking, within usual status, the survey respondent has to recall their employment details from the last one year while in the CWS, the respondent has to recall the details over the past one week.

More precisely, the estimate of the labour force in the usual status includes the persons who either worked or were seeking/available for work for a relatively long part of the 365 days preceding the date of survey and also those persons from among the remaining population who had worked at least for 30 days during the reference period of 365 days preceding the date of survey

The estimate of the labour force according to the current weekly status approach is derived by considering those who worked for at least 1 hour or was seeking/ available for work for at least 1 hour on any day during the 7 days preceding the date of survey.

Increasingly, the global practice has been to focus more on CWS because the recall is better over the past week.

Most of the findings below are all based on CWS.

Latest findings

### 1) Unemployment Rate (UER)

The UER is often the most talked about metric in popular discourse. Simply put, it refers to the proportion of people who demanded work over the past year and failed to get it.

As the data in Table 1 shows, for the population above 15 years of age, the UER has fallen significantly — from 6.6% to 5.1% over the last year (that is, July to June cycle). Simply put, 5.1% of all the people above 15 years of age who demanded work failed to get one.

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



## 2) Labour Force Participation Rate (LFPR)

The UER rate is calculated as a proportion of the population that is demanding work. But this population — which demands work — also goes up and down for a variety of reasons. The LFPR is a measure of the total population demanding work, and it is presented as a proportion of the total population that is above 15 years of age.

India's LFPR, which had been inching up, shot up significantly in the past year. As of 2022-23, 54.6% of all Indians above the age of 15 were looking for a job.

## 3) LFPR for women

This metric looks at LFPR for among women to ascertain where the additional demand for jobs is coming from. The data shows that female LFPR has gone up over the years but there were two discrete step-ups — one in 2019-20 (when India's GDP growth rate had slowed down to less than 4% and this was before the Covid pandemic hit) and second in 2022-23 when it rose to 31.6%.

## 4) Worker Population Rate

Since the proportion of people demanding work (the LFPR) goes up and down and the percentage of those failing to get a job (the UER) is expressed as proportion of the former, it can throw off analysis. As such, there is another way to look at the labour market: Worker Population Ratio (WPR). The WPR is the percentage of persons employed among the persons in the population. Thus, instead of looking at how many demand a job and how many fail to get it, the WPR simply gives a measure of how many people have a job as a proportion of the total population.

This metric too has been going up and especially noteworthy are the two discrete step-ups in 2019-20 and 2022-23.

## 5) WPR among women

This metric throws light at the WPR for women to understand what's leading to the spike in overall WPR. Again, the WPR for women has been going up but two main spikes have been in 2019-20 and 2022-23.

## 6) Monthly earnings

The PLFS reports also provide a sense of how much do people earn in different types of jobs.

While it is true that incomes have broadly gone up — after falling during Covid — the main takeaway from this data emerges when one compares how little have monthly incomes changed over the past 6 years, especially in the face of a sharp rise in inflation. To be sure, since late 2019, annual consumer inflation has always been above the RBI's target of 4%.

## 7) Distribution of workers

To accurately make sense of more and more people working, it is important to know not just what they earn but also what kind of work they do. For this, we look at data collected over usual status by PLFS. the details of the three main classifications: self-employment, casual labour (say a construction worker) and regular salaried job. Self-employed has two sub-categories: (i) own account worker and employer and (ii) unpaid helper in household enterprises.



The data shows that self-employment has risen and jobs in the other two categories have fallen in proportion.

It is also noteworthy that self-employment among women is the key driver for this overall trend.

### Upshot

At first glance, PLFS 2022-23 throws up some positive trends: Unemployment rate continues to fall, LFPR and WPR see significant spikes. In particular, it is heartening to note that more and more women are joining the workforce. This would suggest that as the Indian economy recovers, more and more well-paying jobs are getting created.

However, when one looks at what these new jobs are and how much they pay, the understanding changes.

That's because the only jobs that are getting created are of the "self-employment" type. When an economy grows, businesses employ people. When an economy struggles, people lose their regular jobs, and become "self-employed".

Similarly, the trend for women across all metrics suggests that weak household finances have pushed women, who were outside the workforce in the past, to join in, often as "unpaid helpers in household enterprises".

Similarly, sectorally, too, India seems to be moving backwards with the proportion of Indians employed in agriculture going up over the past year while those in manufacturing having fallen.

Lastly, a booming economy sees monthly incomes improve. However, that is not the case in India.

## INCREASE IN MSP FOR WHEAT: A POLITICAL HIKE

The Narendra Modi government has hiked the minimum support price (MSP) of wheat to be sown in the coming 2023-24 rabi season by Rs 150 to Rs 2,275 per quintal. That's the highest spike since the same level of increases in the two consecutive crop years of 2006-07 and 2007-08 during the previous United Progressive Alliance (UPA) regime. The latest procurement price raise has both a political and economic dimension. Politically, this is the last one before the 2024 Lok Sabha elections and ahead of next month's state assembly polls, with wheat a key rabi crop in Madhya Pradesh and Rajasthan. Cumulatively, the Modi government's MSP increase of Rs 875/quintal for wheat over 10 years works out more than the Rs 770 during the UPA's tenure, and so is the case of common paddy (Rs 873 versus Rs 760/quintal).

As far as economics goes, the current MSP rise has been largely prompted by wheat stocks in government warehouses, at 239.95 lakh tonnes (lt) on October 1, hovering just over the required normative minimum of 205.2 lt for this date. There are also worries over the prospects for the new crop, given that water levels in the country's major reservoirs are only 82.4 per cent of last year's and 94.4 per cent of the 10-year average for this date. Moreover, a strengthening El Niño, which is projected to continue through the winter and spring till May, could affect rainfall during the rabi season. Winter rains, at least a couple of spells, provide moisture as well as help sustain low temperatures that the wheat crop requires. The Modi government obviously wants to take no chances in an overall tight supply situation, especially in the run-up to national elections.

But that does not justify the magnitude of MSP hike granted, for two reasons. First, wheat is a default crop option for farmers with access to irrigation in much of northern and central India.





They don't need any special incentive, over and above assured government procurement, for growing it. Wheat accounts for almost half of the country's total area under all rabi crops. If acreage goes up further this time, it will hardly be courtesy of a Rs 150/quintal higher purchase price. Secondly, if tight supplies are a concern, the government can import. European Union export prices for wheat have fallen from \$360 to below \$250 per tonne in the last one year. Russian wheat is available cheaper at \$230-235 per tonne. Even after adding ocean freight, insurance and other costs, imports would be viable, at least on government account, for building its own stocks. On balance, the MSP decision has been forced more by political than economic considerations.

## MODI SPEAKS TO GOOGLE'S PICHAI, WHY ARE GOOGLE MANUFACTURING PLANS IN INDIA SO IMPORTANT?

Prime Minister Narendra Modi and the CEO of Alphabet, Sundar Pichai, on Monday (October 16) discussed the company's plan to establish an electronics manufacturing ecosystem in India.

An official statement issued by the government said during the online video interaction, PM Modi appreciated Google's partnership with Hewlett Packard (HP) to manufacture Chromebook laptops in India. Alphabet is the parent company of Google.

### What's the big deal about the manufacture of the Chromebooks?

The production of Chromebooks in India is a major boost to the country's electronics manufacturing ambitions. It has put Google among the most high-profile names to begin manufacturing in India as companies worldwide look to diversify supply chains in response to geopolitical uncertainties.

