



## National minority

Court ruling affirms need to preserve character of educational institutions

The entitlement of religious and linguistic minorities to constitutional protection in India often gives rise to questions about how an institution's 'minority character' is determined. Drawing on precedents and adding value of its own, a seven-judge Constitution Bench of the Supreme Court of India, by a 4:3 majority, has laid down the 'indicia' required for identifying a minority institution. Much of the focus has been on the Aligarh Muslim University (AMU), which stands to gain by dint of this verdict in its efforts to vindicate its minority character, but it will only be a regular Bench that would take a call on its status. The AMU's character is unique: it was established by Sir Syed Ahmad Khan in 1875 as a teaching college for the benefit of Muslim students, and was recognised as a university by an Act of the Central Legislature in 1920. In the Constitution, it was referred to as an institution of national importance, along with the Benares Hindu University. A 1967 Supreme Court judgment held that it was not entitled to the benefit of being a minority institution under Article 30(1), as it was established by legislation and not by the Muslim community. Amendments brought in 1981 to the AMU Act sought to dilute the import of this verdict by changing some definitions. The current dispensation at the Centre argued in court that it was not a minority institution.

In a well-reasoned judgment, (the now former) Chief Justice of India D.Y. Chandrachud has rightly ruled that the fact that a statute was enacted to confer university status would not remove the minority character of a pre-existing institution, and that the main criteria for identifying an institution's status would be based on details such as who founded it, who made efforts to bring it into being, whether it was aimed at promoting the interests of that particular minority, and its administrative structure affirmed its minority character. Also, a statute was required to incorporate any university prior to the passage of the University Grants Commission Act, 1956, and it could not be argued that an institution surrenders its constitutional right in exchange for getting its degrees recognised. At least one dissenting judge, Justice Dipankar Datta, held that the AMU was not a minority institution. One aspect of this discussion is the scope for reservation in the AMU. If stripped of its minority character, it could be brought under the ambit of the reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes. Whether an institution of national importance requires the minority tag is a valid question, but it is a matter of equal concern if a prestigious university identified with a distinctive educational and cultural ethos should be stripped of its original character. An ahistorical perspective unaided by any sense of context is unhelpful.

## Distant neighbours

India and Pakistan seem incapable of normal sporting ties

If sport is war minus the shooting, cricket involving India and Pakistan takes it to another level. And finally all those whispers in the corridors of power and cricketing maidans over the last few months were found to be true when on Saturday it came to light that India has officially informed the International Cricket Council (ICC) about its inability to travel to Pakistan to participate in the Champions Trophy. The tournament, scheduled next year from February 19 to March 9, with Pakistan as the lone host, was always grappling with the 'India question', considering the political and diplomatic unease between the sparring neighbours on either side of the Radcliffe Line. It is a fact that since the 2008 Asia Cup in Karachi, India has not toured Pakistan. Bilateral series involving the two have ground to a halt and the sporting face-off is restricted to ICC events at a neutral venue or in India. Pakistan had used its participation in the ICC World Cup match in Ahmedabad in 2023 to get India to reciprocate the gesture, but the view from Delhi was different. Pakistani officials were also open to the idea of India playing only in Lahore while staying in India.

However, just as in the 2023 Asia Cup, in which India played all its games in Sri Lanka, including the final, while avoiding a trip to primary host Pakistan, this time around the request is for a similar arrangement. India may prefer its Champions Trophy games and the final, if it lasts the distance, to be held in the United Arab Emirates (UAE). That the Indian Home Minister Amit Shah's son Jay Shah is the ICC chairman-elect while being the Board of Control for Cricket in India's (BCCI) Secretary for now, may have added a political twist. But even under the earlier Congress-led United Progressive Alliance government till 2014, Pakistan remained a 'no-go-area' after the terror strikes in Mumbai. Among former India cricketers too, the overwhelming view is that a trip past the Wagah border should be avoided. The Pakistan Cricket Board is miffed, but a tournament split between Pakistan and the UAE remains a possibility. The security angle in Pakistan has stirred debate since the 2009 shooting incident against the Sri Lankan team bus at Lahore. But since then much water has flowed down the Indus and other nations have resumed tours to Pakistan. In all this subcontinental frost, it is sad that star players, including Virat Kohli, have not played a single Test against Pakistan, a statistic that seems set to remain that way.

# States and the Centre's fetter of 'net borrowing ceiling'

The central government, in 2023, imposed a 'Net Borrowing Ceiling' (NBC) on the State of Kerala to restrict the maximum possible borrowing that the State can make under the law. This ceiling is 3% of the projected Gross State Domestic Product (GSDP) for FY2023-24. The NBC now encompasses all borrowing avenues, including open market loans, financial institution loans, and liabilities from the public account of the State. Furthermore, to stop States from circumventing the borrowing cap through State-owned enterprises, the ceiling has been extended to cover certain borrowings by these entities as well.

This has been a huge blow to the financial position of the State, with Kerala finding it difficult to meet its expenditure. In addition, this has restrained the State from investing further in developmental and welfare activities. It has also ignited political and legal controversies which have created an incompatible situation between the Centre and the State. Kerala approached the Supreme Court of India on the issue of the encroachment on the executive power that is conferred on the State under Article 293 of the Constitution of India to borrow on the security and guarantee of the Consolidated Fund. The State has alleged that the State's fiscal autonomy, as guaranteed and enshrined in the Constitution of India, has been illegally curtailed by the Centre. This has been the first case in the history of the Court wherein Article 293 has come up for interpretation.

### Borrowing powers and provisions

Chapter II of Part XII of the Constitution deals with the borrowing powers of the Centre and States. Article 292 speaks about the borrowing power of the central government which entitles the central government to borrow loans upon the security of the Consolidated Fund of India. Article 293 empowers the State government to borrow within the territory of India upon the security of the consolidated fund of the State. In both cases, the extent of borrowing may be fixed from time to time by a law enacted by Parliament and the State legislature, respectively. As in Article 293(2), the Government of India may grant loans to any State subject to conditions laid down by any law made by Parliament up to the limits fixed under Article 292.

The central government can also provide guarantees upon the Consolidated Fund of India in respect of loans raised by any State. Article 293(3) imposes a restriction on the State government if the repayment of loans or a guarantee which has been given by the Government of India (if taken by the predecessor government is still outstanding). In such a case, the consent of the central government is essential to raise such a loan. The central government is afforded broad discretion over "consent" by



**Vidya V. Devan**  
Assistant Professor in Law at the Gulati Institute of Finance and Taxation, Thiruvananthapuram, Kerala



**Meenu Mohan**  
Assistant Professor in Law at the Gulati Institute of Finance and Taxation, Thiruvananthapuram, Kerala

The Centre's NBC step and, subsequently, Kerala's move to approach the higher judiciary on the issue, highlight the need to revisit Article 293 of the Constitution

specifying that it may be granted subject to any conditions as the Government of India deems appropriate.

Article 293 of the Constitution is adopted from Section 163 of the Government of India Act, 1935. In the Constituent Assembly, while Article 293 (draft Article 269) was debated on August 10, 1949, a member, Ananthasayanam Ayyangar, noted that the issue of borrowings and loans requires greater scrutiny as borrowing imposes heavy obligations on not only the present generation but also future generations. He suggested that a commission akin to the Finance Commission may be constituted.

Section 163(4) of the Government of India Act, 1935 stated that while exercising the power conferred under Section 163(3) regarding 'consent', the Federation shall not refuse or make unreasonable delay in granting the loan or providing guarantee, or impose any unreasonable conditions when sufficient cause is shown by the provinces. If any dispute arises out of the matter stated it was to be referred to the Governor-General whose decision shall be final.

But this clause was not adopted into the Constitution. The reason was that this provision was included in the Government of India Act, 1935 as it expected that a different agency that was not a national of India would be in charge of the administration. But after the Independence, it was felt that such a provision was not necessary as State governments replaced the provinces and a national government was established at the Centre.

### Eliminating revenue shortfall

To implement the mandates in Article 292, the Fiscal Responsibility and Budget Management (FRBM) Act, 2003 was enacted to maintain financial restraint by establishing goals such as the elimination of revenue shortfall and the reduction of fiscal deficit. To eliminate the revenue shortfall and the budgetary deficit, a target of 3% of GDP is established for the Centre's yearly fiscal deficit ratio (FD). As in the Centre's directives, States enacted their own pieces of legislation to control their fiscal deficit. The FRBM Amendment Act, 2018 required the central government to ensure that the fiscal deficit did not surpass 3% of GDP and that the total public debt did not surpass 60% of GDP. By 2025-26, the government expects to reduce the fiscal deficit to less than 4.5% of GDP. The Centre's restriction on the borrowing limits of the States so as to attain fiscal consolidation by restricting the fiscal deficit, and without considering the financial position of States, is an encroachment of the autonomy of States. It also lowers their ability at budget balancing.

The issue of the borrowing power of States guaranteed under Article 293 of the Constitution is before the Supreme Court in the case filed by the State of Kerala. As the interpretation of Article

293 of the Constitution of India raises key questions about fiscal decentralisation, State fiscal autonomy and past borrowing practices, the Court has referred the issue of a State's borrowing powers to a Constitutional Bench. The matter also touches on whether the fiscal regulations imposed by the Centre have negatively impacted the Reserve Bank of India's control over fiscal consolidation.

Contemplating the transforming economic, political, and fiscal landscape in India, it is time to revisit Article 293 of the Constitution. Section 163(4) of the Government of India Act, 1935 warns the unnecessary refusal or delaying or the imposing of conditions in granting loans by the Centre. Similarly, a remedial measure, as mentioned in Section 163(4), could have been adopted in the Constitution when a dispute arises.

### There is a need to strengthen this Article

Article 293 of the Constitution must be strengthened in the following manner. As suggested by Ananthasayanam Ayyangar, a commission akin to the Finance Commission is essential to decide any issues that may arise regarding the approval of a loan upon considering the financial position of States as well as the Centre's goal of limiting fiscal deficit.

There must be proper guidelines which are to be adhered to when the Centre exercises the wide powers granted under Article 293(4) of the Indian Constitution – crucial in maintaining a balanced fiscal framework between the Centre and the States, and which enhance cooperative federalism. Otherwise, there could be arbitrary decision-making that may disrupt fiscal discipline, leading to either unchecked borrowing or overly restrictive conditions.

When exercising the wide powers granted under Article 293(4), the Centre should adhere to the following guidelines: transparency in decision-making thereby ensuring that the procedures and standards for accepting or rejecting governmental borrowings are transparent to the public; having a consultative process, where there is consultation with State governments before prescribing any terms or limitations on borrowing which enhances cooperative approach; ensuring equitable treatment where there an employment of borrowing terms and restrictions applied uniformly for all States to eliminate prejudice or favouritism; an admiration for fiscal autonomy, ensuring that there is financial autonomy for a State, the restrictions are reasonable and do not unduly hamper a State's ability to manage its finances effectively.

Adhering to these guidelines can ensure that the Centre's powers under Article 293(4) are exercised fairly, transparently and in a manner that supports balanced fiscal management and cooperative federalism.

# Calling out exploitative labour dynamics on platforms

In the midst of the continuous evolution of the concept of "gig workers", there was a groundbreaking movement in India recently – a nationwide digital strike this Deepavali that was organised by women gig workers. This was a call made by the Gig and Platform Services Workers Union (GIPSWU), India's first union that is dedicated primarily to women gig workers. The strike sought gig worker and service user solidarity across the country and the world on the issue of exploitative and abusive labour practices.

### A case of exploitation

An online search reveals the extent to which platform companies have been offering countless discounted offers during this festive season. But where do these discounts originate from? Gig workers want to make this clear – they come at the expense of their wages and are a result of near-slavery-like working conditions.

But do consumers or the government care about this? Instead, the manufactured narrative seems to be on how young people are finding employment through these "unicorn" startups. Why are we not questioning how these startups achieve such rapid growth? The truth is that the expansion of platform startups is being fuelled by the exploitation of platform-based gig workers and venture capital firms that are keen to supply money endlessly with no requirement of a sustainable profit model.

Readers must be aware of a controversial piece of conversation in October this year between the CEO of one of the largest platform companies and a stand-up comic and satirist. The satirist had highlighted deficiencies in the company's products and services on social media and had challenged the CEO to take responsibility. But the satirist faced bullying instead. Prominent figures, which included a senior journalist, called the satirist a traitor while praising the CEO as a "nation's wealth creator". But is the CEO of this well-known platform really a wealth creator? Or is he profiting from the exploitation of gig workers? And how do we see the role of gig workers? Are they not also contributing to nation building by providing cheap labour? Why cannot we consider 'labour exploitation' to be an anti-national act? It

### Seema Singh

a gig worker from New Delhi

### Nisha Panwar

a gig worker from Mumbai

### Selvi

a gig worker from Bengaluru

### Chandan Kumar

a labour activist based in Pune

India's first nationwide digital strike that was organised by women gig workers is an attempt to mainstream their work issues

is a fact that informal economy workers contribute over 60% of India's GDP.

For the writers of this article, this moment is pivotal – women gig workers chose the auspicious day of Deepavali to initiate a digital strike, calling it a "Black Diwali". The response was overwhelming, with media coverage, and support from gig workers and citizen's forums. However, women workers are aware that this is a long battle as their demands are missing from mainstream labour discourse. They advocate having secure and dignified employment and stricter regulations on platform companies.

Governments and larger gig worker organisations seem to focus only on minimal social security measures which are often just a little more than repackaged charity schemes than actual constitutional entitlements. It is essential to remember that workers have fought for over a century for appropriate working hours, safe conditions, living wages, and secure employment norms.

### One-sided 'auto-assigned' jobs

Digital platforms have perpetuated age-old patriarchal structures, limiting women to jobs that have been historically designated – beauticians, cooks, and housekeepers. Job security for women often hinges on ratings and the acceptance of "auto-assigned" jobs. If they refuse these exploitative norms, they face being blocked or, in effect, "illegally terminated". This creates a dystopian reality wherein individuals are constantly rated and reduced to being mere numbers.

Many GIPSWU members are divorced, single mothers, or survivors of domestic violence, seeking refuge in platform jobs due to a lack of employment alternatives. Companies are aware and cash in on the fact that this is a pool of cheap labour that will remain available, making unionisation ineffective against their profit-driven models. They exploit labour laws while employing incomprehensible Artificial Intelligence-driven algorithms to manage workers.

Under the guise of offering "freedom" to choose working hours and attain financial independence, gig economy platforms entice

women with promises of balancing work and family commitments. However, this 'autonomy' has a hidden side to it. Women often feel pressured to meet unrealistic targets while juggling the demands of gig work. In return for a misleading sense of control over their schedules, they face heavy financial burdens, including transportation costs, necessary service products, and platform fees. This is a system that fails to provide equitable returns, leaving many without essential earnings or social security benefits.

This is bizarre. The state lacks systems to prevent companies from having anti-labour practices, and in the absence of data privacy laws, allows these platform giants to thrive while perpetuating a rudimentary feminisation of labour. This deeply embedded patriarchal structure hinders women workers in India from having basic human and labour rights. It is a matter of shame that so many women are struggling when there are campaigns at the national level with slogans such as "Beti Bachao Beti Padhao".

Women have yet to escape the cycle of exploitation that many unicorn startups resort to in their claims to be fostering economic empowerment and addressing India's unemployment crisis. The reality is that women have fallen into a more complex cycle of exploitation – one where conventional patriarchy merges with digital patriarchy, leading to profound economic exploitation.

### Grassroot power

GIPSWU must pursue a long-term agenda with a nuanced strategy. This digital strike has bolstered worker confidence and has shown pathways that will lead to victories. The writers have been told that no such assertion of dissent has been seen anywhere else in the world before and that it is a proud moment. There is no substitute for grass-roots organising, and we understand its power. It is only which can help us conduct negotiations for suitable policies and laws in the future. Gig workers around the world are watching, and we will not let them down.

The writers are founders of the Gig and Platform Services Workers Union (GIPSWU)

## LETTERS TO THE EDITOR

### Cricket and Pakistan

The decision made by the BCCI, on Team India not playing in Pakistan, is a welcome one. The blast at a railway station in Pakistan

establishes the fact that the situation in that country is not only tense but that uncertainties also prevail, despite assurances on safety concerns. The ICC

seems to find itself in a catch-22 situation each time an ICC tournament is conducted. Balasubramanian Pavan, Secunderabad

### Delhi Ganesh

One is deeply saddened by the passing of film personality Delhi Ganesh. He had a rare ability to connect with viewers across

generations and was one of the few in the film industry who was able to essay any role with panache. Some of his memorable performances were in

Apoorva Sagadharangal, Michael Madana Kama Rajan and Avvai Shanmugi. Nagarajamani M.V., Hyderabad

# Can India get rich before growing old?

There has been a lot of hype about India's demographic dividend, ever since liberalisation unlocked possibilities beyond the reach of our once socialist, more austere imagination. Demographic dividend denotes a country's economic growth advantages when most of its population is in the working-age bracket. Today, the dividend has become this vague, almost mythical assurance of perpetual economic growth. Unfortunately, as often happens with things that are, or assumed to be, perpetual, we take them for granted. This perhaps explains why we end up resenting the 'extra' number of people vying for education, employment, and housing. Politicians then give expression to this resentment by trying to reserve jobs for locals.

**The middle-income trap**  
A reality check is in order. Even though three-fourths of India's population is aged 15-64, the dividend, as it turns out, is not the silver bullet that we have held it out to be, nor is it perpetual. India's total fertility rate (TFR) – the average number of children a woman has in her lifetime – is declining at a faster pace than was anticipated a decade ago. Projections suggest that within 10 years, the proportion of working-age individuals in the total population will begin to fall, marking the beginning of the end of India's demographic dividend. Most States are now below the replacement-level fertility rate of 2.1 children per woman, needed to maintain a stable population. Southern States such as Andhra Pradesh and Karnataka, with TFRs below 1.75, are leading this trend. Other States, including Punjab and West Bengal, are also experiencing similar declines, indicating that this is a nationwide phenomenon. India's rapid decline in TFR also challenges conventional wisdom, which links lower birth rates to improvements in education and income. Despite modest gains in per capita income, which still



**Harshit Rakheja**  
Communications Manager, Foundation for Economic Development



**Yuvraj Khetan**  
Programme Manager at the Foundation for Economic Development

places India among lower-middle-income countries, the country's TFR has dropped from 2.6 in 2010 to 1.99 today. As India approaches middle-income status by the next decade, this decline is expected to accelerate. Whether India can get rich before it grows old is no longer just an alarmist concern; it has become an existential dread. What is even more worrying is that our dividend is right now being wasted as people remain stuck in low-productivity agricultural jobs or remain unemployed while preparing for competitive exams. Since liberalisation, India has reduced the proportion of its workforce in low productivity agriculture by a mere 17 percentage points, from 63% to 46%; for comparison, 30 years after China's liberalisation, the country's share of workers in agriculture reduced by 32 points, from 70% to 38%. Meanwhile, India's labour force participation rate (LFPR) in urban areas remains at a dismal 50%. If India continues on this path, it risks falling into a middle-income trap from which only a handful of countries have escaped. Even China, after years of rapid growth, is slowing down. India must not assume it will fare any better, especially as its demographic window narrows.

**Focus on manufacturing**  
So, what must we do to leverage the demographic dividend before it is too late? Throughout history, the proven path for economic growth has been the movement of workers from low-productivity sectors such as agriculture to higher-productivity jobs in manufacturing and services. While the services sector has grown significantly, manufacturing has stagnated in India. This needs to be addressed, because manufacturing, particularly in labour-intensive industries, creates far more jobs than services. For example, the textile and apparel industry, worth \$150 billion, employs 45 million people, compared to 5.5 million in the

\$250 billion IT-BPM sector. Moreover, textile factories often employ 60-70% women, empowering those who might otherwise be confined to unpaid work (only three out of 10 working-age Indian women are in the labour force).

Manufacturers in India face significant challenges. According to recent World Bank surveys, one in six manufacturers cites business licensing and permits as major constraints, compared to less than 3% in Vietnam. Similarly, access to land and cumbersome customs and trade regulations are major hurdles, with 17% of manufacturers facing such issues, compared to 3% in Vietnam. These barriers are stifling manufacturing growth. Thus, India must improve its business environment, which is crucial for enabling large-scale job creation.

The Central government should lower tariffs to make inputs cheaper for Indian manufacturers and boost exports. Finalising long-pending free trade agreements with the U.K. and EU should be another priority to expand market access for Indian products. State governments should be bolder with labour reforms, allowing workers to choose flexible work arrangements, and also look into land and building regulations for factories. As per a recent report by Prosperiti, many factories can only use half their land due to restrictive building standards, which increases manufacturing costs. Additionally, restrictions on creating worker housing in industrial zones raise hiring costs. Addressing these issues and improving the investment climate must be India's priorities.

We must strive to capitalise on our demographic dividend. With a similar per capita income to India in the 1980s, China transitioned millions from agriculture to manufacturing. It is time India stops patting itself on the back for the short-lived blessing that is its 'demographic dividend' and gets to work on leveraging it.

# The Waqf row and the BJP's goals

The timing of the party's campaign in Karnataka is opportune

## STATE OF PLAY

**Rishikesh Bahadur Desai**  
rishikesh.desai@thehindu.co.in



The campaign against the Karnataka Waqf Board, taken up by the State unit of the BJP ahead of bypolls on November 13, has now ballooned into a national issue. What started as a social media post by MP Tejasvi Suraya, with reference to a village in Vijayapura district in north Karnataka, followed by protests in many districts, is now under the radar of the Joint Parliamentary Committee (JPC) on the Waqf (Amendment) Bill. Meanwhile, the issue has also been raised by the BJP in the bypoll-bound Wayanad district of Kerala. Without referring to Waqf, Union Minister Suresh Gopi called it a "four-lettered monstrosity".

In Karnataka, the BJP has alleged that the Waqf Board is trying to "snatch lands" that poor farmers have been cultivating for generations. Mr. Suraya initially alleged that the Waqf Board was trying to take over 1,500 acres of farmland in Honawad village in Vijayapura district alone. Then, several leaders joined in saying the Congress government was conspiring to claim the lands of "innocent Hindus".

Jagadambika Pal, chairman of the JPC on the Waqf Amendment Bill, visited the Hubballi and Vijayapura districts to meet aggrieved farmers who have either received notices from Revenue authorities on a complaint of encroachment of Waqf lands or whose land records have been mutated to insert claims by the Board in column II of the Record of Rights, Tenancy and Crops (RTCs). He said that he would invite a delegation of farmers to New Delhi to de-

pose before the JPC.

With the issue blowing up ahead of the bypolls, Chief Minister Siddaramaiah announced that all notices would be withdrawn and the mutation process stopped immediately. An official order to this effect was issued by the Revenue Department. However, Opposition leaders campaigning in the bypoll-bound constituencies of Shiggaon, Sandur, and Channarayana have repeatedly spoken about the Waqf issue and called it part of Congress's "appeasement politics." There have also been social media posts stoking fear among farmers. One of them appeals to farmers "to rush to the Tahasildar offices to check whether their lands are still their own."

Minority Welfare and Waqf Minister B.Z. Zameer Ahmad Khan has said that of the 1.2 lakh acres previously managed by Waqf, around 75,000 acres were redistributed among the landless under the Inam Abolition Act and the Land Reforms Act and that only some 20,000 acres are now managed by the Board. Mr. Khan has maintained that the Board's actions, such as holding Waqf Adalats, were against encroachers and not farmers.

While notices have been issued to some farmers and mutations done in RTCs, following Waqf Adalat meetings in 10 districts, there is a mix of truth and falsehood being peddled in the campaign. For

instance, the total extent of farmland in Honawad does not cross 1,100 acres. Of them, Waqf lands constitute only 14 acres. In 2022, the BJP government had transferred the ownership of a nine-acre graveyard to the Board. Also, contrary to the claims by the BJP that "thousands of notices" were issued in Karnataka, the Revenue Department had prepared 423 notices to be issued in five districts. Second, Mr. Suraya's claim that the notices were issued by the Waqf Board and were in Urdu turned out to be false. Revenue Department officers issued notices and not the Board. Even the Waqf Board has to abide by the official language policy. An FIR has been lodged against Mr. Suraya for spreading "fake news".

The issue of Waqf land encroachments is not new; it was raised years ago, particularly by Anwar Maniappad of the BJP. As Chairman of the Karnataka State Minority Commission, he had prepared a report on encroachments of Waqf properties and submitted it to the government in 2012 when the BJP was in power. Mr. Maniappad alleged that powerful politicians from the Congress and JD(S) had encroached Waqf lands. He was unhappy that successive governments had not taken action against the alleged encroachers.

While the ongoing campaign is aimed at winning the bypolls, the BJP is also using it to prepare ground for acceptance of the Waqf Amendment Bill. Mr. Pal and leaders such as Pralhad Johi and Shobha Karandlaje have alleged that the Karnataka government was hurrying up the process of reclamation of Waqf lands before the Bill could come up before Parliament. Clearly, the timing of the BJP campaign is opportune.

# Declining health spending risks SDG goals

Pre-pandemic gains are eroding. In India, the share of health in the budget dropped below the 2% mark after the pandemic

## DATA POINT

The Hindu Data Team

Recent trends in government health spending across low-income countries (LICs) and lower-middle-income countries (LMICs) reveal worrying shifts as nations approach the deadline for the Sustainable Development Goals. A World Bank paper examines government health spending in 63 LICs and LMICs by analysing data from 2019 to 2023, with comparisons to pre-pandemic trends from 2015 to 2019.

The study highlights an initial spike in health spending during the pandemic followed by a steady decline. While early spending cuts appeared temporary, the analysis indicates these reductions are more permanent, challenging the necessary momentum for health-related SDG targets. In particular, LICs and LMICs are seeing declines in health spending per capita.

Between 2019 and 2023, government health spending per capita grew only modestly, constrained by a decreasing share of health within overall government budgets as general government expenditure rose faster than health spending. This shift reversed the pre-pandemic trend where health had steadily gained priority in national budgets. The impact was starker in LICs, where health funding remained minimal and heavily reliant on external aid.

The paper underscores risks for 35 nations, including India, where government health spending per capita and health spending's budget share have dropped. In 23 of these countries, projections by the International Monetary Fund indicate a likely contraction in government budgets from 2023 to 2029, potentially forcing policymakers to make difficult trade-offs to keep health spending on track.

continued its decline from the peaks observed during the pandemic response (Chart 1). In LICs, spending surged in 2020 but since fell back to nearly pre-pandemic levels, reaching approximately \$10 per capita in 2023. Similarly, in LMICs, spending dropped from its 2021 peak.

The recent, prolonged decline in government health spending has resulted in only modest growth rates during the pandemic and recovery period. From 2019 to 2023, the average real annual growth rate of government health spending per capita was a mere 0.4% in LICs and slightly higher at 0.9% in LMICs.

These modest growth rates stand in sharp contrast to the pre-pandemic period. Between 2015 and 2019, the average real annual growth rate of government health spending per capita was significantly higher, at 4.2% in LICs and 2.4% in LMICs (Chart 2).

In 2023, the share of general government spending allocated to health continued to decline from its pandemic peak (Chart 3). In LICs, this decrease began notably in 2021, with the health spending share dropping to 5.6%. In LMICs, the decline started a year later and was less pronounced, with the government health spending to general government expenditure ratio falling to 6.5% in 2023. These reductions were driven by negative growth in government health spending per capita, while general government expenditure per capita remained largely stagnant or saw modest growth in most years since 2021.

India is one of the LMIC countries where health spending has significantly decreased since its peak during the pandemic. Chart 4 shows the trend in health spending as a percentage of the total budget over the years. Health's share in the budget surpassed the 2% mark in FY18 and remained elevated during the pandemic years, only to drop to 1.75-1.85% in the years that followed.

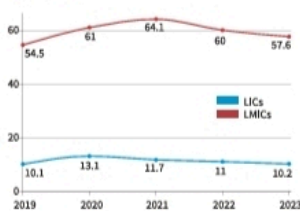
## Health spending on life support

The data for the charts were sourced from the World Bank paper titled 'Peaks, declines and mounting risks' and India's Budget documents

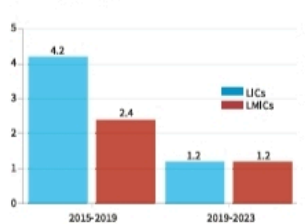


**DECLINING HEALTH RISKS:** India is one of the LMIC countries where health spending has significantly decreased since its peak during the pandemic.

**Chart-1** The average real government health spending per capita by income group (constant US\$ 2023). Includes data for 63 countries.



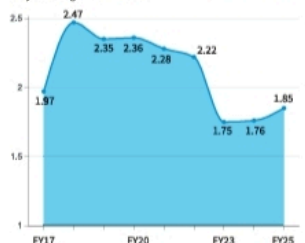
**Chart-2** The average annual growth rate of real GHS per capita by income group (in %)



**Chart-3** The average government health spending to government health expenditure ratio by income group (in %)



**Chart-4** The share of health expenditure in total expenditure in India (in %). Figures for FY24 are revised estimates; for FY25, they are budget estimates



## FROM THE ARCHIVES

### The ~~2000~~ Hindu.

FIFTY YEARS AGO NOVEMBER 11, 1974

## Check for defects in Tarapur reactors

New Delhi, Nov. 10: The Atomic Energy Department proposes to undertake a detailed inspection of equipment and reactors at the Tarapur Atomic Power Station (TAPS) at some later stage to find out if the reactor or its equipment has any defect as noticed in some United States reactors of similar design.

Following receipt of information that a large number of atomic reactors of the boiling water type are being shut down in the United States because cracks developed in the auxiliary pipes in the reactor coolant recirculation systems of these reactors, the Atomic Energy Department has carefully reviewed the design and operational aspects of the Tarapur station.

According to official sources, no "adverse" signs have so far been noticed in the reactor which justifies an immediate closure of the plant for inspection.

However, arrangements for thorough "non-destructive metallurgical tests" have already been completed and the units are kept under close observation for detection of any developing flaw.

The cracks detected in the U.S. reactors are in the heat affected zone of stainless steel welds, joining auxiliary pipes to the main coolant recirculation pipes.

According to information gathered by AEC, it appears that the suspected defect in the U.S. reactors is generally confined to reactors based on design developed later than that of the Tarapur reactors. It also appears that this defect is traceable to a particular batch of manufacture by sub contractors.

AEC, however, thinks that a detailed inspection of TAPS at some later stage is necessary to ensure complete safety.

A HUNDRED YEARS AGO NOVEMBER 11, 1924

## The poppy day

At Madras: The sixth anniversary of the Armistice Day was celebrated to-day in the city with much solemnity. Special commemoration service were conducted in the Cathedral in the city and special hymns and prayers were offered. At 11 a.m., the signal gun from the fort was fired and the whole traffic was suspended and there was a complete cessation of all normal business for two minutes.