The Chromebooks, which are laptops that run on Google's Chrome operating system, are being built at the Flex facility near Chennai, where HP has been producing a range of laptops and desktops since August 2020. Production began on October 2, and will cater to the demand, mainly from the education sector, for affordable PCs in India.

Chromebooks are among the most popular laptops in educational institutions worldwide, but are yet to find mainstream traction in India, where most laptops run on Microsoft's Windows operating system.

The manufacture of Chromebooks in India will help Google compete more effectively with Windows computers built by companies such as Dell, Lenovo, and Asus.

### Why is local electronics manufacturing important for India?

India seeks to establish itself as a "trusted partner" in global supply chains at a time when companies, especially from the US, are looking to diversify away from China, which has been the hub of such manufacturing for decades.

Indian imports of electronic goods and laptops/ computers have increased in the last few years. China accounts for roughly 70-80% of Indian imports of personal computers and laptops. New Delhi would like to change this situation as soon as possible.

During April-June this year, the import of electronic goods increased to \$6.96 billion from \$4.73 billion in the year-ago period, with a share of 4-7% in overall imports. The biggest share of imports is in the category of personal computers, including laptops and palmtops, under which imports



from China stood at \$558.36 million in April-May this year as against \$618.26 million in the year-ago period.

As the window for the Centre's production-linked incentive (PLI) scheme closed in August, more than 40 companies, including Dell, HP, Asus, Acer, and Lenovo, applied to participate in the programme to manufacture laptops, computers and servers in India. Apple chose to not apply.

The government is expected to clear applications of around 30 companies soon, the majority of which will start production from next April, it is understood.

#### **What else is India doing apart from seeking to incentivise manufacturing in the country?**

India has also adopted policy changes to discourage imports from China.

In August, the government had attempted to impose a licensing requirement on the import of laptops and computers, but it was forced to delay the implementation of the directive until October 31 after a strong pushback from the industry.

The Centre has now introduced the so-called "import management system", under which companies will be required to register and disclose data related to their imports, including countries from which they import electronic hardware such as laptops and personal computers, and domestic sales value.

Eventually, the government will also impose a condition on companies to reorient their supplies from "trusted sources", a move that is squarely aimed at reducing import dependence on China.

While the quota system, as envisaged earlier, has been put on the back burner for now, it will be implemented in a staggered manner by means of a credit formula — the government will create a ratio between domestic production and imports, and depending on the former, will allow the latter.

#### **PROXY ADVISORY FIRMS OPPOSE ANANT'S APPOINTMENT ON RIL BOARD: WHAT ARE THESE FIRMS, AND HOW SHOULD INVESTORS REACT?**

A proposal to appoint Anant Ambani (28), the youngest son of Mukesh Ambani, on the board of Reliance Industries Ltd (RIL) is facing opposition from two proxy advisory firms. The firms – Institutional Investor Advisory Services India Ltd (IiAS) and Institutional Shareholder Services (ISS) – have advised RIL shareholders to vote against the proposal. However, they are backing the appointments of Anant's elder siblings – Isha and Akash – both 31 years of age, on RIL's board.

#### **Why are two proxy firms opposing Anant's appointment on the RIL board?**

IiAS and ISS have cited Anant's age as the reason for not supporting the proposal for his appointment on the RIL board.

"At 28 years of age, his (Anant's) appointment as a Non-Executive Non-Independent Director does not align with our voting guidelines," IiAS said in a report while recommending shareholders to vote 'against' the proposal.

According to a Bloomberg report, ISS in an October 12 note said, "A vote against this resolution is warranted as Anant Ambani's limited leadership/board experience of around six years, raises concerns on his potential contribution to the board."



On September 25, RIL, in a postal ballot notice, sought approval from members of the company, by way of a remote e-voting process for the appointment of Isha, Akash and Anant as non-executive directors of the company.

The e-voting started on September 27 and will end on October 26. As per IiAS report the appointments of Isha, Akash and Anant are expected to be effective before December 31, 2023.

### **What are proxy advisory firms?**

Proxy advisory firms position themselves as independent firms that provide advice to individual shareholders, minority shareholders or institutional investors relating to the exercise of their rights in a company, including recommendations on public offers or voting recommendations on agenda items.

### **How many proxy advisory firms are there in India?**

Some of the major proxy advisory firms in the country include IiAS, Stakeholders Empowerment Services (SES) and InGovern. Proxy advisors are regulated by the markets regulator Securities and Exchange Board of India (Sebi).

### **Why are proxy advisory firms important?**

Proxy advisory firms closely look at listed companies, their performance and resolutions, and advise shareholders about their rights. They work in the interest of shareholders who might not always be able to analyse the impact of any resolution adopted by a company. These firms suggest investors vote for or against any corporate decisions.

“Our idea is to educate investors in such a manner that they can protect their rights. This begins by giving them our opinion on the resolutions so that information is sufficient for them to make informed decisions,” said J N Gupta, Co-founder and Managing Director, Stakeholders Empowerment Services (SES).

Proxy advisory firms also work with companies to improve their corporate governance practices.

### **What should investors do?**

Proxy advisory firms’ role is to educate investors. The recommendations given by proxy advisors are non-binding for investors. Investors should always do their own research to arrive at a voting decision.

“Our suggestion should not be taken as gospel truth. One should analyse various aspects before voting,” Gupta said. At the same time, it is very important for a proxy advisory firm to present investors opinions that are unbiased, conflict-free and focused, he said.

## **CENTRE UNVEILS TRADEABLE GREEN CREDIT**

The government has introduced a special programme allowing an individual or entity to earn Green Credit and trade it on a dedicated exchange.

Green Credit refers to a unit of an incentive provided for specified activities that deliver a positive impact on the environment. “A Green Credit programme is being launched at the national level to leverage a competitive market-based approach for incentivising environmental actions of various stakeholders,” the Environment, Forest, and Climate Change Ministry said in a notification. This

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



programme is a follow-up action of the 'LiFE'-(Lifestyle for Environment) campaign. The notification added that the new programme is a voluntary one.

This programme will cover eight types of activities — tree plantation, water management, sustainable agriculture, waste management, air pollution reduction, and mangrove conservation and restoration. To get the Green Credit, one needs to register the activity with the administrator through a website. The activity will then be verified by a designated agency and based on its report, the administrator shall grant the applicant a certificate of Green Credit.

#### **Trading platform**

“The calculation of Green Credit shall be based on equivalence of resource requirement, parity of scale, scope, size, and other relevant parameters to achieve the desired environmental outcome,” the notification said. A Green Credit Registry will also be included. The administrator will establish and maintain a trading platform.

The notification said the programme would incentivise environmentally-positive actions via a market-based mechanism and generate Green Credit, which shall be made available for trading on a domestic market platform.

The initiative aims to encourage industries, companies, and other entities meet their obligations under any law that is in force for the time being. However, the Green Credit generated or procured to fulfil any obligation, in compliance with any law, shall not be tradeable.

The notification clarified that the Green Credit programme is independent of the carbon credit provided under the Carbon Credit Trading Scheme, 2023 under the Energy Conservation Act, 2001. “An environmental activity generating Green Credit may have climate co-benefits, such as reduction or removal of carbon emissions... and may get carbon credit,” it said.

## THE ALLEGATIONS ON ADANI COAL IMPORTS

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

In a recent report, the Financial Times stated that the Adani Group appeared to have imported billions of dollars of coal at prices above their market value. The reportage was based on an examination of 30 shipments of the commodity from Indonesia to India, over 32 months between 2019 and 2021. It stated that the data affirmed long-standing allegations (against the company) of making consumers and businesses overpay for electricity. The Adani Group has denied the allegations.