# Text & Context

THE HINDU

## NEWS IN NUMBERS

**The trees felled in U.P. for Kanwar Yatra route construction**

**17,600** A fact-finding panel has informed the National Green Tribunal (NGT) that over 17,600 trees have been felled in three Uttar Pradesh districts to make way for the upcoming Kanwar Yatra route. **PH**

**People detained for betting on cockfight in Sambhal**

**55** These people were detained for allegedly betting on a cockfight in Partapur village in the Bahjoi area. The police also recovered 35 roosters, of whom 33 were found to have their legs tied. Those detained have been booked under the Public Gambling Act and Animal Cruelty Act. **PH**

**The death toll from the Israeli strike on Almat in Lebanon**

**23** At least 23 people, including seven children, were killed and six others injured in an Israeli strike on Almat in the Mount Lebanon province, the country's health ministry said, adding that the death toll was likely to climb. Three people were also killed in an Israeli strike on Mashghara. **REUTERS**

**The Palestinians killed in the Gaza Strip since October 7, 2023**

**43,603** The health ministry in Gaza said on Sunday that at least 43,603 people have been killed in more than 13 months of war between Israel and Palestinian militants. The toll includes 51 deaths in the previous 24 hours. **APF**

**Lost children reunited with parents by Central Railway**

**861** Central Railway officials reunited 589 boys and 272 girls with their families between April and October. Children end up at railway stations for myriad reasons, including mental-health issues, fights with parents etc. **PH**

COMPILED BY THE HINDU DATA TEAM

Follow us [facebook.com/thehindu](https://facebook.com/thehindu) [twitter.com/the\\_hindu](https://twitter.com/the_hindu) [instagram.com/the\\_hindu](https://instagram.com/the_hindu)

# On improving wind energy generation

What is Tamil Nadu's wind power capacity? What about national wind energy capacity? What does repowering and refurbishing of wind turbines mean? Why are wind energy generators opposing the new policy of the Tamil Nadu government?

## EXPLAINER

M. Soundariva Preetha

### The story so far:

Tamil Nadu, which is a pioneer in wind mill installations, has wind turbines that are over 30 years old. The Tamil Nadu government released the "Tamil Nadu Repowering, Refurbishment and Life Extension Policy for Wind Power Projects - 2024" in August this year. However, wind energy generators have opposed the policy, approached the Madras High Court and got a stay. They have demanded a policy that will "promote wind energy generation".

### What is the wind energy capacity and potential in India?

The National Institute of Wind Energy (NIWE) says that India has wind power potential for 1,163.86 GW at 150 metres above ground level, and is ranked fourth in the world for installed wind energy capacity.

At 120 metres above ground level, which is the normal height of wind turbines now, the potential is 695.51 GW, including the 68.75 GW from Tamil Nadu. Only about 6.5% of this wind potential is used at the national level and nearly 15% in Tamil Nadu. Gujarat, Tamil Nadu, Karnataka, Maharashtra, Rajasthan, and Andhra Pradesh are the leading States for installed wind energy capacity, collectively contributing 93.37% of the country's wind power capacity installation. Tamil Nadu has seen the installation of wind turbines since the 1980s, and today it has the second largest installed wind energy capacity with 10,603.5 MW, according to data available with the Ministry of New and Renewable Energy (MNRE). Of the 20,000 wind turbines in the State, nearly 10,000 are of small capacities, that is less than one MW.

### How are wind turbines maintained?

Wind turbines that are more than 15 years



**Powerhouse:** Wind turbines along the Kadayannallur-Tenkasi highway in Tamil Nadu. **JOTH RAMALINGAM, B**

old or have less than 2 MW capacity, can be completely replaced with new turbines, which is known as repowering. They can also be refurbished by increasing the height of the turbine, changing the blades, installing a higher capacity gear box, etc., to improve the energy generated. These can be done for standalone wind mills, or a group of wind mills owned by multiple generators. When wind energy generators take up safety measures in the old turbines and extend its life, its called life extension.

The MNRE first came out with a "Policy for Repowering of Wind Power Projects" in 2016 and based on consultations with stakeholders, released the "National Repowering & Life Extension Policy for Wind Power Projects - 2023". The NIWE estimates the repowering potential to be 25.4 GW if

wind turbines of less than 2 MW capacity are taken into consideration.

### What does repowering and refurbishing entail?

Wind energy generators say that when turbines were installed in the 1980s, potential wind sites were mapped and the mandatory gap required between two wind mills were determined based on the technology available then. All the turbines were in the sub one MW category. Over the years, the wind mill manufacturing sector has matured and technology has evolved. Habitations have come up between wind sites, posing new challenges, and wind energy evacuation and transmission infrastructure close to the wind sites need to be strengthened to match the generation.

Sources in the wind energy industry

point out that a 2 MW wind turbine is usually 120 metres high and requires 3.5 acres of land. It can generate upto 65 lakh units of power. A 2.5 MW turbine, which is available in the market now, is 140 metres high and can generate 80 lakh units. It requires five acres. So, when an existing wind turbine is to be repowered by replacing it with a high capacity turbine, more land is required.

Further, at Aravaimozhi in Tamil Nadu, a high potential wind site, the 48 MW installed capacity now is made up of mostly 250 KW turbines and the potential at the site is for 100 MW. A project to have three sub-stations of 230 KVA each at ₹800 crore was sanctioned six years ago and is yet to take off for multiple reasons. In Tamil Nadu, wind mills installed after 2018 do not have banking facility. When a turbine is repowered, it will be treated as a new installation and the generator cannot bank the energy generated. This impacts the financial viability of the project, say the sources.

### What is the way forward?

Among the wind energy generating States, the repowering potential is the highest in Tamil Nadu with over 7,000 MW of installed capacity that can be replaced or refurbished. If the small turbines are repowered or refurbished, the contribution of wind energy to total energy consumed during the peak windy seasons can go up easily by 25%, says wind energy consultant A.D. Thirumoorthy.

While there have been generators which have replaced turbines in the past without government support, the policy itself does not promote wind energy generation, claim the generators. It should look at challenges on the field and consider how the wind energy potential can be harnessed fully by the generators. "No industry or energy generator will want to invest in a project that is not financially viable. The repowering policy is not commercially beneficial," said a textile mill owner in Coimbatore who has invested in wind energy.

## THE GIST

The National Institute of Wind Energy (NIWE) says that India has wind power potential for 1,163.86 GW at 150 metres above ground level, and is ranked fourth in the world for installed wind energy capacity.

Among the wind energy generating States, the repowering potential is the highest in Tamil Nadu with over 7,000 MW of installed capacity that can be replaced or refurbished.

Wind turbines that are more than 15 years old or have less than 2 MW capacity, can be completely replaced with new turbines, which is known as repowering.

# What is the status of NEP's implementation in Odisha?

Why did the previous Biju Janata Dal delay the implementation of the National Education Policy (NEP)-2020? How is the new system trying to increase the employability of students?

Satyasundar Barik

### The story so far:

The Odisha government has announced the roll-out of the National Education Policy (NEP)-2020 in the State's higher education sector. A new curriculum will be introduced in all government universities, and under-graduate students will now enrol in a four year course instead of three years. Additionally, to increase employability of students, 112 multi-disciplinary courses, 14 vocational courses, 56 value-added courses and 84 skill development courses have been approved to be included in 40 undergraduate subjects.

### Why hadn't it been implemented yet?

Immediately after NEP-2020 was unveiled, the previous Biju Janata Dal government had convened a meeting by

inviting different stakeholders for its implementation. It became clear that much work needed to be done before rolling out the Policy.

More than 40% of Odisha's population belongs to socially and economically disadvantaged groups. There were issues of infrastructure bottlenecks, shortage of human resources and other technical shortcomings which needed to be addressed. Moreover, the NEP stresses research, flexible education, multiple entry and exit options, four-year degrees and one-year PG and so on; online education is also a big part of the NEP.

Additionally, there was the question of Gross Enrolment Ratio (GER). In colleges nationally, the GER is around 28. The NEP talks about increasing the GER to 50%, and Odisha is at 22.1%. The government would need to spend about 10,000-12,000 crore in higher education if NEP were to be

implemented. Currently, the State spends only one-fourth of that. The NEP also says that every student should have four credit scores from a compulsory internship.

"The challenge is where one would intern 10 lakh students? Where are the industries and institutions in Odisha? The NEP says one cannot do an internship in their current institution as the internship has to be done in another institute. It is a huge challenge to facilitate internship for 10 lakh students," said Prof. Ashok Kumar Das, former vice chairperson of Odisha Higher Education Council, who was involved in preparing the ground for NEP during the previous government.

### What has been done so far?

Prof. Das explains: "From 2022-23, we had made serious efforts to prepare the syllabus in accordance with NEP. Committees were formed on every subject by drawing experienced faculties

from all colleges and universities. After preparation of syllabus, it was sent for outside review. It has now come back," said Prof. Das. "By early 2024, the complete undergraduate syllabus, incorporating skill and value-added courses as well as a multidisciplinary approach, was prepared," he said.

Odisha has partnered with NASSCOM for providing digital skills to students and to also help students with internships. The government would fund the internship process and the university would recognise marks obtained through the same. However, conducting exams online is still a big challenge. In Odisha, there are only two Swayam centres where examinations can be conducted. The Centre for Distance and Online Education (C.D.O.E) at Utkal University is currently developing virtual tutorials for all undergraduate courses, which will be available to students free of charge. Experienced teachers are being engaged to lead these sessions. Plans are underway to expand the range of these tutorials. In 2018, Odisha had started its own research scheme christened the Odisha University Research and Innovation Incentivisation Plan (OURIIP) under which young lecturers are provided seed research funding either in college or universities. Every year, 60 teaching faculty are awarded 100 lakh seed funding for research and around 300 fellowships are given at ₹30,000 per month.

## THE GIST

The Odisha government has announced the roll-out of the National Education Policy (NEP)-2020 in the State's higher education sector.

Immediately after NEP-2020 was unveiled, the previous Biju Janata Dal government had convened a meeting by inviting different stakeholders for its implementation. It became clear that much work needed to be done before rolling out the Policy.

Odisha has partnered with NASSCOM for providing digital skills to students and to also help students with internships.

BUILDING BLOCKS



Purple skies: Lightning strikes above the city skyline in Mumbai on October 14. EMANUJAL YOGINI

How do lightning rods prevent lightning strikes from reaching people?

While a lightning strike occurs between a cloud and an object on or near the ground, it takes the path of least resistance, which means it moves towards the closest object with the highest electric potential

Vasudevan Mukunth

Climate change is making lightning strikes around the world more common and deadlier. Every year, around 24,000 people around the world are killed by such strikes; in India, lightning strikes killed 2,887 people in 2022. There have been petitions to declare this phenomenon a natural disaster in India so that its survivors can access institutional mechanisms for protection. Against this backdrop, lightning rods are important for their ability to keep lightning away from people.

**What is lightning?** Lightning is an electrical discharge between charged particles in a cloud and the ground. Objects can be classified as electrical conductors or insulators, but this depends on the electrical energy acting on the object. For example, the air around us is an electrical insulator: it doesn't transport electric charges. But if it is subjected to a high voltage of around 3 million V/m, its insulating properties break down and it can transport a current.

Lightning strikes are possible because electrical charges can build up in a cloud beyond the ability of air to keep resisting their movement.

**What is a lightning rod?** While a lightning strike occurs between a cloud and an object on or near the

ground, it takes the path of least resistance, which means it moves towards the closest object with the highest electric potential.

"The reason lightning strikes the rod has to do with its shape. Lightning rods are pointy and pointed things create stronger electric fields near them," IIT Kanpur assistant professor of physics Adhip Agarwala said. "It's like saying the flow of water speeds up near a nozzle. The electric field is the force that acts on molecules of air, so it becomes strongest near the lightning rod. This force ionises the air near the rod first and provides a route for the current to flow."

Think of a lightning strike as the extended hand of someone who wants to be pulled out of a pool. If there are many hands offering to help, the lightning's hand will reach for the strongest one. A lightning rod is an electrical conductor that takes advantage of this fact with one addition: engineers install it on building-tops in a way that it's the first hand the lightning encounters on its way down. This is also why it's risky to stand under trees in an otherwise open field, like a farm.

**Where does the current in a lightning rod go?**

Heat energy always flows from a warmer object to a cooler object. Liquid water flows from a place with a higher gravitational potential to a lower one. Similarly, an electric current flows from a place with higher electric potential to a

place with lower electric potential.

Fortunately, we have an abundant source of lower electric potential: the earth. The lightning rod is connected to a wire that drops through the length of the building into the ground, where it dissipates its electric charges into its surroundings. The idea here is that electrifying the earth will need virtually infinite amount of charges, so it's treated as a bucket that will never fill up.

However, some parts of the bucket may still be better at receiving the charges than others.

If a strike induces a large current in a grid-connected electrical system, engineers connect the wire to a line that allows only high currents, thus diverting them away from devices that can handle only low currents. Such setups are called lightning arresters.

**Can lightning evade a lightning rod?**

A lightning strike may evade a lightning rod if the rod is installed at the wrong height or angle or too close to another structure, isn't properly grounded, if there are multiple thunderstorms in an area, if it has a flawed design, or if it has become misshapen and/or corroded due to lack of maintenance.

It can also fail if an electrical discharge ascends from the ground to meet a descending strike, risking bypassing the rod, or if a strike is more attracted to the side of a tall building than to the top.

Over the years engineers have devised new incentives for lightning to prefer a

lightning rod over other structures nearby. Among others, they make sure a lightning rod is available for lightning to strike within the minimum distance the strike travels in each step it takes towards the ground.

**What dangers does a lightning rod pose?**

The lightning rod and the components connected to it are designed to carry a lightning strike into the ground. This means catching the strike and safely transporting it. If the wire bends in a U shape at any point, the two arms of the U should be far apart to prevent the current from arcing across and shorting the conductor. The charges should also not be able to arc through any other objects nearby. Engineers also bury the grounding wire in a part of the crust with higher electrical conductivity so that the wire dissipates charges faster. In the 1960s, a U.S. engineer named Herbert Ufer developed a system later called a concrete encased electrode: it has the properties of a good grounding material, including better electrical conductivity than soil.

The International Electrotechnical Commission publishes standards that specify the design limits and points of failure engineers can consider when installing lightning rods, and the priorities that planners and policymakers should adopt – informed by technical considerations – when estimating risk and liability.



KNOW YOUR ENGLISH

She has had a chequered career

His housekeeper resigned. Now he has to find a house-sitter before he goes on vacation tomorrow

S. Upendran

**What is the meaning and origin of 'chequered career'?** (Md. Manish Anwar)

This expression is mostly used to refer to an individual's work experience, and most standard dictionaries, list both the British (chequered career) and the American (checkered career) spelling. When you say that a candidate has had a rather 'chequered career', what you are suggesting is that he has been constantly moving from one job to another – he has never stayed in one place for long. The use of the expression also suggests that the individual's career has been rather bumpy; it has been full of ups and downs. It is one in which the person has met both success and failure. Other expressions which are commonly used by native speakers are 'chequered history' and 'chequered life'.

Call only those candidates who don't have a chequered career.

This American idiom comes from the game of checkers – the British call this game draughts (pronounced 'drafts'). Like the game of chess, checkers too is played on a board consisting of 64 squares of alternating colours – red and black are the two colours commonly used. The word 'checkered' in 'checkered career' is used in the sense of constantly alternating – much like the squares on a checkerboard.

**Is there a difference between 'house-sitter' and 'housekeeper'?** (K. Jayashree, Kochi)

Yes, there is. Think of a 'house-sitter' like a 'babysitter'. While a babysitter takes care of a baby/child while the parents are away, a 'house-sitter' takes care of someone's house while the owner is away. Nowadays, people who live in independent houses are reluctant to lock up their place and go somewhere for a week or two. They are afraid that their house will get burgled. To ensure that this does not happen, they hire someone to take care of their house while they are away. This individual is called a 'house-sitter'; he stays in the house and ensures that everything is okay during the period the owner is away. House-sitters are usually temporary – they work for someone for a short period of time.

My parents will attend the wedding provided they find a reliable house-sitter.

A 'housekeeper', on the other hand, is usually a woman who assists in the running of a house even when the owners are present. This individual is usually hired to take care of household chores – she's in charge of the cooking and the cleaning of the house. A housekeeper, may at times, live with the owners of the house. Both the house-sitter and housekeeper take care of someone else's house.

upendrankye@gmail.com

THE DAILY QUIZ

Here is a quiz on incidents and events surrounding November 11

Vignesh P. Venkitesh

- QUESTION 1**  
November 11, 1918 marked the beginning of the end of the First World War after an armistice was signed between the allied nations and Germany. Which flower is used across the U.K. to mark the day?
- QUESTION 2**  
Name the celebrated Russian writer, known for his psychological themes of human despair, born on this day in 1821?
- QUESTION 3**  
This influential figure in Palestinian history died in Paris on this day in 2004.
- Who is he?
- QUESTION 4**  
This actor who began his career with the 1985 sitcom *Growing Pains* was born on this day in 1974. Name him?
- QUESTION 5**  
Name the first spacecraft to make an automatically controlled re-entry into earth's atmosphere, which was launched on this day in 1967?
- QUESTION 6**  
This movie released on this day in 2020 has links to the recently concluded U.S. presidential election. Name the movie.



**Visual question:** This is the flag of a former Portuguese colony in Africa which celebrates its independence on this day. Name the country.

- Questions and Answers to the November 8 edition of the daily quiz:** 1. The old name of Uttarakhand and the year in which it was changed. **Ans: Uttaranchal; 2007**
2. The party voted to power in the State in 2002. The number of Chief Ministers the State has had since then. **Ans: The Congress; 8 Chief Ministers**
3. The place known as the ski capital of India. **Ans: Auli**
4. The first President to take part in the celebrations held for Uttarakhand's Foundation Day. **Ans: Droupadi Murmu**
5. Did Uttarakhand adopt the tiger as its State animal. **Ans: False. Alpine musk deer is the State animal**
- Visual:** Identify this man and name the other State of which he was Chief Minister. **Ans: N.D. Tiwari and Uttar Pradesh**
- Early birds:** Dodo Jayaditya| Barnali Biswas| Parimal Das| Arun Kumar Singh| Mohan Lal Patel

Please send in your answers to  
dailyquiz@thehindu.co.in

Word of the day

**Feign:** make believe with the intent to deceive; make a pretence of

**Synonyms:** dissemble, pretend, sham, assume, simulate

**Usage:** He feigned sleep.

**Pronunciation:** newsth.live/feignpro

**International Phonetic Alphabet:** /feɪn/

For feedback and suggestions for Text & Context, please write to [letters@thehindu.co.in](mailto:letters@thehindu.co.in) with the subject 'Text & Context'

# Mpox clade Ia has evolved to jump from humans-to-humans: new study

Researchers have found a surge in the prevalence of mutations that can be attributed to a protein family in the human body called APOBEC. This protein is used by the immune system as a mechanism to introduce random changes in foreign DNA. It can introduce changes to the viral DNA while it is being copied in the cells

Arun Panchapakesan

**S**ince the world eradicated smallpox in 1980, scientists have known that the battle against poxviruses was far from over. Of the multiple types that exist, scientists have been wary of one in particular: mpox. In fact, one of the points in the World Health Assembly's post-eradication policies was the "continuation of monkeypox surveillance in West and Central Africa, at least until 1985."

In 2022-2023, the World Health Organisation (WHO) declared the then global outbreak of mpox a "public health emergency of international concern." In August this year, the WHO declared mpox to be a public health emergency for the second time in two years.

(Note: In 2022, the WHO designated "mpox" as a preferred synonym for "monkeypox" disease. The virus is still called "monkeypox," according to the International Committee on the Taxonomy of Viruses. For uniformity's sake, this article will use "mpox" to refer to both the disease and the virus clades.)

## New cause for worry

The declaration ensued multiple countries would pledge vaccines to the 15 African nations affected by the outbreak, six of which had never reported a single case of mpox before. But the paucity of doses has forced countries to prioritise their campaigns. Barely two months since these countries started their targeted vaccinations, scientists have a new cause for worry. A preprint paper uploaded on Virologica, a scientists' discussion forum online, on October 24 reported evidence that yet another strain of the mpox virus appeared to have achieved human-to-human transmission.

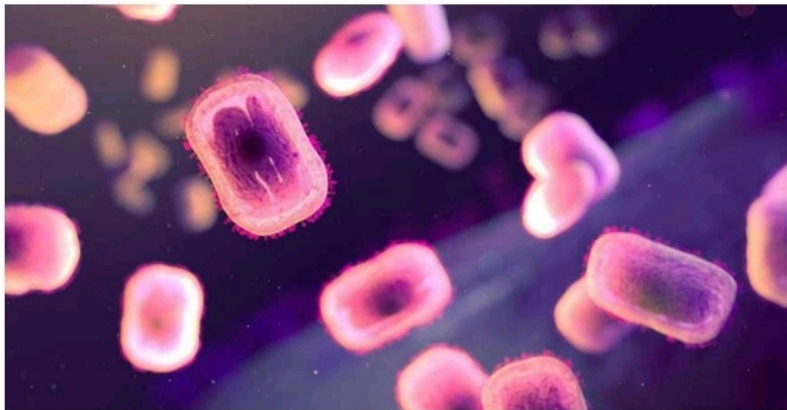
There are two clades of mpox: I and II. Clade I viruses have been shown to cause more severe disease in the mouse model, but that doesn't mean the same may be true for humans. Both clades are classified into two subclades, making a total of four known variants: Ia, Ib, IIa, and IIb. Of these, clade IIb was responsible for the 2022 outbreak, which is still continuing in certain parts of Africa.

Clade Ib, discovered towards the end of 2023, is the primary cause of infection in central Africa.

Researchers believed these two clades to be the primary contributors to the present mpox problem. They know very little about clade IIa except that it causes infections in western Africa.

## When viruses make 'mistakes'

Clade Ia, on the other hand, is the oldest known variant of the mpox virus. It has



Extracellular, brick-shaped mpox virions. Backlighting shows the surface membranes of the virions and the outlines of nucleocapsids. NWD

been known to cause sporadic infections in humans, mostly children, since 1970. But these infections were always limited to a few families or communities, and the transmission was always from animals to humans. There was no proof of sustained human-to-human transmission until recently.

The preprint posted on Virologica reported evidence that the DNA of clade Ia viruses sequenced from the present outbreak bears clear signs of human-to-human transmission.

Viruses evolve by introducing changes to their genetic material. Each time a virus infects a new host, an enzyme known as a polymerase makes multiple copies of the virus's genetic material (DNA or RNA), which is then packed into new viruses. But sometimes the polymerases make a mistake. These mistakes, called mutations, could have a positive, negative, or no impact on the virus, meaning the virus can get better or worse or be the same at its job.

The rate at which the polymerases make mutations is different for different viruses. Generally, viruses that have RNA as their genetic material, such as the human immunodeficiency virus (HIV) and influenza, make mistakes much more frequently than those that have DNA, like the human papillomavirus (HPV) and adenoviruses.

This error rate is even lower in some DNA viruses, like the members of the pox family, which also have an error-correction mechanism built into them. This mechanism, called proof-reading, ensures few mistakes are

**Africa has pinned its hopes on the few doses of vaccines it has and is hoping against odds that its targeted campaign will suffice to stem the rising tide of mpox cases**

made: around one mistake every three years in a circulating viral strain.

## The APOBEC family

However, viral polymerases are not the only source of mistakes in a virus's genetic material.

The immune system also has a mechanism to introduce random changes in foreign DNA. A family of proteins called APOBEC – short for 'apolipoprotein B mRNA editing enzyme, catalytic polypeptide-like' – can introduce changes to the viral DNA while it is being copied in the cells.

By doing so, APOBEC proteins force mistakes, some of which can be lethal to the virus. Importantly, of the four bases that DNA is made of, namely adenine, guanine, cytosine, and thymine, viral DNA polymerases can make a mistake anywhere, but APOBEC's activity is usually limited to changing a cytosine to a thymine.

In a 2023 paper that appeared in *Science*, researchers showed that since the mutations made by APOBEC are more numerous than those by the viral polymerase, a sudden surge in the prevalence of mutations in circulating mpox viral DNA can be attributed to the

activity of APOBEC. That is, the virus came from human cells, and APOBEC must have acted on it. Otherwise, those mutations couldn't have arisen so quickly.

The researchers also estimated that, on average, APOBEC activity would introduce around six mutations every year. Based on how many mutations the researchers observed and the nature of those mutations, they predicted mpox clade IIb had been circulating in Africa from humans to humans since 2016.

The new study described in the preprint used the same method to show clade Ia viruses have achieved human-to-human transmission as well. This is because 63% of mutations they observed in the clade Ia infections were consistent with changes that could be introduced by APOBEC.

## Viruses' responses to antivirals

The news that clade Ia viruses can spread from humans to humans is not likely to affect the vaccination strategies of the affected countries. However, it is certainly cause for worry because researchers know that the different mpox clades respond differently to certain antiviral drugs used to treat them. For now, Africa has pinned its hopes on the few doses of vaccines it has and is hoping against odds that its targeted campaign will suffice to stem the rising tide of mpox cases.

(Arun Panchapakesan is an assistant professor at the Y.R. Gaiher Centre for AIDS Research and Education, Chennai. [arun.panchapakesan@gmail.com](mailto:arun.panchapakesan@gmail.com))

## THE GIST

Scientists have been wary of the reemergence of poxviruses, particularly mpox. In 2022-2023, the WHO declared the mpox outbreak a 'public health emergency of international concern'

Clade Ia is the oldest known variant of the mpox virus. It has been responsible for sporadic infections in humans, mostly children, since 1970. But transmission was always from animals to humans

Researchers used APOBEC activity to show clade Ia viruses have achieved human-to-human transmission. This is because 63% of mutations they observed in the clade Ia infections were consistent with changes that could be introduced by APOBEC

## BIG SHOT



On November 8, firefighters started gaining control over a wildfire near Los Angeles that had destroyed at least 132 buildings, forced more than 10,000 people to evacuate, and spread beyond 20,000 acres. Favourable winds from the Pacific Ocean helped some 2,400 firefighters tame the blaze after hot and dry winds from the desert fanned it. REUTERS

## WHAT IS IT?

# Gluten: animator of the dough

Many cereal grains — but in particular barley, wheat, and rye — contain specific proteins that, when mixed with water and kneaded, create an elastic mass. This mass is called gluten. Two important types of these proteins are gliadins and glutenins. At the microscopic level, gluten is an elastic mesh of the protein molecules.

It allows the dough to rise and gives it its chewy character. The ability of gliadins and glutenins to create gluten makes them prized ingredients in the food industry.

This said, gluten is equally infamous for the allergic reaction it induces in some people. An enzyme called protease helps digest proteins, but it doesn't do a good job of breaking down gluten. When such gluten reaches the small intestine, the body can develop gastrointestinal problems.

The most well-known of these problems is coeliac disease (pronounced "see-lee-ack"). It's characterised by a severe allergic reaction in the small intestine, prompting the immune system to produce a large number of antibodies that attack the body's own proteins. The disease is present in around 2% of the general population.



Gluten is infamous for the allergic reaction it induces in some people. VICTOR RODRIGUEZ IGLESIAS/UNSPLASH

Its primary symptoms are severe loose diarrhoea and anaemia, but there are other symptoms too. In fact, while doctors can diagnose coeliac disease using a blood test, an endoscopy, and/or a test looking for genetic predisposition to the condition, diagnosis is often delayed, and the symptoms are often misattributed to a different cause. Maintaining a diet very low in gluten is the only effective way to treat coeliac disease at present.

- Vasudevan Mukunth

For feedback and suggestions for 'Science', please write to [science@thehindu.co.in](mailto:science@thehindu.co.in) with the subject 'Daily page'

## THE IDEAS PAGE

## Fixing a leaky PDS

Public Distribution System needs to be reformed. Those above antyodaya should pay at least half of MSP — these savings can be ploughed back into agriculture



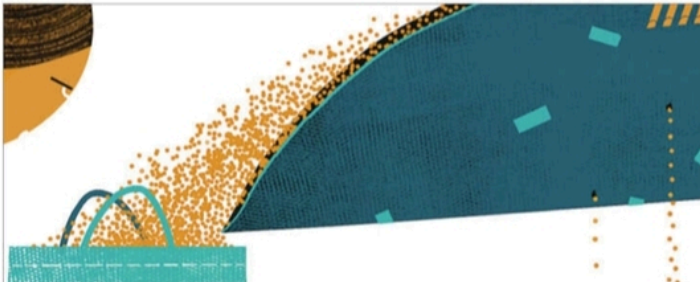
FROM PLATE TO PLOUGH  
BY ASHOK GULATI AND  
RAYA DAS

THERE'S A WELL-KNOWN saying: "Give a man a fish, and you feed him for a day. Teach a man to fish, and you feed him for a lifetime." In an earlier article ("The problem with free food", *IE*, October 18), a case was made to re-purpose a part of food subsidy — Rs 2.7 lakh crore in FY 2023 — toward investments in agri-R&D, skilling, rural roads, etc, which give much higher returns than food subsidies. Milind Murugkar in his article ("An investment, not waste", *IE*, October 25) argued that food subsidies are investments and not waste. We welcome his comment. In this context, we want to highlight three key issues.

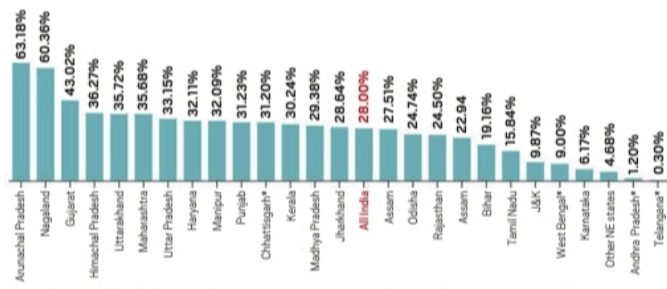
First, if the objective is to support household incomes, as Murugkar argues, do we need to support this for almost 57 per cent of the population, which is the current coverage for free food? If so, we had better stop talking about reducing poverty by 248 million during NDA rule, as Prime Minister Narendra Modi has said at several fora. Second, would Murugkar support this Public Distribution System (PDS) if he knew that roughly 28 per cent of free food never reaches the intended beneficiaries? Our PDS is still very leaky, but more on this later. Would he not, then, support direct cash transfers to the accounts of the intended beneficiaries as a better option to plug these leaks? Third, can free rice and wheat solve the problem of nutritional security, especially among children below the age of 5, which is the biggest issue in the food and nutritional security arena?

World Bank (2022) data shows that 12.9 per cent of Indians live on less than \$2.15 (PPP) a day, an extreme level of poverty. The NITI Aayog report (2024) says that 248 million people came out of poverty in the last 9 years, with the multidimensional poverty index (MDPI) declining from 29.17 per cent to 11.28 per cent between 2013-14 to 2022-23. We have no problem if the government wants to give free food to, say, even 15 per cent of the population, which is extremely poor. But the current coverage is about 57 per cent of the population under the Pradhan Mantri Garib Kalyan Anna Yojana (PMKAY). Should those above the extreme poverty line not be charged at least half the minimum support price (MSP), as was being done under the Targeted PDS initiated by Prime Minister Atal Bihari Vajpayee in 1997-98? That would keep the food subsidy cost within manageable limits and spare resources for investments to create climate-resilient agriculture.

But the more interesting issue is that of leaky PDS. Let us now turn to that as it is the main focus of this article. We have analysed the unit-level data of the Household Consumption Expenditure Survey (HCES) of August 2022 to July 2023, which gives the amount of rice and wheat people have received under the PDS as well as any top-up by state governments. This is then compared with the off-take from the Food Corporation



PDS LEAKAGE IN PER CENT



Source: Authors' calculation based on FCI and HCES 2022-23.

Notes: Reference period: August 2022 to July 2023.

\* Include state specific off-takes are added in the total off-takes from state public distribution websites

C R Sankar

of India (FCI) for distribution under NFSA (PMKAY), plus side-over, non-NFSA state-level allocations, aligning it with the reference period of August 2022 to July 2023. The findings reveal a significant discrepancy — 28 per cent of the allocated grains, amounting to approximately 19.69 million metric tonnes (MMT) of rice and wheat, fails to reach the intended recipients. The leakage of 28 per cent of rice and wheat translates to a loss of about Rs 69,108 crore, calculated at the economic cost of these grains to FCI. And this is an annual loss, which will keep increasing year after year, as the costs rise. It is one of the biggest annual scams, which is swept under the carpet in the name of helping the poor!