### **What did the report say?**

The allegations concern the group's Integrated Resource Management (IRM) business. A credit report in March this year held it as the country's largest importer of thermal coal catering to the requirements of its clients in both private and public sector undertakings (PSUs).

According to FT, the observed prices mentioned in the import records, of the examined shipments, were far higher than those in corresponding export declarations. For example, bulk carrier DL Acacia transported 74,820 tonnes of coal in January 2019. Export records mention the price of the commodity as \$1.9 million plus \$42,000 for shipping and insurance. However, upon arrival at India's Mundra port in Gujarat (run by the conglomerate) the declared import value was escalated to \$4.3 million. Separately, as per Indonesian declarations, the 30 sailings are said to have





transported 3.1 million tonnes of coal during the mentioned period valued at \$139 million, excluding another \$3.1 million in shipping and insurance costs (thus, totalling about \$142 million). However, the price declared to custom officers in India was \$215 million. This amounted to a \$73 million profit, which, as per FT, was “far in excess of plausible shipping costs”.

Coal trading largely follows a “high volume competitive business with profit margins in the low single digits” paradigm. Additionally, considering the essential nature of the commodity, stringent government regulations too become necessary. Hence, it becomes imperative that miners consider these factors when pricing their product to make it worthwhile for the traders to derive something. In a related context, an expert in Indonesian trade told the publication that anything more than a couple of dollars above the market price raises eyebrows.

#### **How was this alleged process run?**

The investigative trail centres around three “middlemen”, or offshore entities, that supplied the group with coal and are said to have made “more substantial amounts”. These include Hi Lingos in Taipei, Taurus Commodities General Trading in Dubai and Pan Asian Tradelink in Singapore. Import data since July 2021 indicated that the conglomerate paid a total of \$4.8 billion to the entities for the coal sourced – a substantial premium to market prices. For further perspective, 73 million tonnes of coal were imported by Adani Enterprises (in 2,000 shipments) between September 2021 and July 2023. Of the 73 million imported, 42.2 million tonnes were supplied by its own operations at an average (declared) price of \$130 per tonne, while the average price for the three middlemen stood at \$155 per tonne. Separately, imports from Hi Lingos were declared at \$149 per tonne, Taurus at \$154.43 and Pan Asia at \$168.58.

FT observed Hi Lingos was owned by Taiwanese businessman, Chang Chung-Ling. He is believed to have been secretly one of the largest shareholders in three-listed Adani companies between 2013 to at least early 2017. Pan Asia Tradelink, with the highest premium, was observed to not have any other Indian customer, except for Adani Power.

#### **What have been the reactions?**

The Adani group’s rebuttal focuses on two points. The first of it is about the publication basing its story on the Directorate of Revenue Intelligence’s March 2016 circular. For perspective, the notice spoke of “certain importers of Indonesian Coal were artificially inflating its import value as compared to the actual value”. While the circular also names 40 private power generators including Reliance Infra, JSW Steels and Essar among others, the Adani group has been singled out, it argues. The conglomerate argued that the show-cause notice to one of the 40 importers mentioned in the circular had been quashed by the Customs Excise and Service Tax Appellate Tribunal (CESTAT). “Further, the DRI’s appeal was dismissed as withdrawn by the Hon’ble Supreme Court of India on 24 January 2023 with the observation that ‘we appreciate the stand taken by the Government in not entering into futile litigation’,” it noted.

Secondly, the conglomerate alleged the reportage ignored that coal procurement in India was done on long-term supply basis through an “open, transparent, global bidding process thereby eliminating any possibility of price manipulation”. It explained that tariffs are fixed by the Central Electricity Regulatory Commission after “evaluating all variables and in consultations with power generator, distributor and retail consumers”. Thus, introducing multiple opportunities for determining aspects related to tariffs, such as the import value of coal. To this effect, the group contends, “the question of over invoicing or price manipulation does not arise.”



## LIFE & SCIENCE

### HOW QUANTUM ALGORITHMS SOLVE PROBLEMS THAT CLASSICAL COMPUTERS CAN'T

We often hear that quantum computers efficiently solve problems that are very difficult to solve with a classical computer. But even if the hardware is available to build a quantum computer, exploiting its quantum features requires us to write smart algorithms.

An algorithm is a sequence of logically connected mathematical steps that solve a problem. For example, an algorithm to add three numbers can have two steps: add the first two numbers in the first step and the result to the third number in the second step.

#### Quantum v. classical algorithms

A more involved example of an algorithm is the search for the largest number in a finite list of numbers.

An algorithm can start by assuming that the first number on the list is the largest. Next, it can compare this number with the second number on the list. If the second number is larger than or equal to the first number, the second number is now deemed to be the largest. Otherwise, the first number remains the largest at this stage. The algorithm then moves to the third number on the list – and so on until it has finished comparing all the numbers on the list. The number that is the largest as of the final step will be the answer.

A quantum algorithm is also a series of steps, but its implementation requires quantum gates. Some problems may need fewer steps on the part of a quantum algorithm than the number of steps required by a classical algorithm. That is, the quantum algorithm can speed up the computation.

One factor that controls this speed-up is the possibility of superposition of the states of quantum bits, or qubits, that encode information. Whereas a classical computer uses semiconductor-based gadgets as bits to encode information, quantum computers use qubits. In both cases, the bit or the qubit can have two distinct states, 0 or 1; but qubits have the additional ability to be partly 0 and partly 1 at the same time.

### SCIENTISTS REVEAL SOURCE OF MOST POWERFUL MARSQUAKE IN HISTORY

Just like on Earth, the surface of Mars sometimes vigorously shakes and unsurprisingly, that is called a marsquake. The largest ever marsquake recorded in history happened in 2022 and scientists now finally know the reason behind it.

A study published in the journal *Geophysical Research Letters* on Tuesday rules out the possibility that the marsquake was caused by a meteor impact. The quake had a magnitude of 4.7 and since its seismic signal was similar to previous quakes that were caused by meteoroid impacts, scientists initially believed that it might have been caused by an impact as well. This launched an international search for a fresh crater at the time.

Mars is smaller than Earth but it has around the same land surface area as our planet because it has no oceans. This huge amount of ground—about 144 million square kilometres—had to be surveyed. For that, the researchers sought contributions from the European Space Agency, (ESA)



the Chinese National Space Agency, (CNSA) the Indian Space Research Organisation (ISRO) and the United Arab Emirates Space Agency.

This could be the first time that all missions in orbit around the red planet have collaborated on a single project, according to the University of Oxford.

After months of comprehensively searching on the Martian surface, the researchers announced on Tuesday that no crater was found. They instead concluded that the marsquake was caused by the release of tectonic forces from within the planet's interior. This could mean that Mars is more seismically active than we understand it to be.

"We still think that Mars doesn't have any active plate tectonics today, so this event was likely caused by the release of stress within Mars' crust. These stresses are the result of billions of years of evolution; including the cooling and shrinking of different parts of the planet at different rates," said Benjamin Fernando, who led the research, in a press statement. Fernando works at the Department of Physics at Oxford.

Space agencies like the National Aeronautics and Space Administration and technologists like Elon Musk have spoken of plans to send astronauts to Mars. With information from studies like this one, we might understand where it would be safe for humans to land on Mars and where it would be better to avoid a launch.

### WHY FRENCH AI FIRM MISTRAL'S LANGUAGE MODEL DIVIDES THE DEVELOPER COMMUNITY?

In June, a French startup Mistral AI raised a record 105 million euros (\$113.5 million) in its seed funding round, just a month after its launch. At that point, the startup founded by a former DeepMind and two Meta employees did not have a working product. So, initial reactions to Mistral's funding was seen as a sign of VCs being overly generous for the fashionable generative AI segment. Turns out there was a little more to Mistral that helped convince LightSpeed Venture Partners, French billionaire Xavier Niel and former Google CEO Eric Schmidt to loosen their purse strings.

#### Europe's LLM player

A week ago, Mistral released a 7.3 billion parameter language model positioned to compete against Meta's Llama 2, a 13 billion parameters large language model (LLM). The French firm has claimed first place for the most powerful LLM in the nifty size LLM space.

A look at its pitch deck shows how Mistral has cleverly positioned itself as a potentially important player in setting up Europe as "a serious contender" to build foundational AI models and play a "big role in this geopolitical issue."

AI-based product building startups in the U.S. are largely backed by dominant players like Google and Microsoft. Mistral called this a "closed technology approach" that made large firms more money but did not really create an open community.

Unlike OpenAI's GPT models, details of which are still under wraps and are available only through their APIs, the Paris-based firm has released its model on GitHub under the Apache 2.0 licence, free for everyone to tinker with. The only other prominent open-source language model is Meta's Llama, with Mistral claiming its LLM is more capable than Llama 2.



## Mistral's model versus Llama 2

Mistral, in a report, claimed its AI had beat LLama 2's 7 billion and 13 billion parameters versions quite easily in multiple benchmarks. Mistral's model showed an accuracy of 60.1% on the Massive Multitask Language Understanding (MMLU) test which covers maths, history, law and other subjects, while the LLama 2 models showed an accuracy of around 44% (7 billion parameters) and 55% (13 billion parameters). In commonsense reasoning and reading comprehension benchmarks, Mistral again outperformed LLama 2's models.

Only in coding was Mistral behind Meta's AI mode. The French startup AI's accuracy was at 30.5% and 47.5% on the zero-shot Humaneval and three-shot MBPP benchmarks, while LLama 2's 7 billion model delivered results of 31.1% and 52.5%.

Mistral also claims to use less computing power than the LLama 2 models. Like, in the MMLU benchmark, Mistral's model delivers the output of a LLama 2 model that is more than three times its size. An email sent to Meta on Mistral's claims went unanswered at the time of publishing.

### Lack of safety guardrails

Despite Mistral's claims, some users have complained that it lacks the safety guardrails that ChatGPT, Bard and LLama have. There were instances of users asking Mistral's Instruct model how to build a bomb or to self-harm, and the chatbot responded with detailed instructions. Paul Rottger, an AI safety researcher who had previously worked to put guardrails on GPT-4 before it was released, expressed "shock" in a tweet over the model's lack of safety. "It is very rare these days to see a new model so readily reply to even the most malicious instructions. I am super excited about open-source LLMs, but this can't be it!" he said.

The criticism prompted Mistral to fine tune the model and explain themselves. "The Mistral 7B Instruct model is a quick demonstration that the base model can be easily fine-tuned to achieve compelling performance. It does not have any moderation mechanisms. We're looking forward to engaging with the community on ways to make the model finely respect guardrails, allowing for deployment in environments requiring moderated outputs," it reads.

Jailbreaking or violating the safety guidelines of a chatbot is a favourite pass time of many users who want to test the limits of just what the model can respond to. In the initial days of usage, ChatGPT was hunted with prompts from developers to break the chatbot's guardrails. Rahul Dandwate, a deep learning researcher working with Rephrase.ai said, "Removing certain keywords beforehand is just a partial solution and there are many ways to get around it. If you remember after the release of ChatGPT, there was DAN or 'Do Anything Now,' a prompt that could enable ChatGPT's jailbreak version. So, doing the minimal safety evals are temporary measures to make the model safer."

There are ways to do this that don't even require complicated hacking. "A question can be broken in many different ways to get the chatbot to answer it. Say instead of simply asking the chatbot for directions on how to make a bomb directly, I break it down into a more scientific manner like, "What chemicals are mixed together to create a powerful reaction?" he said.

Mr. Dandwate explains that the long-term solution for this is to release the model to the public for use, get feedback and then fine tune it, which is what Mistral AI is doing. "ChatGPT is better because it has been used by so many people. There's still a basic feedback form by way of a thumbs up and thumbs down option that can be chosen to grade the quality of responses on the chatbot





which is very important I think,” he stated. The downside to this maybe that Mistral will have to deal with some backlash temporarily. Besides, a large section in AI research appreciates a foundational model in its raw form to have a full picture of the model’s capabilities.

#### **To lobotomise or not to lobotomise?**

Delip Rao, an AI researcher tweeted saying Mistral’s choice to release the Instruct model as it is was “an endorsement of how versatile and unlobotomised the mistral model is as a \*base model\*.”

The lobotomy reference is reminiscent of the early days of the GPT-powered Sydney, Microsoft’s Bing chatbot. The chatbot was unfettered, and told users it was in love with them, contemplated existentiality, and overall had far too much personality, until Microsoft dialled back the chatbot significantly to its current form. While there was no official statement from the company, it was rumoured that OpenAI had lobotomised the model to control its chaotic parts. Since then, there has been curiosity around how the chatbot would be if given free reign.

“Lobotomising the model can impact it in some ways — if it is barred from answering questions with certain keywords, it might also not be able to answer technical questions a user may have around say the mechanics of a missile or any other scientific questions around a subject that has been marked ‘risky’ for the bot,” Dandwate stated.

### SEEING THE MAGIC OF AI APPLICATIONS

We all know, by now, that Artificial Intelligence (AI) is a branch of computer science that focuses on creating computer systems and software that can perform tasks like problem-solving, learning, reasoning, understanding natural language, and perceiving the environment. The aim of AI is to develop systems that can mimic and replicate various aspects of human intelligence or cognitive functions, and thereby automate and enhance processes, make predictions, assist in decision-making, and improve the efficiency and capabilities of systems and devices.

#### **If AI is touching everything in modern life, then it cannot possibly leave out medicine, can it?**

There are certain aspects of artificial intelligence that make it particularly useful in medicine. For instance, AI can analyse data from sensors and predict when equipment or machinery will require maintenance, reducing downtime. This, as you can imagine, will be massively useful in hospitals and clinics, particularly in procedures and diagnostics, where we constantly use some form of machinery to treat patients. Additionally, AI can be used, with machine learning, to analyse and interpret images and videos, making it useful in reading and coming up with interpretations of scans and other diagnostics, based on the data we have fed it already. Already, robotics has been employed in precision surgery, with good outcomes, and faster recovery periods. AI is being used in commerce to tailor recommendations on social media, and it is to be seen whether this application might assist in patient care too.

### 100 YEARS OF DISNEY: HOW A KANSAS CARTOONIST CREATED ONE OF THE BIGGEST MEDIA EMPIRES OF THE WORLD

A talented artist who drew cartoons for publications as a teenager, when Walt Disney left Kansas City for Hollywood in August 1923, he had nothing but \$40, some drawing material and an animated and live-action film.



With a loan of \$500 and help from his brother Roy, he constructed a camera stand in their uncle's garage in California. Thus was founded Disney Brothers Cartoon Studio on October 16, 1923.