The government of India knew about large leakages in the PDS, as the High-Powered Committee on grain management under Shanta Kumar pointed out in its 2015 report. At that time, the leakages were estimated at roughly 46 per cent, based on the HCES of 2011-12. In 2016, Gol introduced Point-of-Sale (PoS) machines at Fair Price Shops (FPS) to plug leakages by integrating biometric authentication and real-time transaction tracking. Today, nearly 90 per cent of FPS nationwide are equipped with PoS machines. This has helped reduce leakages from 46 per cent to 28 per cent, but they remain very high.

The leakages vary sharply across states (see infographics). Arunachal Pradesh, Nagaland and Gujarat are the top three states

The government of India knew about large leakages in the PDS, as the High-Powered Committee on grain management under Shanta Kumar pointed out in its 2015 report. At that time, the leakages were estimated at roughly 46 per cent, based on the HCES of 2011-12. In 2016, Gol introduced Point-of-Sale (PoS) machines at Fair Price Shops (FPS) to plug leakages by integrating biometric authentication and real-time transaction tracking.

in terms of PDS leakages, although at all-India levels, leakages stand at 28 per cent. This highlights the need for reforming PDS.

Let us now turn to nutritional security. HCES data shows that the share of spending on pulses and vegetables declined in 2022-23 compared to 2011-12. The National Family Health Survey (2019-21) data shows that 35.5 per cent of children under five are stunted, 19.3 per cent are wasted, and 32.1 per cent are underweight. To address malnutrition, we need to convert at least some of the FPS into "nutrition hubs." They can offer a diversified range of produce, including eggs, pulses, millets, and fruits, alongside cereals. Using a digital food coupon system, beneficiaries could redeem these coupons at nutrition hubs for a wider array of nutritious options.

To sum up, the PDS needs to be reformed. Free food to 57 per cent of the population needs revisiting. Those above antyodaya (extremely poor) need to pay at least half of the MSP. These savings can be ploughed back into agriculture. To plug leakages, direct cash transfers to beneficiary accounts are an option. Digital coupons for more nutritious food through the nutrition hubs of FPS need to be encouraged.

Gulati is Distinguished Professor and Das is a Research Fellow at ICRIER. Views are personal

## WHAT THE OTHERS SAY

"It is up to the US to force Israel to stop its genocidal war, agree to a ceasefire, and enter into negotiations for a two-state solution. For this to happen, the first step would be for the US to refrain from sending any more military aid to Israel."

— THE DAILY STAR, BANGLADESH

## Go for cricket, stay for business

Indian businesses must reap benefits of the many opportunities offered by the upcoming Border-Gavaskar Trophy in Australia



PHILIP GREEN

CRICKET HAS ALWAYS been a shared passion for Australia and India. And while we are rivals on the field — and must be — off the field, we are close friends. This rivalry and friendship will be on full display during this year's Summer of Cricket, when Australia and India face off in the 17th Border-Gavaskar Trophy. The first Test, which starts in Perth on November 22, will see Jasprit Bumrah and Pat Cummins hit the city's famously fast and bouncy wicket hard. It will test the steel of Virat Kohli and Travis Head. And it will see thousands of passionate fans, Australian and Indian, cheer them all on. Who will come out on top? Well, Australia, of course.

Beyond my natural bias, it's important for Australia that we win this series. That's because the Border-Gavaskar Trophy is the only major men's Test match trophy in which we have a losing record. We've retained the Ashes 40 times (to England's 33), and we've kept the Trans-Tasman Trophy on 15 occasions compared to New Zealand's four. But India has bested Australia in 11 of the 6 Border-Gavaskar series to date. For Australia, there's a lot to bat for this summer.

Like in India, cricket in Australia is something to behold. From the grandeur of the Melbourne Cricket Ground, home to the mighty Boxing Day Test, to the charm of the Sydney Cricket Ground — 140 years old — the rolling greens of the Adelaide Oval and the colour and spark of the Gabba in Brisbane. There is something for everyone in Australia's rich cricketing history. And the cities which surround these famous grounds are, in summer, full of life: beaches, food, people and fun. What better time to see Australia and these iconic venues than during the Summer of Cricket?

And there is another reason to go. The Summer of Cricket will provide opportunities for businesspeople to make new connections — all through our common love of cricket. Each city will host VIP events on the sidelines of Test matches, where Indian business can rub shoulders with Australia's political and industry leaders. To give you a sample: The Brisbane Test in mid-December will host a Sports Industry Conference which will highlight the latest trends in sports tech and innovation. Brisbane is hosting the 2032 Olympic and Paralympic Games; Prime Minister Narendra Modi has an-

nounced India will bid for the 2036 Games — the conference will showcase opportunities for collaboration. The Prime Minister's XI, held in Canberra at the end of November, will feature a Gala Dinner at Australia's Parliament House for industry, government, and community leaders. These opportunities will further strengthen Australia-India economic ties, which are powering along under our Economic Cooperation and Trade Agreement, or ECTA. Under the agreement, our two-way trade has grown to nearly Rs three lakh crore per year, or 50 billion Australian dollars.

Importantly, ECTA — and trade with Australia — is working for India. Let me explain. Over the past five years, India's exports to the world have grown 37 per cent. That's impressive. But India's exports to Australia over that same period have grown 66 per cent. That's even better.

ECTA is also working for India in sectors that matter. A few examples show how. India expects agriculture exports to hit \$100 billion by 2030. This year under ECTA, the country's agriculture exports to Australia are up 32 per cent. India wants to reach \$100 billion in automotive exports by the end of the decade: Its exports to Australia in this sector are up more than 100 per cent. And Delhi projects \$100 billion in textiles exports by 2030. The country's apparel exports to Australia are up nearly 20 per cent.

India will reach these targets by expanding trade with complementary economies. Australia is just that: We have the energy, resources and premium produce India will need as it grows towards Viksit Bharat by 2047. And, as ECTA statistics show, Australia is an advanced market that is hungry for Indian produce and manufactures. The opportunities for Indian businesses are real.

The next step in growing this trade is upgrading ECTA to a Comprehensive Economic Cooperation Agreement, or CECA. We won't put deadlines on when this will be finalised, but we're hard at work. India's Commerce and Industry Minister, Piyush Goyal, travelled to Australia in September for detailed discussions on the agreement; ministers again spoke virtually in late October during the Australia-India CEO Forum. Chief Negotiators and their teams are meeting regularly.

This is the exciting background to this year's Border-Gavaskar Trophy and the Summer of Cricket in Australia. It will be a festival of friendship, rivalry, colour, excitement — and serious opportunity. So, my message to you? Go for the cricket — stay for the business.

The writer is the Australian High Commissioner to India

## LETTERS TO THE EDITOR

## LANDMARK VERDICT

THIS REFERS TO the editorial, 'A special right' (*IE*, November 9). The Supreme Court's decision to revisit Aligarh Muslim University's (AMU) minority status marks a pivotal moment in the discourse on minority rights. It rekindles the possibility for AMU to reserve seats for Muslim students — strengthening its mission to serve the community. The decision assumes significance as it comes amid broader conversations about minority rights, autonomy and the balancing act between government regulation and community-led education. The Court's nuanced stance recognises that education rights for minorities are essential for diversity. A favourable verdict may set a precedent for other institutions seeking minority status, reshaping our approach to minority rights and education.

Khokan Das, Kolkata

## DEBATE AND DISCUSS

THIS REFERS TO the editorial, 'Our biggest demand' (*IE*, November 9). The J&K Cabinet had passed a resolution seeking statehood for the UT. The L-G, Manoj Sinha, representing the Centre, has said his government will make efforts for the restoration of constitutional guarantees available to the state. The Centre had also given this assurance to the SC. There was a stand-off in the Assembly between the ruling party and the Opposition BJP over the issue. The resolution did not mention Article 370, only constitutional guarantees, which Sinha had also mentioned. This is the first time Kashmir has elected representatives after 2019 and it is necessary that the Centre talks to them, and the government, over their concerns and demands.

SS Paul, Noida

## RATAN TATA'S LEGACY

THIS REFERS TO the article, 'A force for good' (*IE*, November 9). Ratan Tata will be remembered as a beacon of greatness. It's hard to believe a month has passed since his departure, the loss feels as painful as if it were yesterday. Every Indian feels a lingering sorrow, as if a family member has been lost. Revisiting his timeless speeches, we are reminded of his legacy of compassion and vision for a just society, where the privileged are naturally supposed to uplift the vulnerable. His actions spoke volumes from advocating for adopting stray animals to setting global standards of innovations while prioritising employee welfare. His countless contributions for the common good and dedication to advancing healthcare provide a roadmap to honour his legacy and build a better future for all.

Shaswat Jena, Ghatiaibad

## TRUMP'S VICTORY

THIS REFERS TO the article, 'Why Kamala Harris lost' (*IE*, November 7). Bernie Sanders would indeed have been a more effective candidate to defeat Trump in 2016 than Hillary Clinton. His authenticity was a good match for Donald Trump's antics. But not heeding the lessons of that defeat, Kamala Harris fell into the same trap as Clinton by trying to appeal to moderates and even left-leaning Conservatives. In the process, she lost the support of and credibility vis-à-vis the Far Left. The Democratic Party has lost out by adulterating its core ideology in the false hope of electoral success. A similar dilution of leftist principles has occurred in France with the rise of Jean-Luc Mélenchon and in Britain with that of Jeremy Corbyn.

Animesh Rai, Noida

## Why Taliban fears women

In exile, I watch in horror as it seeks to silence voices, crush sisterhood



LAI G\*

IT WAS 6:30 in the morning, Dark, heavy clouds obscured the sky, and as I searched for the birds, all I found were shadows. I stood in front of a popular juice shop in the narrow alleys around Malviya Nagar, New Delhi. It was usually bustling, but today all was eerily quiet.

Across the alley, a girl, perhaps 14 or 15 years old, waited for her school bus with her mother. As I watched her, my mind drifted to a place where girls her age are denied the right to education, silenced and made invisible. Where now, even their voices are banned from being heard by each other.

I recalled my own childhood in Kabul, where at the age of five, I was desperate to go to school. My male cousin, just two years older than me, would show me his school bag and I couldn't understand why I was left behind. In Kabul, children typically start school at six years of age, but my mother insisted I was too young. I remember crying, demanding to know why.

It was a snowy day when my mother finally led me to Zarghona High School, one of the oldest and largest girls' schools in Kabul. To our dismay, when we arrived, the guard informed us that the school was closed. My mother assured me we would return the next day, but that never happened. When I asked why, she replied, "The Taliban has shut schools for girls."

That made no sense to me. Why were my

male cousins allowed to go to school while I was not? I felt like a prisoner in my own life. An older male cousin took it upon himself to teach my best friend and me. He used our drive, with a wooden gate as a makeshift blackboard, writing with a piece of coal since we had no chalk.

I think back to a girl in our neighbourhood who was in her second year of medical studies. After the Taliban took over in 1996, she confined herself to a dark room, unable to face the world. Everyone in her family believed that she was possessed by a spirit, so they took her to mosques and shrines for treatment. No one understood that she had simply lost her dream, a dream she had nurtured for years.

My aunt was in the eighth grade at the time. She used to play with me, but after the government forced women to wear a chadri (veil), she became fearful of stepping out. Once, she stumbled and fell on the street and some boys laughed at her. Since that day, she stayed at home.

My mother, once an independent woman and a teacher, had to rely on my father's income. That year, she had a miscarriage due to deep depression. She had always been kind and calm, but during those years, she was constantly yelling over little things.

I could go on and on and share story after story of the women in my family, each of whose dreams were curtailed by oppressive

forces. Now, as I live in exile and witness the Taliban hold sway over my homeland once again, I watch in horror as they seek to erase women from society, isolating them not only from the world at large but even from each other.

The ban on girls and women praying or speaking aloud in public by the Taliban and the requirement of coverings are more than an infringement on their rights. It is designed to obliterate a social structure within which women draw strength from one another. Instead, women are exploited and alienated. Simply talking to each other about issues, aspirations or strategies becomes out of the question. The lack of such connections among women means it is harder to work collectively against injustice. Which is what the oppressive forces want.

Growing up around my mother, aunt and other women in Kabul, whose lives were dislocated by the Taliban's rule in the 1990s, I witnessed this first hand. They were silenced, their aspirations crushed, and the very notion of sisterhood undermined. These women were cut off from one another. They forgot how to support each other and to share their resilient thoughts. The fundamental connection that made them feel visible, comforted, perhaps even powerful in their small worlds — was taken away. The recent ban also seeks to do this with the present generation of women

in Afghanistan.

On the other hand, it gives men the opportunity to view women as insignificant or subordinate. Women are not only "seen" as mere bodies, but their ability to actively participate in their environment is diminished. This disconnection makes oppression tangible, like an inescapable chokehold. However, it is also this very disconnection, that once mended, becomes the strongest motivation for women to seek justice.

Women's voices arose fear in many because of the awareness that women do not speak for themselves alone when they speak up; they speak for communities, for causes, for justice and for equality. Their voices have the potential to disrupt the status quo and alter existing power dynamics. It unnerves oppressive regimes such as the Taliban.

One of the most remarkable acts of resistance has been the audacious protests on the streets of Kabul by fearless activists. Afghan women have risen up in protest in other parts of the world, too. These women have fought for their rights and have paid the price of oppression. As they confidently march to the front lines, many men still choose to stay passive. But the women remain undeterred — perhaps that is what makes us cling on to hope.

The writer is an Afghan refugee in India;

\* Name changed on her request

EXPLAINED LAW

## Private property and the ‘common good’

SC answered two key questions regarding status of Article 31C and interpretation of Article 39B, marking a shift in how it views state’s acquisition of private property

AJOY SINHA KARPURAM  
NEW DELHI, NOVEMBER 10

THE SUPREME Court last week delivered a landmark verdict in the *Property Owners Association & Ors v State of Maharashtra* case. The nine-judge Bench, headed by Chief Justice of India DY Chandrachud (he retired on Sunday) answered two key questions.

First, what is the status of Article 31C, the key constitutional provision that deals with the right to property, and does it still exist despite amendments to it being struck down by the apex court?

Second, does Article 39(b) allow the state to acquire private property as “material resources of the community”?

CONTEXT: Articles 39(b) & 31C

The case before the SC pertained to a Maharashtra law that allowed a publicly housing body to acquire certain decrepit privately owned buildings in Mumbai. The specific 1986 amendment in question stated that the law gave effect to Article 39(b) of the Constitution, which places an obligation on the state to ensure “that the ownership and

control of the material resources of the community are so distributed so as best to subserve the common good”.

While upholding the law in 1991, the Bombay High Court had said that laws passed to give effect to Article 39(b) are protected under Article 31C of the Constitution. Introduced by the Constitution (Twenty-Fifth) Amendment Act in 1971, Article 31C was meant to further the Indira Gandhi government’s stated socialist goals. The original provision contained two parts.

■ The first part said “no law giving effect to the policy of the State towards securing the principles specified in clause (b) or clause (c) of article 39 shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14 [right to equality], article 19 [assorted rights including freedom of speech and freedom to practise any profession] or article 31 [right to property], repealed and replaced by Article 300 A in 1978”.

■ The second half said “no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy” — effectively protecting laws

meant to give effect to Articles 39(b) and (c) from being being challenged in court. This part was struck down by the SC in its landmark *Kesavananda Bharati* in 1973. But the first part remained in effect.

The Constitution (Forty-Second Amendment) Act, 1976 further expanded the scope of Article 31C to all articles in Part IV of the Constitution (Articles 36-51). But this amendment was struck down by the SC in the *Minerva Mills* case in 1980.

QUESTION 1: Status of Article 31C

In 1992, when the petitioners in the *Property Owners Association* case approached the SC to appeal Bombay HC’s decision from a year before, they argued that *Minerva Mills* verdict effectively struck down Article 31C in its entirety. This, they argued, opened the Maharashtra law to be quashed on the grounds that it violated Article 14.