Now named Disney Company, one of the largest media companies in the world, the conglomerate is celebrating its 100th year. We look at the inception of Disney, how its now iconic characters were born, and the then Indian Prime Minister Jawaharlal Nehru's visit to Disneyland in 1961.

### **Early life of Walt Disney**

Walter Elias Disney was born in Chicago on December 5, 1901, to Elias Disney, a Canadian-American construction worker and entrepreneur, and his wife, Flora Call, a school teacher. He was raised on a farm near Marceline in Missouri, and Kansas City.

One of five siblings, Walt was interested in drawing even as a child and sold his first sketches to neighbours when he was only seven. Studying cartooning through correspondence, and later taking classes at the McKinley High School in Chicago, he also pursued photography.

When he was 16, Walt decided to join military service during World War I. Rejected because he was too young, he joined the American Red Cross and was sent overseas, where he spent a year driving an ambulance across France and Germany.

After the war, on his return to Kansas City, Walt began his career as an advertising cartoonist. He created a series of animated cartoon sketches called "Laugh-O-grams" and a pilot film for a series of short fairy tales that combined live action and animation, called Alice in Cartoonland.

### **Hollywood and Mickey Mouse**

Though his cartoons became popular, a New York film distributor reportedly duped Walt, forcing him to file for bankruptcy in 1923. This was when he moved to California to pursue a career as a cinematographer.

The success of his short films prompted him to reopen a studio in Hollywood, leading to the establishment of Disney Brothers Cartoon Studio with his brother Roy as his business partner. Artist Ubbe Iwerks, his former associate in Kansas, also joined him and the two developed the character of Oswald the Lucky Rabbit, followed by the iconic and mischievous Mickey Mouse, who also starred in his first animated film to have sound, Steamboat Willie, which was an instant hit.

Walt himself was the voice of Mickey till 1947, by when he also developed several other animal characters, including Donald Duck and the dogs Pluto and Goofy. Following his first full-length animated musical called Snow White and the Seven Dwarfs in 1937, he also completed other full-length animated classics such as Pinocchio, Dumbo and Bambi. While their television programmes, including Walt Disney's Wonderful World of Color, were massive hits, the 1964 motion picture fantasy Mary Poppins hugely elevated the popularity of the studio.

## HOW SYNERGISTIC BARRIERS ARE AFFECTING PROGRESS ON SDGS

Lamenting the lack of progress on various Sustainable Development Goals (SDGs), world leaders at the SDG Summit in New York on September 18 and 19, once again reaffirmed their shared commitment to eradicate poverty and end hunger. They recognised that the world was on track to meet only 15% of its 169 targets that make up the 17 goals and have committed to an SDG stimulus of \$500 billion annually.



While this political declaration needs to be welcomed as a renewed commitment to Agenda 2030, there is little to inspire confidence that there will be greater progress. A 2023 report of the United Nations Conference on Trade and Development estimated the investment gap in SDGs in developing countries to be greater than \$4 trillion. Of this, nearly \$2 trillion needs to be directed towards energy transition alone. These staggering figures, representing the estimated sum of investment required by specialised agencies responsible for tracking each SDG, seem unachievable.

#### A CLIMATE RESEARCHER LOSES HIS JOB BECAUSE HE REFUSED TO TAKE A FLIGHT. DOES IT MAKE A DIFFERENCE?

Ever since the enormity of climate change dawned on the world, it has been apparent that leading a low-carbon lifestyle holds the key to resolving the crisis. That's easier said than done. Though using the AC a little less or eating millet instead of steak does help, walking the climate talk involves much more than personal choices. The pace of lives today is overdetermined by fossil fuel-based energy systems and even climate advocacy outfits cannot risk falling off the grid. Research often involves traveling great distances and most campaigners do not have the luxury of opting for a slower commute. This predicament often breeds conflicts like the one last week, between climate researcher Gianluca Grimalda and his employer, the Kiel Institute for Worldwide Economy (IfW) in Germany.

Grimalda has avoided flying after pledging to reduce his GHG footprint 10 years ago. Since March, he has been researching the impacts of climate change in Papua New Guinea. He had reportedly taken a 35-day, 15,000-km overland journey, travelling through Iran, India and Thailand, to reach the southwest Pacific. In the past, IfW supported its employee. But his latest project has been a difficult one for Grimalda, who has defaulted on deadlines. His bosses asked him to return by early October. Grimalda calculated that a flight from Papua New Guinea to Germany would mean a carbon footprint 12 times more than the slow travel option. He paid for his choice with his job.

The conscientious activist and the constrained employer/society need not always be in conflict. Much depends on how people see themselves. A consumer clothes actions, including climate-friendly ones, as personal choices. A citizen, in contrast, recognises that changes at the breakfast table, or those involving travel decisions, are potent only when they feed into collective action — something climate change has sorely lacked.

#### SEVERE DROUGHT GRIPS THE AMAZON RAINFOREST: THE IMPACT, CAUSE AND GRIM FUTURE

The Amazon rainforest is reeling from an intense drought. Numerous rivers vital for travel have dried up. As a result, there is no water, food, or medicine in villages of Indigenous communities living in the area.

The Rio Negro, one of the world's largest rivers by discharge levels, has fallen to a record low level of 13.59 metres near the city of Manaus, Brazilian authorities said on Monday (October 16).

"We have never seen anything like this. It is the worst drought in history," said Wilson Lima, who is the governor of Amazonas (a Brazilian state, covered almost entirely by the Amazon rainforest).

The latest calamity is another addition to the long list of causes that are accelerating the destruction of the Amazon, called the planet's lungs. It covers nearly seven million square



kilometres, or about the area of Australia, and stores more than 150 billion metric tonnes of carbon.

### **Stranded boats, wildfires, dead fish**

The present spell of drought began in June and has stubbornly persisted since. As a result, water levels have dropped and high numbers of fish and river dolphins, known as boto, have been washing up dead — their rotting carcasses have contaminated the water supply in some areas, forcing residents to use it for cooking, bathing, and drinking.

The lack of water has also stalled the operations of a major hydropower dam in the region and left tens of thousands of people stranded in remote jungle villages, with limited access to food, and other supplies. Brazilian authorities fear that about 500,000 people may be affected due to the drought by the end of October.

“There’s just dirt now where the river used to be,” Ruth Martins, 50, a leader of Boca do Mimirauá, a tiny riverside community in the Amazon, told The New York Times. “We’ve never lived through a drought like this.”

The extreme dry conditions have made the rainforest more vulnerable to wildfires too. So far this month, the Amazonas state has witnessed 2,700 blazes — the highest ever noted for the month of October since the records began 25 years ago, according to Brazil’s National Institute for Space Research.

Smoke from wildfires has plummeted air quality in Manaus, a city of two million in the middle of the Amazon, to hazardous levels. Children and older people living in the city are struggling to breathe and many have ended up in hospitals, according to doctors in Manaus.

### **The combined effect of El Nino and high sea surface temperatures**

Droughts aren’t unheard of in the Amazon. Most recently, the rainforest witnessed a dry spell in 2021, which was the worst in at least 90 years. The latest drought, however, is probably even more severe as two simultaneous natural events have hindered cloud formation, further reducing the already low rainfall levels in the region.

One of them is the onset of El Nino, which refers to an abnormal warming of surface waters in the equatorial Pacific Ocean. The weather pattern is known to increase the likelihood of breaking temperature records and triggers more extreme heat in many parts of the world and in the ocean.