Now, the 42nd Amendment had substituted the words “the principles specified in clause (b) or clause (c) of article 39” in Article 31C with the words “all or any of the principles laid down in Part IV”.

The court in *Property Owners Association* case clarified when striking down the

amendment in *Minerva Mills*, the words “all or any of the principles laid down in Part IV” would not simply be deleted as this would lead to “absurd outcomes or render the text wholly unworkable”.

Instead, the version of Article 31C that was upheld in *Kesavananda Bharati* — the first part of the original provision — would remain. The court thus held that the repeal of the earlier wording in the Constitution and the substitution of the new one are a part of the same act by Parliament.

The whole Bench, including Justice BV Nagarathna, who authored a concurring opinion, and Justice Sudhanshu Dhulia, who delivered the sole dissent, agreed on this point.

QUESTION 2: Interpretation of Article 39B

Justice Krishna Iyer, in his concurring opinion in *Rangnatha Reddy* (1977), specifically dealt with what constituted a “material resource of the community”. He held that “all resources, natural and man-made, public and private-owned” that satisfy material needs fall within the ambit of the phrase “material resources of the community” used in Article 39(b).

The SC relied on this minority opinion in *Sanjeev Coke Manufacturing Co* (1983). In a challenge to the Coking Coal Mines (Nationalisation) Act, 1972, the court held that the nationalisation of coke oven plants owned by the petitioners was immune from being challenged for violating Article 14.

The court in *Property Owners Association*, however, drew a distinction between whether private property can be considered as “material resources of the community”, and if all private property is included in this phrase (as Justice Iyer had held). It held that if Article 39(b) was meant to include all private property, the provision would have been worded differently to make this clear.

Justice Iyer’s interpretation, the court said, was rooted in “the belief that an economic structure which prioritises the acquisition of private property by the state is beneficial for the nation”. This was an “error” since it was based on a single “rigid economic theory”.

“Today, the Indian economy has transitioned from the dominance of public investment to the co-existence of public and private investment,” the court said and that “a construction of Article 39(b) which provides that all private property is included within

the ambit of Article 39(b) is incorrect”. Justice Nagarathna, however, disagreed and said the interpretation of Article 39(b) “cannot be questioned... merely because the socio-economic policies of the State have changed”.

The majority opinion provided four factors that must be considered to determine whether private property may be deemed as a material resource of the community:

- The nature of the resource and its inherent characteristics;
- The impact of the resource on the well-being of the community;
- The scarcity of the resource; and
- The consequences of the resource being concentrated in the hands of private owners.

In his dissent, Justice Dhulia wrote in favor of retaining the view that all private resources can be considered the material resources of the community. He stated that though poverty may have decreased “in absolute terms”, this does not mean that overall inequality and “the gap between the rich and the poor” has decreased. Addressing this requires “welfare measures... under Article 39(b) & (c) of the Constitution, as interpreted in *Rangnatha Reddy* and *Sanjeev Coke*”, he held.

EXPLAINED POLICY

## WHY INDIA HAS LAUNCHED PROJECT TO MONITOR ANIMAL HEALTH

HARIKISHAN SHARMA  
NEW DELHI, NOVEMBER 10

UNION MINISTER of Fisheries, Animal Husbandry and Dairying Rajiv Ranjan Singh launched a Pandemic Fund project titled ‘Animal Health Security Strengthening in India for Pandemic Preparedness and response’ in New Delhi last week.

What is the project?

The project aims to enhance the country’s capacity to “prevent, detect, and respond to animal health threats.”

It was approved by the Pandemic Fund, which was created by G20 countries in 2022 during Indonesia’s presidency, in response to the Covid-19 pandemic. The basic purpose of the fund is to assist low- and middle-income countries strengthen their capacities to identify, report and contain future pandemics.

In its first investment round, the Fund mobilised \$2 billion.

For the money, the Pandemic Fund received 350 expression of interest (Eoi) and 180 full proposals in the first call. But its governing board approved only 19 grants in 37 countries — including the project from India, which is set to receive funding of \$25 million.

The project will be executed with the help of three implementing agencies — the Asian Development Bank (ADB), the World Bank, and the Food and Agriculture Organisation (FAO). It is expected to be completed by August 2026.

Why is this project needed?

In concept note, the Department of Animal Husbandry and Dairying said,

“The impact of the project would be to reduce the risk that a pathogen will emerge from animals (domesticated and wildlife) and be transmitted to the human population, endangering the health, nutritional security, and livelihoods of vulnerable populations.”

The WHO had declared six public health emergencies of international concern in the past few decades. Out of these, five were zoonotic diseases, which originated from animals and later infected humans. This includes Covid-19, which affected the entire world in 2020-21.

About two-thirds of infectious diseases affecting humans originate from animals. Therefore, it is necessary to focus on animal health security as part of future pandemic preparedness. India has a population of some 536 million livestock animals and 853 million poultry birds, which require significant attention to prevent and manage the outbreak of infectious diseases.

What are the expected outcomes of the project?

According to the Ministry, following are the five key expected outcomes of the project:

- Augmentation of laboratory systems and vaccine manufacturing facilities;
- Strengthening of surveillance and early warning systems;
- Development of human resources capacity and competency;
- Strengthening of data systems, analytics, risk analysis, and risk communication; and
- Addressing cross-cutting institutional capacity gaps at national and regional levels.

ANAND MOHAN J  
BHOPAL, NOVEMBER 10

TEN WILD elephants died in Madhya Pradesh’s Bandhavgarh Tiger Reserve recently after consuming a “large quantity” of kodo millet plants, which had been infected with a fungus, a toxicology report released last week by ICAR-Indian Veterinary Research Institute (IVRI), Bareilly, said.

Traces of cyclospozoin acid — a toxin produced by fungi known to affect kodo millets — were found in the samples taken from the dead tuskers, according to the report.

What is kodo millet?

Kodo millet (*Paspalum scrobiculatum*) is a grain believed to have originated in India. It is cultivated in states such as Madhya Pradesh, Gujarat, Karnataka, Chhattisgarh, and parts of Tamil Nadu. It is also grown in other countries, including Pakistan, the Philippines, Indonesia, Vietnam, Thailand, and West Africa.

Kodo millet crops are best suited for tropical and subtropical regions. They are grown on poor soil and widely distributed in arid and semi-arid regions.

In India, kodo millet is a staple food for many tribal and economically weaker communities. It is one of the “hardest crops, drought tolerant with high yield potential and excellent storage properties,” according to researchers.

Experts suggest that it is rich in vitamins and minerals. Kodo millet is also gluten-free, easy to digest, and a rich source of antioxidants, experts said.

How does kodo millet become poisonous?

According to a 2023 study, “Potential Risk of Cyclospozoin Acid Toxicity in Kodaia Poisoning”, published in the *Journal of Scientific and Technical Research*, kodo millet crops are “more prone to fungal infection followed by bacterial and viral; these infections adversely affect the grain and fodder yield. Ergot is a parasitic fungal endophyte that grows in the ear heads of various blades of grass, most frequently on kodo millet. Consumption of such kodo grains is often found to cause poisoning”.

The fungal infection in kodo millet crops can occur due to rainfall during their “maturing



A calf mourns an elephant’s death in Madhya Pradesh. Express/Special arrangement

and harvesting” stages, the study said.

Cyclospozoin acid is one of the major mycotoxins — toxic substances produced by certain fungi or moulds that can lead to disease and death in humans and animals — associated with kodo millet. Upon the consumption of the infected grain, the mycotoxin can cause kodo poisoning, which was first recognised in the late-1980s, the study said.

How does toxic kodo millet affect animals?

Kodo poisoning mainly affects the nervous and cardiovascular systems and the symptoms include vomiting, giddiness, unconsciousness, small and rapid pulse, cold extremities, and tremors.

Cyclospozoin acid causes cell degeneration and necrosis, liver dysfunction, and lesions in the myocardium (heart muscle), leading to cardiomyopathy (cells that make up the cardiac muscle) damage and impaired heart function.

The mycotoxin can also cause gastrointestinal disorders in animals and can elevate the production of reactive oxygen species (ROS) in the intestine, resulting in inflammation and damage to the gastrointestinal tract. The elephants that died in Madhya Pradesh suffered from these symptoms.

When tested on mice, infected kodo millet crops caused “symptoms of depression

and complete loss of mobility” as well.

What are the earliest known cases of kodo poisoning?

In 1922, the Indian Medical Gazette reported four cases of acute kodo poisoning. The details of the cases were written by Anand Swarup, an assistant surgeon at Shahjahanpur in Uttar Pradesh.

The patients included a 50-year-old woman, a 22-year-old man, and two boys aged 12 and 9 who were all brought to the hospital unconscious. They were revived after their stomach was flushed. The patients told the police that they began to vomit and shiver after they consumed bread made from “kodon” (kodo millet) flour.

Kodo poisoning among animals was first reported in February 1922 after a landholder in Tilihar, Uttar Pradesh, told Swarup that a dog had fallen sick after eating kodo-made bread. In the 1934 edition of the *Journal of the Bombay Natural History Society* (BNHS), RC Morris, a well-known naturalist, reported the deaths of 14 elephants at the Vannathiparai Reserve Forest in Tamil Nadu due to consumption of kodo millets.

Has kodo poisoning led to death in recent years?

In 2022, one elephant died after ingesting infected kodo millet crops in Madhya Pradesh,

according to Wildlife Department officials.

There have been no reported deaths of human beings due to kodo poisoning as patients can recover once their stomach is flushed by giving them stimulants, hot tea or milk. Previous cases have shown that patients can take up to three days to recover.

How can kodo millet be checked for fungal infection?

Dr P K Chandan, the Additional Deputy Director at Kanan Pandari Zoological Garden in Chhattisgarh’s Bilaspur, told *The Indian Express*, “It is difficult to spot the toxicity with the naked eye. The plant will look fresh but inside, it may have become poisonous due to the presence of high moisture and other factors. One needs to do a chemical trace analysis to investigate if the millets are poisonous.”

To determine levels of mycotoxins in kodo millet crops, different types of chromatographic methods — separation of components of a mixture — are used. However, these techniques are time-consuming.

As a result, on-site, rapid, and cost-effective detection methods such as lateral flow assays — paper-based tests that ascertain and quantify molecules in complex fluid mixtures — and biosensors have become popular.

How can infections be prevented in kodo millets?

Researchers advocate the use of biocontrol agents — the use of an organism to fight against another organism — to prevent kodo millet crops from getting infected by fungi. Many microbes can minimise fungal development and mycotoxin secretion.

The growth of “competitive, non-toxicogenic strains of the same fungi” as a “biological control strategy that appears to be effective in inoculating the fields for many years” can also help, according to experts.

Besides these steps, farmers need to follow good agricultural practices coupled with post-harvest management such as sorting and proper storage, preferably in airtight devices.

Since fungi spread fast in the moist environment, “harvested sheaves must be sheltered from the rain” and the “old practice of threshing [separating the edible part of grain from the straw that holds it] by moistening the plants should be stopped,” researchers said.

Removing the infected grains also reduces the spread of the disease.

**YOUR GO-TO INSTITUTE FOR GENERAL STUDIES PREPARATION**

Professors cum Mentors

General Studies Comprehensive Programme

12 Months + 6 Months MSP

21ST NOVEMBER 2024

Professors cum Mentors

General Studies Flagship Comprehensive Programme

2 Years + 6 Months MSP

16TH NOVEMBER 2024

Professors cum Mentors

Stepup Mentorship Programme 2025

12 Months

NOVEMBER 2024

Available in Classroom and LIVE-Online Mode

040-4220-8330

www.vajiramravibhatnagar.com

## First Donald Trumpfire: what role does White House chief of staff have?

ALIND CHAUHAN  
NEW DELHI, NOVEMBER 10

PRESIDENT-ELECT Donald Trump has named Susie Wiles, his 67-year-old campaign manager, as the White House chief of staff for when he takes over the presidency next year.

In an official statement made last Thursday, Trump described Wiles as “tough, smart, innovative, and... universally admired and respected”. She is set to become the first woman to occupy the coveted post.

What is the role of the chief of staff?

The White House chief of staff is one of the most powerful positions in the US government. Although their duties vary from administration to administration, five important functions include:

MANAGING WHITE HOUSE STAFF:

The chief of staff heads the Executive Office of the Presidency (EOP), which includes the residence staff that attends to the first family, the National Security Adviser, communications operations, etc. They are also in charge of the president’s advisors such as the communications director, political director, and other senior counsellors.

**DEFINING PRESIDENT’S AGENDA:** Central to the role is setting the White House strategy on all matters — from the president’s legislative agenda to the administration’s foreign policy priorities.

**EXECUTING PRESIDENT’S VISION:** Once the president decides on the course of action, the chief of staff has to ensure that the instructions are followed by White House staff, the Cabinet (made up of the heads of the 15 executive departments), and several independent agencies.

GATEKEEPING PRESIDENT: The chief of staff also controls access to the president.

This includes not only controlling who gets to meet the president but also deciding which decisions the president needs to take personally and what can be delegated to subordinates.

**ADVISING PRESIDENT:** The chief of staff advises the president on all issues including politics, policy, and international and domestic crises.

Why was the chief of staff post created?

The role did not exist until the mid-1940s, when the executive branch expanded and was reorganised in the wake of the Great Depression (1929-1939) and World War II (1939-1945) during the presidency of Franklin D Roosevelt (FDR). These two events propelled the presidency to

emerge as “the pre-eminent government branch — no longer on equal terms with Congress and charged with primary responsibility for all aspects of federal policy”. Historian Bruce Schulman wrote in an article published in *Politico* in 2012, FDR created the EOP in 1939 to help him manage the increased workload and the policymaking process. But he did not appoint someone to run its operations at the time.

It was FDR’s successor Harry Truman who created the designation of White House chief of staff — at the time, it was known as the assistant to the president — to head the EOP in 1946. President Truman picked John Steelman, a former professor with experience in labour issues, for the role.

The first person to carry the moniker “chief of staff” was Sherman Adams, former

New Hampshire governor, who was chosen in 1953 by President Dwight D Eisenhower to run his White House. Since 1946, there have been 31 White House chiefs of staff — Wiles is set to become the 32nd.

Who is Susie Wiles?

Daughter of NFL player and sportscaster Pat Summerall, Wiles worked in the Washington office of New York Representative Jack Kemp in the 1970s. She later worked in Ronald Reagan’s campaign, and in his White House as a scheduler.

Wiles, a resident of Florida, is credited with helping businessman Rick Scott, who had little political experience, win the state’s governorship in 2010.

She met Trump in 2015 during the Republican presidential primary, and was appointed the co-chair of his Florida campaign. Trump defeated Hillary Clinton in the

state in 2016.

In 2018, Wiles played a crucial role in getting Ron DeSantis elected as the governor of Florida. However, a rift developed between the two when Wiles began to work on Trump’s Florida campaign in 2020. DeSantis eventually fired her.

After becoming Trump’s campaign manager ahead of the primaries for the 2024 election, Wiles helped the former president defeat the Florida governor.

She is known to be among the few people who can control some of Trump’s impulses”. Associated Press reported. She did so “not by chiding him or lecturing, but by earning his respect and showing him that he was better off when he followed her advice,” the report said.

But it remains to be seen how long she can remain chief of staff — Trump went through four chiefs of staff in his first term.