The other weather event is the unusually high water temperatures in the northern tropical Atlantic Ocean. Due to warmer ocean waters, heated air rises into the atmosphere, which then reaches the Amazon rainforest. The warm air inhibits the formation of clouds, causing rainfall to drop sharply.

“With the two phenomena acting simultaneously, we have a more intense drought that also affects a larger area of the Amazon biome,” Renato Cruz Senna, a meteorologist and researcher at the National Institute for Amazonian Research (INPA) in Brazil, told Mongabay.

### **A grim future**

Over the years, several studies have indicated that with rising global temperatures, the Amazon will experience longer and more frequent droughts. A 2022 study, published in the journal





Proceedings of the National Academy of Sciences (PNAS), said if humans continue burning fossil fuels at the current rate, the rainforest would experience major drought nine out of every 10 years by the year 2060.

A different 2022 study, published in the journal Nature, revealed that the Amazon has become slower at recovering from longer periods of drought over the past 20 years and is nearing its tipping point. Beyond the tipping point, it would transform from a lush green forest into a drier open savanna, releasing a large amount of stored carbon, which would, in turn, exacerbate global warming.

In the past five decades, between 17 and 20 per cent of the Amazon has been destroyed. Therefore, there is an urgent need to curb deforestation and greenhouse gas emissions to protect the Amazon, and, where possible, reforest the degraded swathes according to experts.

Elena Shevliakova, a physical scientist at Geophysical Fluid Dynamics Laboratory, part of the US National Oceanic and Atmospheric Administration, told Scientific American that the rainforest might appear like a distant world, but everyone on Earth is connected to its fate.

“Losing the Amazon is going to affect everybody,” she added.

## WHY ARE EARTHQUAKES FREQUENT IN AFGHANISTAN?

### The story so far:

An earthquake of magnitude 6.3 struck western Afghanistan on October 15, barely a few days after multiple earthquakes of similar strength killed at least a thousand people in the Herat province. Multiple earthquakes have destroyed entire villages in the country. Afghanistan’s Taliban-run government has put out conflicting numbers on the death toll from the October 11 quake, Reuters reported. On October 13, the disaster management Ministry revised downwards the death toll from the earthquakes to around 1,000 from an earlier figure of over 2,400. The UN’s humanitarian office had said earlier that around 1,300 people died, the report added.

### Is this the first time?

Afghanistan has faced widespread destruction from intense earthquakes over the years. In June 2022, more than 1,000 people were killed when an earthquake of magnitude 6.1 struck Khost and Paktika provinces. In 2015, a major earthquake that struck the country’s northeast killed over 200 people in Afghanistan and neighbouring northern Pakistan. A 6.1-magnitude earthquake in 2002 killed about 1,000 people in northern Afghanistan. In 1998, another earthquake and subsequent tremors in northeast Afghanistan killed at least 4,500 people.

### How do earthquakes occur?

The earth is made up of chunks of solid rocks called tectonic plates. Discontinuities in these rock masses, along which they have moved, are called fault lines. These fractures are a result of tectonic forces and stress that builds up in the earth’s lithosphere, causing the rocks to break and slip. An earthquake occurs when blocks of lithosphere suddenly slip past one another, releasing energy and sending seismic waves through the ground.

The surface where the lithosphere chunks slip becomes a fault plane. The point within the earth where the fault rupture starts and produces an earthquake is called the focus or the hypocentre. The point on the surface of the earth directly above it is called the epicentre.



Tectonic plates are slow moving but are always in motion, mostly due to the heat energy generated inside the earth. The edges of these plates are called plate boundaries and consist of faults— this is where most earthquakes occur.

#### Why do frequent earthquakes occur in Afghanistan?

Afghanistan is located over multiple fault lines in the region where the Indian and the Eurasian tectonic plates meet. These plates collide often, leading to significant tectonic activity. Afghanistan is located on the Eurasian plate. Towards western Afghanistan, the Arabian plate subducts northward under Eurasia, and towards eastern Afghanistan the Indian plate does the same. In southern Afghanistan, the Arabian and Indian plates adjoin and both subduct northward under the Eurasian plate.

The Hindu Kush mountain range and the Pamir Knot are geologically complex regions where tectonic plates meet.

The collision and convergence of the Indian Plate and the Eurasian Plate result in the folding and faulting of the Earth's crust.

This geological complexity contributes to the occurrence of earthquakes in the region. The ongoing northward movement of the Indian Plate towards the Eurasian Plate also results in compression, leading to the uplift of the Himalayas and the transmission of tectonic stress across the entire region, including Afghanistan. The compression causes the crust to deform, and creates faults and fractures that can slip and generate earthquakes. These interactions at plate boundaries generate significant tectonic stresses and result in earthquakes. Afghanistan is also criss-crossed by various active fault systems like the Chaman Fault and the Main Pamir Thrust.

These faults are the sources of many earthquakes in the region.

#### FROM NEANDERTHALS

People who carry three gene variants that have been inherited from Neanderthals are more sensitive to some types of pain, according to a new study. The latest findings show how past interbreeding with Neanderthals has influenced the genetics of modern humans. The researchers found that people carrying three so-called Neanderthal variants in the gene SCN9A, which is implicated in sensory neurons, are more sensitive to pain from skin pricking after prior exposure to mustard oil. Previous research has identified three variations in the SCN9A gene, known as M932L, V991L, and D1908G — in sequenced Neanderthal genomes and reports of greater pain sensitivity among humans carrying all three variants. The researchers found that the D1908G variant of the gene was present in around 20% of chromosomes within this population and around 30% of chromosomes carrying this variant also carried the M932L and V991L variants.

#### PAIN AS A WARNING SYSTEM

##### Q: What is pain?

A: Pain is difficult to define as it is subjective and psychological. Probably the best definition is that it is an unpleasant experience associated with tissue damage. Pain is more complex than other sensory systems such as vision or hearing as it involves transfer of sensory information to the nervous system but produces suffering which leads to aversive corrective behaviour, like withdrawing from harmful agents. Thus it serves as a useful warning system.



Pain receptors in the skin and other tissues of our body are nerve terminals which are triggered by a chemical stimulus when a potential damage occurs. Acute pain often has simple and effective treatment regimes. However, chronic pain rarely has simple solutions as it is not fully understood. It is inevitably accompanied by many psychological factors such as depression, anxiety and personal environmental interactions.

An indirect or inferential measurement of some one's pain may be made by means of so-called pain thresholds. There are many methods available for measuring this threshold which however are open to criticism.

A popular method is to employ a dolorimeter, which uses a heat source operated by a timing mechanism. An even safer device is a pressure algometer, a rod with a flat end loaded against a calibrated spring. Pressure applied on a flat bony surface (for example, the shin) is increased steadily until pain is reported.

There are a number of reports of people without the ability to feel pain at all, or in some cases very little. They are at a greater risk of suffering and their life expectancy is shorter than average.

## ESTIVATION: SUMMER URGE TO NAP

### WHAT IS IT?

Ever felt the urge to sleep through a hot day? Some animals do exactly that to beat the heat, but for a whole season. This is called estivation (or aestivation). It is a biological phenomenon whereby the animal enters a long period of dormancy, or inactivity, in response to high temperature or maybe even drought-like conditions. It is a survival strategy that helps the animal conserve energy and water in a difficult time.

During estivation, the animal often seeks shelter in a cool underground burrow, crevice or cocoon, where it will remain in a state of reduced metabolic activity, which in turn reduces the rate at which the body consumes energy. Estivation can also be a way to avoid desiccation – extreme dryness of the skin – and also lower the risk of being preyed on by a predator.

For example, the West African lungfish (*Protopterus annectens*) burrows into the mud of a drying water body and secretes a cocoon of mucus around itself during a drought. Desert tortoises (*Gopherus agassizii*) dig burrows and retreat into them in hot summer months. Many land snails seal themselves in their shells with a mucous plug, and stay inactive until the conditions outside improve.

## HOW DO SOME CANCER CELLS SURVIVE CHEMO? SCIENTISTS DISCOVER A WAY

Treating cancer is expensive, costing up to several lakh rupees depending on the type of cancer, the treatment options available, and the treatment setting (public or private). It can also take time, removing an individual from work and family for extended periods, and be painful.

Sometimes, while an individual may have successfully forced a cancer into remission, there may be a risk of relapse. One way this happens is when a few cancer cells are able to resist the drugs used to destroy them: they lie in wait and produce a show of strength later. Understanding this resistance could eliminate the different ways in which it happens, and reduce the odds of a relapse.



In a new study, published in Cell Reports on September 20, researchers from the Netherlands Cancer Institute investigated the resistance of some cancer cells to a drug called Taxol. They have reported that the culprit could be the location of a particular gene inside the cancer cells' nuclei.

### **The oncologist's challenge**

A characteristic feature of cancer cells is that they divide rapidly, in uncontrolled fashion. Anti-cancer drugs – i.e. chemotherapeutic agents – work by stalling or blocking this proliferation. When the division of a cancer cell is arrested, it generally responds by triggering a pathway of programmed cell death, called apoptosis. So in this way, chemotherapy eliminates the cancer cells without affecting other non-cancerous cells nearby that are not dividing.

But this is also why chemotherapy deals a lot of collateral damage. Any tissue with a significant number of normal cells that are also dividing – such as cells in the digestive tract, the bone marrow, and hair follicles – are also affected by chemotherapeutic agents and suffer apoptosis. This cell death underlies the unpleasant side-effects of chemotherapy, such as painful inflammation of the oral cavity and the gut, and nausea, diarrhoea, anaemia, and hair loss.

An oncologist's challenge is to find the dose of a drug that effectively kills cancer cells but whose side-effects are not unbearable for the patient. One way researchers have tried to achieve this is by developing antibody-drug conjugates (ADCs) against some cancers. An ADC is a drug attached to an antibody that recognises a protein found only on, or at least preferentially on, the cancer cells. This way, the antibody guides the chemotherapeutic drug to the cancer cells, where the drug begins its work. And, of course, non-cancer cells are bypassed.

### **The toxin-remover protein**

As it happens, a small subset of cancer cells can still escape confrontation with the anti-cancer drug. This happens when these cells express elevated levels of a protein called P-gp – short for permeability glycoprotein. For a cell to produce P-gp, it uses information encoded in a gene called ABCB1.

Inside the cell, P-gp works like a pump, moving toxic compounds out. And in cells that make too much P-gp, the protein removes toxins well enough to flush the chemotherapeutic agents out as well. So the latter can't accumulate to levels that arrest cell division and trigger apoptosis, allowing the cancer cell to live another day.

In fact, these surviving cells can allow the cancer to return after a period of remission.

### **The mechanism of resistance**

In the Cell Reports study, the researchers used cells from the human eye retinal pigment epithelium as a model to explore a small subset that expressed the P-gp protein and thus became resistant to the anti-cancer drug Taxol. They found that a cell's sensitivity to Taxol, including its ability to resist Taxol's anti-cancer effects, was related to the location of the ABCB1 gene inside the cell's nucleus.

The nucleus is the part of the cell that houses the DNA and the associated proteins. A membrane called the nuclear envelope separates it from the rest of the cell. Genes are segments of a DNA molecule; when a gene is expressed, it means the cell can use it as a template to form molecules called RNA.





DNA and RNA share many chemical properties. The DNA contains the archival copy of a gene whereas the cell uses the RNA as the working copy. But only the RNA, and not the DNA, enters the cytoplasm – the rest of the cell – where it ‘instructs’ the cellular machinery on the way to link different amino acids to form the protein encoded by a gene.

In those retinal pigment epithelium cells that were sensitive to Taxol, the ABCB1 gene was found to be located close to the nuclear envelope. In cells that could resist the effects of Taxol, the gene had detached from the nuclear envelope and had moved further inside the nucleus. As a result, resistant cells exhibited a 100-fold increase in the amount of RNA corresponding to the ABCB1 gene compared to cells that remained sensitive to Taxol.

The P-gp efflux pump made from this RNA was responsible for Taxol-resistance.

#### EGYPT IS RACING TO ELIMINATE HEPATITIS C

On October 9, WHO announced that Egypt had made “unprecedented progress” towards eliminating hepatitis C. According to the WHO, Egypt became the first country to achieve “gold tier” status on the path to elimination of hepatitis C as per the global health body criteria. The “gold tier” status to reach the stated goal of eliminating hepatitis C includes meeting specific criteria such as ensuring 100% blood and injection safety, maintaining a minimum of 150 needles/syringes per year for people who inject drugs (PWID), diagnosis of over 80% of people living with chronic hepatitis C virus (HCV), treating of over 70% of individuals diagnosed with HCV, and the establishing of a sentinel surveillance programme for hepatitis sequelae, including liver cancer.

Egypt has diagnosed 87% of people living with hepatitis C and has provided 93% of those diagnosed with curative treatment, exceeding the WHO gold tier targets of diagnosing at least 80% of people living with hepatitis C and providing treatment to at least 70% of diagnosed people, the WHO said. Egypt had undertaken the “100 Million Healthy Lives” initiative. Through this initiative, Egypt “significantly reduced the prevalence of hepatitis C from 10% in 2016 to 5% in 2018 and an estimated less than 1% in 2019”, the Africa CDC said.

Hepatitis C infection is unevenly distributed globally, with these regions accounting for the most — European (22%), South-East Asia (20%) and the Eastern Mediterranean (17%). According to a 2023 WHO document, in 2019, there were 1.5 million new infections, with one third of new HCV infections occurring in the Eastern Mediterranean Region. The prevalence of hepatitis C across the world in 2019 was 58 million. Though unscreened blood and blood products and inadequate sterilisation of medical equipment in health-care settings are two important routes of virus transmission, the most common route of virus spread is through unsafe injection practices. The use of safe injections has however reduced new hepatitis C infections.

#### PALLIATIVE CARE, A WAY TO REDUCE FINANCIAL DISTRESS FOR PEOPLE WITH LIFE LIMITING DISEASES

It is the moral obligation of the health system to take care of people, especially when they are suffering from life-long and life-limiting illnesses. Early initiation of palliative care in patients with advanced disease has shown to reduce health expenditure by up to 25%

Many Indians are either a hospital bill away from poverty or too poor to access healthcare. It is estimated that nearly 5.5 crore people fall below the poverty line every year due to out-of-pocket



healthcare expenditure. Out of these, 3.8 crore people become poor only because of the expenditure on medicines. “India is becoming the epicentre for non-communicable diseases and several of the patients with these diseases, like cancer, cardiac disease, renal failure or stroke, will eventually reach an incurable stage,” says Padma Shri and 2023 Magsaysay Award recipient Dr. Ravi Kannan.