● **BASIS OF CIVILISATION**  
Vice-President Jagdeep Dhankhar

“Tolerance is a virtue. It is deeply embedded in the ethos of our civilisation. It is the premise of harmony and inclusivity in society”



## Review stand on RCEP

At a time the world trading order faces threats, the Niti Aayog CEO's suggestion certainly has merits

**W**HEN GLOBAL TRADE faces headwinds and protectionism is gaining ground, the big question is whether India should reconsider its decision to not be a part of the prosperous and bustling Regional Comprehensive Economic Partnership (RCEP). Five years ago, India opted out of this grouping — comprising 10 members of the Association of Southeast Asian Nations together with China, Japan, South Korea, Australia, and New Zealand — at literally the eleventh hour citing “significant outstanding issues.” These had a good deal to do with China, the most powerful economy in RCEP, well before the tense stand-off on the Sino-Indian border began in April 2020. In a departure from the government's stated position, BVR Subrahmanyam, CEO of Niti Aayog, argues that we should join this grouping as India has not so far captured the China Plus One opportunity. Donald Trump, who is now US president-elect, is bound to exert pressure on the country to bring down tariffs and provide increased market access, including for farm produce. To benefit from global trade opportunities, India must therefore lower its high average tariffs for industrial and farm goods that have significantly risen in recent years.

The question of joining RCEP must be viewed in the context of the government reviewing big free trade agreements (FTAs) signed in the past and putting in place standard operating procedures to negotiate future deals. As far as RCEP is concerned, it bears mention that India was closely involved in eight years of hard negotiations to form the grouping. When the National Democratic Alliance regime came to power 10 years ago, it decided to remain engaged with these negotiations and sought to join RCEP even when it was deeply concerned about the outcomes of three existing FTAs with its East Asian partners as it felt it gained less than them. Furthermore, throughout the RCEP negotiations, “the government appeared oblivious to the travails of several manufacturing industries which were ill-prepared to face competition from the East Asian region, especially China,” as has been pointed out in a recent column in this newspaper. What forced the government's hand to opt out was opposition from domestic stakeholders like India Inc and the dairy industry.

Reconsidering the earlier decision to exit RCEP certainly merits consideration if there is a change of heart among domestic stakeholders. Joining makes sense only if they are consulted and taken on board. In this regard, there is a consistency in Subrahmanyam's views as during his earlier stint as commerce secretary he urged India Inc to brace for competition as the country was going to sign “very deep” FTAs in the future. Apex chambers like CII and FICCI, for their part, have signalled a willingness to embrace such deep FTAs provided their interests are safeguarded and there is a level playing field. If much smaller neighbouring countries like Bangladesh, Sri Lanka, and the Maldives have expressed an interest to join RCEP, why cannot India do so as well to benefit from greater trade, investments, and GDP growth? Comfort levels of dealing with a Sino-centric grouping would of course be higher if the disengagement on the border leads to de-escalation and de-induction of troops. Only then can closer bilateral ties resume with India becoming more open to Chinese investments and supply chains emanating from the mainland. Being part of RCEP would also strongly signal India's ambitions to engage the Indo-Pacific region, a strategy that is currently only a work in progress.

● **FROM PLATE TO PLOUGH**  
REVISIT FREE FOOD TO 57%, REDIRECT SAVINGS TO AGRI SECTOR, FOCUS ON DIRECT CASH TRANSFER

# Rationalising leaky PDS

**ASHOK GULATI RAYA DAS**

Respectively distinguished professor and research fellow, ICRIER



**T**HERE'S A WELL-KNOWN saying: “Give a man a fish, you feed him for a day. Teach him how to fish, you feed him for a lifetime.” In an earlier article ([bit.ly/4fhuP65](#)), a case was made to redirect a part of food subsidy — ₹2.7 lakh crore in FY23 — as investments in agri-R&D, skilling, rural roads, etc., which give much higher returns than food subsidy. But Milind Murugkar, in an article for *Indian Express* ([bit.ly/3C84t4s](#)) argued that food subsidies are investments, and not a waste. We welcome his comment in response to our article. In this context, we want to highlight three key issues.

First, if the objective is to support household incomes, as Murugkar argues, do we need to support for this almost 57% of the population, the current coverage for free food? If so, we better start talking about reducing poverty by 248 million during the National Democratic Alliance rule, as Prime Minister Narendra Modi keeps saying in several fora. Second, would Murugkar support this public distribution system (PDS) if he knew that roughly 28% of free food never reaches the intended beneficiaries? Our PDS is still very leaky. Would he not then support direct cash transfers to the accounts of intended beneficiaries as a better option to plug the leakages? Third, can free rice and wheat solve the problem of nutritional security, especially among children below five years of age — the biggest issue in food and nutritional security in India?

World Bank (2023) data shows that 12.9% of Indians live on less than \$2.15 (purchasing power parity) a day, an extreme level of poverty. A NITI Aayog report (2024) says that 248 million people came out of poverty in the last nine years, with the multi-dimensional poverty index declining from 29.17% to 11.28% from 2013-14 to 2022-23. We have no problem if the government

wants to give free food to even 15% of the population, which is extremely poor. But the current coverage is about 57% of the population under the Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY). Should those above the extreme poverty line not be charged at least half the minimum support price (MSP), as was being done under the targeted PDS initiated by PM Atal Bihari Vajpayee in 1997-98? That would keep the food subsidy cost within manageable limits, and spare resources for investments to create climate-resilient agriculture.

But the more interesting issue is that of leaky PDS. We have analysed the unit level data of the Household Consumption Expenditure Survey (HCES)

from August 2022 to July 2023, which gives the amount of rice and wheat people have received under the PDS as well as any top-up by state governments. This is then compared with the off-take from the Food Corporation of India (FCI) for distribution under the National Food Security Act (NFSA) (PMGKAY), plus tile-over, non-NFSA state-level allocations, aligning it with the reference period. The findings reveal a significant discrepancy: 28% of the allocated grains, amounting to approximately 19.69 million metric tonnes of rice and wheat, fail to reach their intended recipients. The leakage of 28% rice and wheat translates into a loss of about ₹69,108 crore, calculated at the economic cost of these grains to

the FCI. And this is an annual loss, which will keep increasing year after year, as the economic cost keeps rising. It is literally one of the biggest annual scams hidden under the carpet in the name helping the poor!

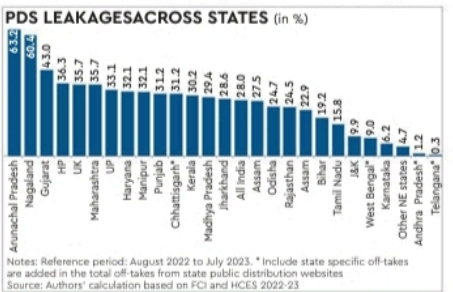
The government knew about large leakages in the PDS, as the high-powered committee under Shanta Kumar on grain management pointed out in its 2015 report submitted to the PM. At that time, the leakages were estimated at roughly 46%, based on the HCES of 2011-12. Since 2016, the Centre started introducing point of sale (PoS) machines at fair price shops (FPS) to plug leakages by integrating biometric authentication and real-time transaction tracking. Today, nearly 90% of FPS are equipped with PoS machines. This has helped reduce leakages from 46% to 28%, but they remain very high.

The leakages vary sharply across states (see graphic). Arunachal Pradesh, Nagaland, and Gujarat are the top three in terms of PDS leakages, although at the all-India level, leakages stand at 28%. It highlights the need for reforming PDS.

Let us now turn to nutritional security. HCES data shows that the share of spending on pulses and vegetables declined in 2022-23 compared to 2011-12. The National Family Health Survey (2019-21) shows that 35.5% of children under five are stunted, 19.3% are wasted, and 32.1% are underweight. To address malnutrition, we need to convert at least a part of FPS into “nutrition shops”. They can offer a diversified range of products, including eggs, pulses, millets, and fruits, alongside cereals. Using a digital food coupon system, beneficiaries could redeem the coupons at nutrition hubs for a wider array of nutritious options.

To sum up, the current system of PDS needs to be reformed.

Views are personal



## Tesla, Detroit auto-makers price in a Trump joyride

**DETROIT VOTED OVERWHELMINGLY** for Vice President Kamala Harris, but investors in “Detroit” backed President-elect Donald Trump. Shares in General Motors Co. and Ford Motor Co. jumped on news of Trump's election win, with GM reaching a new high for the year and Ford up by almost 6% on Wednesday, more than double the S&P 500 Index's gain. Meanwhile, in that other motor city Austin, Tesla Inc. has added more than \$100 billion to its already enormous market value.

The gains all look questionable, albeit for very different reasons when it comes to Elon Musk's electric vehicle maker. As with much that surrounds Trump, things may turn out to be a bit more complicated than that. Say Trump tightens or, enabled by a Republican-controlled Congress, entirely rescinds the consumer tax credit for EVs, along with clean-tech manufacturing credits established by President Joe Biden's Inflation Reduction Act. This would actually deepen Detroit's EV losses.

Think of Ford's and GM's EV businesses as start-ups, similar to Tesla in its first decade as a listed company. Their losses stem primarily from the fact that they are capitalising the costs of investments in factories and machinery over too few vehicles sold. Automakers as a whole have invested \$199 billion in EVs in the US over the past decade, according to *Bloomberg Intelligence*. In other words, what's needed is to sell more EVs in order to reap economies of scale on existing investment. Sure, if they stop investing in EVs come January, then at some point down the line, the drag on returns is alleviated. In the meantime, it would be an earnings bloodbath of write-downs.

Relaxation of tailpipe emissions targets would, of course, offer more scope for Detroit's core product, gas guzzlers. But the targets set by the Biden administration were back-ended loaded precisely in order to give Detroit (and the United Auto Workers) time to adjust to a more electrified future. The incremental benefit of easing those targets, therefore, is also back-ended loaded. On another front, while Trump will almost certainly have another go at killing California's waiver that allows the state to set its own, more restrictive, tailpipe standards, that would likely be a drawn out affair, muddying the waters for automakers rather than clarifying them, at least in the near term.

Tariffs, similarly, sport two edges. The broad-based tariffs Trump would add on inflation to a vehicle market that is being held back by average monthly ownership and running costs that have breached \$1,000 already. Back in September, AutoZone Inc's chief executive stated bluntly on an earnings call that “if we get tariffs, we will pass those tariff costs back to the consumer,” and his will not be the only company doing that. Moreover, with the lion's share of their monthly costs reflecting the lease or loan payments, any upward pressure on interest rates to meet higher prices exacerbates the problem. Needless to say, if Trump makes good on threats of big tariffs on vehicle imports from Mexico, that would hurt US automakers producing more than a million units per year south of the border.

Tesla is immune or indifferent to some of these complications, with no factories in Mexico or gamesmanship around fleet emissions to consider. It would clearly be hurt, however, by the loss of EV incentives, compounding the abrupt slowdown in sales since early 2023. So why the big jump in the stock? Because Tesla's value is now largely a function of potential robotaxi riches. Musk's embrace of Trump, with a possible White House role in the offing, holds out the prospect of laxer regulation of the company's vast experiment in wannabe-autonomous driving on public roads. Is this politics-inflected vice worth an extra \$100 billion or so on top of an existing \$800 billion pricing in world domination by Tesla already?

To a far lesser extent, there may be some similarly magical thinking at work with GM and Ford, too. The immediate narrative of tax cuts, deregulation, and an engine-friendly White House eclipse the nuances. There's a chance Trump won't make good on everything he says. His penchant for bluster and contradiction means that isn't an entirely crazy bet — but it's certainly a gamble.

## Judicial riddle in India's investment climate



**VIJAY L KELKAR PRADEEP S MEHTA**  
Respectively vice president, Pune International Centre, and secretary general, CUTS International

**AFTER LOSING ONE** or two cases on international investment matters a few years ago, the government of India (GoI) suspended all their bilateral investment treaties. These had earlier contained international arbitration. It decided to redraft them with the caveat that local remedies will need to be exhausted before approaching any international tribunal. In theory there is no problem but knowing our court system, foreign investors were turned off. Consequently, our foreign direct investment (FDI) flows fell.

According to the UN Trade and Development World Investment Report 2024, FDI in India saw a 43% decline in 2023, mirroring a broader global drop of 2% to \$1.3 trillion, due to the change in the dispute settlement system along with trade tensions and geopolitical issues. Currently, approximately ₹50,000 crore is tied up in installed projects and investments embroiled in disputes awaiting resolution.

One reform that was carried out a few years ago is the passage of the Commercial Courts Act, which provides for establishing exclusive courts and benches in high courts to deal with commercial matters. The GoI touted this change to assure investors that their disputes, if any, can be resolved faster. Alas, in many cases commercial courts have not been established and thus the purpose is defeated.

Many studies indicate that these courts have not met expectations. One significant concern is the reflexive granting of injunctive orders in adversarial proceedings, as per our litigation culture. This

approach creates a considerable deterrent for foreign investment, as delays in enforcing commercial obligations can lead to substantial losses in time, money, and business opportunities.

According to the World Bank's Doing Business Report 2020, Indian courts took an average of 1,445 days (around four years) to resolve commercial disputes, highlighting significant challenges within the judicial system that deter investment and create obstacles for businesses. This lengthy resolution period not only imposes high direct costs through legal fees but also leads to substantial indirect costs from lost opportunities and reputational damage.

The current judicial infrastructure is strained, leading to delays, higher litigation costs, and flawed judgments, all of which harm the judiciary's reputation and deter investors. Adequate financial and human resources should be allocated to prevent further congestion and inefficiencies in the system. Like other special courts, these too could be treated on a priority.

Additionally, strengthening judges' expertise in commercial law and behavioural economics is critical to deal with commercial matters. This can be achieved through specialised training, continuous legal education, and workshops focused on complex commercial transactions and market practices. The National Judicial Academy at Bhopal can be the lead insti-

tution for this purpose.

As an alternative for settlement, arbitration is a preferred method for resolving commercial disputes, with parties commonly including arbitration clauses in contracts, favouring institutional arbitration. While this system is on the rise, many disputes are still settled through ad hoc methods. There is a significant divide between international institutions like the Singapore International Arbitration Centre are thriving, whereas domestic institutions struggle.

Users of domestic arbitration often express dissatisfaction due to the dominance of retired judges in appointments, who may charge high fees without delivering timely and effective resolutions. Also, a persistent lack of trust and consistency hampers India's appeal as an arbitration venue. For domestic arbitration to thrive, several critical issues must be addressed, including concerns about systemic and institutional bias and the lack of transparency in investor-state arbitrations.

Acknowledging the historical dominance of ad hoc arbitration, experts stress the importance of a collective push towards institutional methods. In this context, the planned establishment of a world-class arbitration centre at GIFT City is a significant and positive step. India has the potential to compete with renowned global arbitration hubs like Singapore, London, Paris, and Dubai.

However, for GIFT City to realise this vision, it must offer high-quality, efficient, and cost-effective services, providing a comprehensive range of alternative dispute resolution (ADR) options including arbitration, mediation, and hybrid models. Strategically positioned, it has the potential to redefine India's role in the ADR landscape, transforming it into a hub for international arbitration and reducing Indian companies' reliance on foreign arbitration centres. The discourse is now shifting to mediation and/or conciliation which are less legal. Another measure could be the appointment of ombudsmen drawn from among respected retired bureaucrats or politicians. In many countries, they have proved to be good arbiters of disputes without involving any legal processes.

In light of the above, it is evident that promoting India as an investment-friendly destination is a critical priority for the GoI. Despite several relaxations in the FDI policy, India continues to fall short of attracting substantial financial investments. The lack of timely resolution and the tendency of domestic courts to overturn foreign arbitral awards are major deterrents for potential investors.

The decline in inbound foreign investment can be traced to both policy issues and the traditional judicial culture in India. At this pivotal moment, when India is the fastest-growing large economy, it is crucial to foster international investments by creating a more positive and dynamic commercial environment with the best possible dispute resolution system.