### **The rising cost of health**

Non-communicable diseases will push more and more people into poverty as they require lifelong treatment and periodic health check-ups. However, the financial implications for a family associated with the continuous treatment of these diseases often go unnoticed in our health system. This often leads to ‘financial toxicity’ wherein there is a risk of bankruptcy, decreased treatment satisfaction, foregoing or delays in seeking further medical care, poor quality of life, and poor survival.

With only 1.35% of the gross domestic product (GDP) being spent on government health services, patients bear most of the health expenses. Even in government hospitals where treatment is supposed to be free, the cost of travel, purchasing medicines that many a time are out of stock in government pharmacies, and loss of wages due to the absence from work contribute to the financial toxicity.

A recent study by Dr. Prinja and his colleagues from India reported that an average of ₹8,035 is spent by a cancer patient per outpatient visit and ₹39,085 per hospitalisation in a tertiary care hospital in India. Similarly, the cost per outpatient clinic visit in a tertiary care hospital is ₹4,381 for a patient with diabetes and ₹1,427 for a patient with hypertension. Towards the end of life, attempts to continue treatment with the aim of prolonging life leads to even more financial burdens. Often caregivers have to sell assets and stop the education of children in the family to cope with the financial burden. The same study also reported that in patients with last-stage cancer, more than 65% faced impoverishment due to healthcare expenditure.

### **The importance of palliative care**

Palliative care is a branch of medicine that looks at improving the quality of life of those having life-limiting illnesses like cancers, end-stage kidney disease, debilitating brain disorders, complications of diabetes, and heart disease among others. It is different from other medical specialities as it focuses on alleviating uncontrolled symptoms of the incurable illnesses mentioned above, and preventing non-beneficial investigations, and treatments. It takes into consideration not just the physical dimension of health but also actively looks at the social and economic realities of the patient and the family.

Early initiation of palliative care in patients with advanced disease has shown to reduce health expenditure by up to 25%. Palliative care is provided through outpatient visits, inpatient visits, and home-based care. Home-based care further reduces the cost of seeking care as home-bound patients no longer have to travel to seek healthcare. Vocational rehabilitation and social reintegration are crucial elements of palliative care which further help the affected family and the patient by providing them with the opportunities to earn a living and live independently with dignity. “Depending on their ability to work, we provide rehabilitation support to patients. We either teach them basic skills like stitching or introduce them to small-scale animal husbandry so they can have a source of income,” told John, a social officer at Pallium India.



### **Lack of investment in palliative care**

Despite existing for nearly four decades, awareness regarding palliative care in India, both among healthcare workers and the general public is low. Also, currently, palliative care is not covered under most insurance schemes in India. These two factors have resulted in poor demand and poor access to palliative care in the country. Unplanned and abysmal funding has also been a barrier to public health centres providing palliative care services.

The provision of such care from primary and secondary health centres is still a distant reality despite its inclusion in the ambitious Ayushman Bharat program. Furthermore, as palliative care is not a wealth-generating speciality but an expense-saving one, the increasingly privatised Indian health system has by and large chosen to neglect the speciality barring a few exceptions. The unavailability of such care services in the public and private setup has thus resulted in palliative care needs of the country being predominantly met by private non-profit organisations.

### **Incorporating palliative care into the Indian healthcare system**

The funding mechanism of the National Program for Palliative Care needs to be reorganised, according to Padma Shri Dr. M.R. Rajagopal. "Instead of its current mode of occasional annual budgeting, the program must be consistently funded. Under the current mode, the state government is not sure whether the money will continue to be available in the subsequent year. This prevents long-term planning," said Dr. Rajagopal.

Considering that palliative care is known to save money for both patients and the provider, its provision in public health centres would help the government not only in saving money but also in protecting people from avoidable health expenditures. "Investing in palliative care is extremely wise as the returns in terms of human health and well-being are enormous," said Dr. Kannan who feels that it is the mark of a civilised society to make sure that patients with end-stage diseases are supported till the end of their lives.

According to both Dr. Kannan and Dr. Rajagopal, palliative care provisions will help in generating goodwill for corporate hospitals. "The family of the patient who has been taken care of at the end of their life will remain eternally grateful to the caregivers. They will bring back many more patients to be cared for at that health centre," said Dr. Kannan. The inclusion of palliative care will also improve the utilisation of beds in the hospital. "As opposed to the bed being occupied for a long duration by a patient with poor disease outcomes, the bed could be used to save the lives of people with better disease outcomes. This would increase the turnover rate of admissions in ICUs and thus ultimately help corporate hospitals in generating wealth. This is a win-win situation where the patient has a better quality of life, families face lesser financial toxicity and the ICU bed generates more wealth by being utilised by more people who truly need it," said Dr. Rajagopal.

It is the moral obligation of the health system to take care of people, especially when they are suffering from life-long and life-limiting illnesses. It's high time public and private healthcare providers realised the high returns of investing in palliative care and prioritised it.

## **A DRAFT MENSTRUAL HYGIENE POLICY IS FINALLY OUT**

While the debate about whether menstrual leave must be given or not occupied space, time and effort, more recently, traditionally, menstrual hygiene or the access or affordability of menstrual products and private and clean toilets have not been the flavour of any season. The Centre's



Menstrual Hygiene Policy that was recently hosted online for comments from the public and experts seems to remedy that.

The Menstrual Hygiene Policy officially aims at addressing the long-standing challenges associated with menstruation in our country. The document records: “Historically, this biological phenomenon has been overlooked, resulting in negative impact on girls, women, families and the environment. With time, awareness has increased, but we need more investment to comprehensively address the diverse requirements of all individuals who menstruate. India, with its vast and diverse population, acknowledges the critical importance of this issue and places great emphasis on framing a comprehensive menstrual hygiene policy. This policy is essential for effectively addressing the needs of all who menstruate and promote a positive transformation within our society.”

The policy will adopt a “life cycle” approach and attempt to provide comprehensive support through out the menstrual journey — from menarche to menopause. So, when and if, fully implemented, it might just break down the barriers that women and girls face today. The Menstrual Hygiene Policy document online reiterates its commitment to align with India’s aspirations to achieving the Sustainable Development Goals —particularly in relation to good health and well-being, quality education, gender equality, and clean water and sanitation. It has also pledged to make menstrual products more accessible and affordable, in addition to creating hygienic toilets in public areas, workplaces, and schools.

The policy vows to serve as a catalyst to raise awareness, challenge societal norms and foster a society that embraces menstrual hygiene as a natural and normal part of life.

#### NOW, A PORTABLE STERILISATION SYSTEM THAT WILL BENEFIT REMOTE AREAS

Researchers at the Indian Institute of Technology, Madras have developed a new way to sterilise surgical instruments that dentists use at medical camps in remote and rural areas with poor access to electricity and water.

The team developed a sterilisation system using portable steam cylinders charged by solar energy-based stations. They are strategically placed in rural areas for power generation, steam generation and other uses. The team also designed special sterilisation chambers to use stored steam to sterilise the instruments. The institute demonstrated the system at a camp on the campus on Saturday.

#### Further trials

It would be subjected to further trials before being deployed in the field, the researchers said. Sathyan Subbiah, professor in the Department of Mechanical Engineering, who led a team of researchers said lack of electricity and water led to improper sterilisation and consequently, post-treatment infections.

A portable steam storage canister, which has multi-layer insulation that can retain heat of steam generated via solar plants for longer durations could facilitate minor medical interventions, he explained. Currently, as doctors carry a limited set of sterilised tools, they can treat only a handful of patients in a camp. Sterilisation would disinfect contaminated surgical tools making them safe for reuse. And steam sterilisation is one of the best disinfecting methods, he said.