## LETTERS TO THE EDITOR

### Trump's gamble

In the US election, nearly 80% of voters who prioritised “the economy” supported Donald Trump, despite recent positive indicators like solid economic growth, low inflation, and a stable job market. But the impact of Trump's economic proposals could vary significantly. If he fully implements his ambitious plans —

extensive tax cuts, tariffs on imported goods, and a major deportation operation — this could drive up inflation, borrowing costs, and national debt. Alternatively, if Trump's advisors, lobbyists, or lawmakers temper his more extreme policies, the economy could see a steadier path with modest tax and regulatory relief supporting investors. In all cases, however, his impulsive nature may fuel

uncertainty and market volatility, underscoring the unpredictable landscape of current US politics. —Amarjeet Kumar, Hazaribagh

### Freebies galore

With the political parties falling over each other in trying to gain the favour of the electorate by offering schemes that would put money in the hands of certain beneficiaries, financial stress is

inevitable. With Maharashtra and Jharkhand going to the polls and parties luring people with freebies, where is the money going to come from? The people must understand that if the government gives with one hand, it takes away more with the other in the form of higher inflation. —Anthony Henriques, Maharashtra

● Write to us at [letters@financialexpress.com](#)

## The Indian EXPRESS

FOUNDED BY  
RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

### CALM BEFORE STORM

After months of calibrated high interest rates, US Fed has achieved a soft-landing for economy. But challenges lie ahead

LAST WEEK, JAY Powell, Chairman of the United States Federal Reserve, announced another 25 basis point cut in the Federal Funds Rate (FFR). The FFR is the interest rate at which commercial banks borrow from each other. The Fed can make this rate go up or down by tweaking the overall supply of money. This was the second successive Fed meeting where a cut was announced; it had cut the FFR by 50 basis points in September. These cuts come after a period of a severely tight monetary policy since March 2022 when inflation hit historic highs in the US. Contrary to what it may look like — since the US has just voted for Donald Trump as president again — this was one of the easiest decisions for the Fed. That is because, as Powell said in his press statement, the US economy is “strong overall” and “has made significant progress toward our goals over the past two years”. The labour market has cooled from its formerly overheated state and “remains solid”. Inflation has eased substantially from a peak of 7 per cent to 2.1 per cent as of September.

Thanks to 15 months of carefully calibrated high interest rates, the US Fed seems to have achieved a soft-landing for the US economy — something very few people expected just a couple of years ago. “We continue to be confident that with an appropriate recalibration of our policy stance, strength in the economy and the labour market can be maintained, with inflation moving sustainably down to 2 per cent,” Powell said. However, the Fed’s path going forward is unlikely to be as easy. That’s because the second Trump administration is likely to bring about a great policy disruption. For one, Trump has promised to slap prohibitively high import tariffs. If he follows through with it, such a move will not only drag down growth and employment but also lead to a sharp spike in inflation. The other big policy challenge will be Trump’s fiscal boost to the economy via tax cuts.

Consequently, a further increase in deficit will also push up inflation. From India’s perspective, on the face of it, a cut in US interest rates should help attract more capital into the country — be it stocks or bonds or direct investment. Similarly, a cut in US interest rates should also weaken the US dollar against other currencies such as the Indian rupee. However, with the return of Trump at the helm, and the likely focus of his administration to boost American growth and productivity, it is quite possible that the dollar remains strong as money actually flows from the rest of the world into the US.

### THE FINANCE CoP

Trump’s return underlines challenge at Baku climate meet. Delhi should stay with its principled position

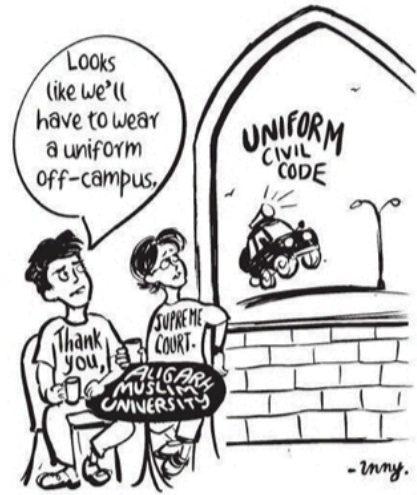
FOR A FORTNIGHT from November 11, the world will be looking to climate negotiators, especially those from the developed countries, to ramp up actions to mitigate global warming and afford protection to the most vulnerable. For the first time in 15 years, the UNFCCC’s Conference of Parties (CoP) is slated to provide guidelines for financing climate action. At Copenhagen in 2009, developed countries agreed to mobilise \$100 billion every year by 2020 to help developing countries address climate-related challenges. They managed to deliver on the promise partially, that too by 2022. Meanwhile, the Global South’s financial burden has increased several times from what was estimated at Copenhagen. CoP 29, which begins in Azerbaijan’s capital Baku on Monday, is expected to set up a new financial target, and funding mechanism. That’s why even before it has commenced, the Baku meet is being described as the “Finance CoP”.

Despite the pessimism stemming from the constant failure of developed countries to fulfil past commitments, the Baku negotiations begin on a stronger footing compared to any other CoP. At the last two meets, delegates had agreed to set up a Loss and Damage Fund to help countries deal with extreme weather events. Financial targets, 15 years from Copenhagen, are backed by stronger scientific analyses. Most developed country governments, especially EU members, agree that mechanisms need to be instituted to raise \$1 trillion every year to protect the most vulnerable. Developing countries, by and large, agree on this target.

Near unanimity on the amount of money needed to stem climate change, however, does not extend to who will bear the costs, and by how much. In February, India took the lead in demanding that developed countries should commit to raising \$1 trillion every year till 2030. At climate meets in the run-up to Baku, the North has given strong signals that it is not ready to bear this cost by itself. CoP 29 is likely to see tough negotiations on including India and China in a climate-funding mechanism. Donald Trump’s election as US President could queer the pitch further — he has again threatened to withdraw his country from the Paris Pact. Painting India and China as climate villains was a key feature of Trump’s “America First” approach in his last term at the White House. There is no indication that he will adopt a different stance in his second term. New Delhi should stand to its principled position on the responsibility of developed countries to address climate change. This position, in fact, has acquired greater moral heft with India doing much better on its Paris Pact commitments compared to most developed countries.

### FREEZE FRAME

E P UNNY



SHRAYANA BHATTACHARYA

IN MY SMALL circle of friends and family in Delhi, where Diwali has increasingly become a festival of planning “pollution holidays”, those of us who can’t afford to run away, end up finding or faking good cheer. The past few weeks have been punctuated by hospital visits, with many of us suddenly called on to care for ailing parents. Through all the triumphs and tragedies of hospital corridors, we experienced everyday forms of care and concern — health professionals trying their very best, unexpected phone calls of encouragement, strangers offering blood and platelets in response to open calls for help.

Beyond merriment and markets, the air around Diwali has rearranged itself to ask us tough questions about the state of care and civic connection. Last fortnight, while there was much reportage on what Diwali and Dhanteras signalled about the health of consumer spending, the world also marked the second UN International Day of Care and Support on October 29. “Care” and “support” encompass all direct and indirect ways we nurture each other and respond to our needs for emotional, physical and psychological nutrition. Of course, every day is a day of care and support. But celebrating the quiet work of care in India is hardly as eye-catching as celebrating boisterous consumption growth.

If we recognise that economic behaviour — spending, saving, investing, working — is underpinned by our social nature, our vital human desire to enjoy love and connection, the care economy and the consumer economy should hardly be disconnected islands.

Yet, many of us worry about the exaggerated emphasis on one domain over the other in how modern Indians derive their sense of self and meaning. At a time when our culture instructs us to be “too cool to care”, to compete and self-maximise incessantly, can policy and institutions help dignify the labour of caring for others? What would an economy that centred care look like?

First, it would credibly reward those engaged in care work. UNFPA estimates suggest the demand for care is daunting — nearly 360 million children and 147 million elderly people

### The care economy and consumer economy can ill afford to remain disconnected islands

Care is not a commodity; it is an interpersonal relationship that defies standard transactional economic frameworks of buying and selling. And as Diwali firecracker bans remind us each year, carrot-and-stick approaches are hardly sustainable or easy to implement at scale. Moreover, I don’t buy a worldview that thinks we are all small-spirited, where the threat of punishment is the dominant pathway to make us care about the public good. Each of us has the urge to care about and care for someone or something. Some of us, often women, are encouraged to nurture the caring instinct, while others, largely men, are not given the skills or social sanction to comfortably inhabit these roles.

require care in India. Overwhelmingly, it is women who respond to this demand, supplying 5.6 hours of unpaid work daily. Men supply 30 minutes. Women with paid jobs face the most acute time-poverty, performing six times more unpaid care labour than employed men. It is high time the tax brackets, wage rates and retirement ages of women were adequately reformed to compensate for this trade-off between care and career.

Economists estimate that the contribution of care ranges from 15 per cent to 17 per cent of the Indian GDP. Government care workers on the frontlines (ASHAs, Anganwadi workers), home-based carers and domestic workers will always bear the burden of the health fallout of pollution or pandemics. Surely, they deserve victory in their continuing fight for social security packages and fair wages.

Second, an economy centred on fostering caring relations and capacities between people would be more creative in how individuals are cared for by public and private institutions. For most people, coupledom and traditional family structures are the path to secure caregiving. However, as many older persons’ groups and activists highlight, the romanticised Indian family is hardly a sure-shot provider of emotional or economic support for an ageing society. Adequate social pensions for the elderly, stronger public infrastructure for childcare, subsidies and incentives for business or cooperatives providing care can go a long way.

Finally, no policy fix can truly help without a radical revolution in how we value the work of care as a society. This revolution is not about hollow sloganeering or twosets of appreciation. The great scholar of care, Nel Noddings, saw practical education and experience of caregiving as being central to the cultivation of caring in society. People who cared for another person through a specific series of routinised one-on-one encounters could also be persuaded to care about wider injustices and inequality in public life. She defined this “education” as “a constellation of encounters, both planned and unplanned, that promote growth through the acquisition of knowledge, skills, understanding and appreciation”.

Care is not a commodity; it is an interpersonal relationship that defies standard transactional economic frameworks of buying and selling. And as Diwali firecracker bans remind us each year, carrot-and-stick approaches are hardly sustainable or easy to implement at scale. Moreover, I don’t buy a worldview that thinks we are all small-spirited, where the threat of punishment is the dominant pathway to make us care about the public good. Each of us has the urge to care about and care for someone or something. Some of us, often women, are encouraged to nurture the caring instinct, while others, largely men, are not given the skills or social sanction to comfortably inhabit these roles. In my interviews with elite middle-aged men from all-boys boarding schools, their capabilities at fatherhood remained a chief lament. Most gained strong skills for being economic providers, but this was often coupled with a belief that boys derived self-worth, love and meaning largely from their ability to signal their place in the market of real estate, status or wealth. All their lives, they had been taught to care about competing. We need a different curriculum, especially for men — both at home and in educational institutions.

The famous last paragraph of the novel *Middlemarch* offers a tip for care-centred policies: “For the growing good of the world is partly dependent on unhistoric acts; and that things are not so ill with you and me as they might have been, is half owing to the number who lived faithfully a hidden life.”

If politicians and policy makers wish to incentivise more childbirths, if they want a productive and healthy workforce, if they want cleaner air, they will need to care about encouraging and rewarding our intrinsic instincts to perform such unhistoric, hidden acts of care. Beyond the economy propelled by consumption and costly penalties, there is one propelled by love, desire, care, concern and connection. Take the latter more seriously.

Bhattacharya is an economist and author. All views personal



TUSHAR BHADURI

### AND THEY ALL FELL DOWN

India has no one but itself to blame for the series loss against New Zealand

THE EMPEROR HAS no clothes. In the classic tale by Hans Christian Andersen, it took a child to expose the pretence when everyone was aware of the charade but scared to say it aloud.

And it took New Zealand, never counted among the big boys of international cricket, to expose the fragility of the Indian team, hidden behind a 12-year, 18-series winning streak at home.

To quote another literary luminary, Ian Fleming: “Once is happenstance. Twice is coincidence. Three times is enemy action.” But in India’s case, several of the wounds were self-inflicted, originating in the incompetence and hubris about the impenetrability of their citadel.

In a way, this Indian team is lucky. Fans in the 1990s and 2000s may have reacted differently to such a capitulation — recall the scenes at Eden Gardens during the 1996 World Cup semifinal and the Asian Test Championship game against Pakistan, and the reaction when things didn’t go India’s way at the 2003 and 2007 World Cups. Maybe this generation, brought upon the instant gratification of the Indian Premier League, forgets too soon. Or, maybe, they were too stunned to react as faces at the Wankhede Stadium showed.

That in no way belittles what the New Zealanders achieved, something that more star-studded and resource-heavy teams have only dreamt of in the past few decades. Indications had been there with Test defeats at home becoming more frequent, but visiting sides couldn’t stay in the fight long enough.

This time too, the first Test loss in Bengaluru was attributed to New Zealand-like conditions and faulty decision-making at the toss. But it would stretch credibility to say that the Kiwis would have been dismissed for 46 if Rohit Sharma had put them under overcast skies on a pitch that had been under cover for a long time. During the series, Tom Latham and his men (without the services of their best-ever batsman, Kane Williamson) displayed much better application and discipline when put under pressure. When India threatened a comeback in their second innings, the Kiwis engineered another collapse — this time with the second new ball.

The Bengaluru defeat prefigured a return to type as India ramped up the degree of difficulty on the spin scale, despite knowing that their own batsmen have fared time and again on such surfaces. Their plan is based on visiting batsmen being even more incompetent against the turning ball (and the one that goes straight) and the prowess of Ravichandran Ashwin and Ravindra Jadeja in such conditions.

As it turned out, India probably needed two sets of pitches and two conditions — one which became a featherbed when they batted, and the other a minefield when they bowled — to make it an even contest.

Much has been said about the lack of experience in the current Indian batting lineup in spin-friendly conditions. But New Zealand hardly ever find such pitches or weather — unless they travel to the Subcontinent — and were facing spinners with legendary reputations.

The inherent lack of confidence was evident in the Indian ranks. After the Bengaluru setback, having a true wicket was considered too much of a risk, hence the play to bring down average scores with the belief that the big guns with the bat would make just enough runs and the spin brothers would roll over teams for next to nothing. Despite having a once-in-a-generation bowler like Jasprit Bumrah in their arsenal, the think tank doesn’t consider providing seamer-friendly pitches as they are unsure about how their own batsmen would fare on such surfaces against quality bowling attacks.

But a one-trick pony can’t last forever. Virat Kohli and Rohit Sharma are not the players they once were — the skipper, especially, seems to have lost faith in his defence. His default course of action after being beaten a couple of times is to advance down the track and attempt a mow, even against pace bowlers with a new ball in hand. The next generation of batsmen are still finding their feet at the top level. Ashwin and Jadeja have bowled so many overs in the last decade that their shoulders are starting to feel the strain. They may still produce a vintage spell on occasion, but it would be too much to expect it with the same frequency.

The debacle proves the adage that nothing lasts forever. A country like India with an unmatched passion for cricket will bounce back sooner rather than later. But things may get worse before they get better.

tushar.bhaduri@expressindia.com

### NOVEMBER 11, 1984, FORTY YEARS AGO

#### INSURANCE CLAIMS

FOUR INSURANCE COMPANIES have declared the ground rules for making claims on losses arising out of the recent violence in the city. Owners of vehicles and other assets who had taken insurance against strikes, riots and civil commotion should get in touch with their agents immediately even if they have lost their papers in fires or in the general destruction.

forthcoming Lok Sabha elections has been mooted. Said to be the brainchild of Andhra Pradesh Chief Minister N T Rama Rao, the forum envisages the core as a grouping of the Dalit Mazdoor Kisan Party, Janati Party, Congress (S), Telugu Desam, National Conference (Farooq) and the Dravida Munnetra Kazhagam.

#### NO LOAN FROM ADB

FOLLOWING THE ASIAN Development Bank’s latest decision to further reduce the loan sought by India to less than \$1 billion, the government has decided not to draw the loan offered. This, however, would not lead to any

problems with regard to IMF repayments due next year, as the foreign exchange position is at present comfortable, according to Finance Ministry sources.

#### SIKHS ON PM’S DEATH

A LARGE NUMBER of prominent Sikh citizens, including academicians, doctors, businessmen and journalists have condemned the assassination of Indira Gandhi as a heinous crime and an act against all tenets of Sikhism. “We Sikh citizens with no political affiliation, constituting the normally silent majority, feel that at this time of national tragedy and challenge, it is essential to affirm [this] public-ly.”

