The Hindu

ANALYSIS IN ENGLISH

THE HINDU

29TH JANUARY 2019

BY AMIT SAINI

Motivation is what gets you started. Habit is what keeps you going.

Jim Rohn

quotefancy

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MCQ 1

Serious Fraud Investigation Office(SFIO) comes under the ministry of

A. Finance

B. Home affairs

C. Corporate affairs

D. PMO

MCQ 2

Regarding Chilika lake choose correct

1. It's a lagoon lake with fresh water only
2. Its on the arabian sea coast
3. River rishikulya pours its water in it

(A)1 & 2

(B) 2 & 3

(C)1 & 3

(D)None

MCQ 3

Regarding malaria find correct

1. India started malaria control program with MDGs introduction
2. Its is caused by Female anopheles mosquito
3. There is no cure

(A)1 & 2

(B) 2 & 3

(C) 2 only

(D)None

vocabulary

- Recalcitrant
- Demeanour
- Shot in the arm
- Arrogate
- Exhortatory

Editorials Today

STUDY IQ

Shot in the arm

The Supreme Court's ruling eases the implementation of the IBC in knotty cases

- Last week's Supreme Court judgment **upholding the validity** of the Insolvency and Bankruptcy Code 2016 (IBC) **in its "entirety"** could have a major impact on the country's economic landscape.
- The fledgling IBC has been severely tested in the two years since its enactment, with the Centre being forced to amend a couple of its provisions in order to plug some **loopholes that enabled defaulting borrowers to challenge the legislation.**
- Any law of this nature that takes over businesses and assets from defaulters and empowers lenders to change the management is bound to face legal challenges.
- Borrowers were never going to take the IBC lying down, and that is exactly what happened; over the last two years, they have challenged various aspects of the law in tribunals and courts.
- In the event, the apex court's stamp of approval on the entire Code is a strong signal to borrowers and banks even as it brings a sense of relief to the Centre, which has been watching one of its better economic initiatives being stifled by vested interests.

- One of the major challenges mounted against the IBC was by **operational creditors**, who are owed money by the company in the normal course of operations for supply of goods and services.
- In the payment waterfall prescribed under Section 53 of the IBC in the event of liquidation of the company or its sale to another entity, their dues rank below those of financial creditors, workmen and employees.
- This was challenged by the operational creditors, who wanted equal treatment with financial creditors in the waterfall mechanism.
- Several landmark cases that were referred to the National Company Law Tribunal under the IBC remain stuck there, including that of the high-profile Essar Steel, as a result of its operational creditors seeking equal treatment.
- With the Supreme Court now ruling that there are **"intelligible differentia" between operational and financial creditors**, an avenue that defaulters used to stymie proceedings has been closed.

STUDY IQ

- Repayment of financial debt by borrowers infuses capital into the economy as lenders can on-lend the money that has been repaid to other entrepreneurs, thus aiding economic activity, the judges observed.
- The apex court has also clarified that a mere relationship with an ineligible person cannot disqualify someone from becoming a bidder for a troubled asset.
- It has to be proved that such a person is “connected” with the business activity of the resolution applicant.
- The court used strong words: “…[T]he experiment conducted in enacting the Code is proving to be largely successful. The defaulter’s paradise is lost.” This constitutes a clear signal of its backing for the IBC which, despite all the challenges that it has faced, has been successful in sending a message to recalcitrant defaulters that there can be no more business-as-usual when they default.

STUDY IQ

Capable even if disabled

An institutional display of pure and simple discrimination dressed up as legal reasoning is unacceptable

- One of the **darkest moments in the American disability rights** movement was the American Supreme Court's decision, in 1927, upholding the forced sterilisation of a mentally infirm woman, reasoning that it helped get rid of those who would sap the state of its strength by swamping it with incompetence.
- Similarly, **in India, the Supreme Court's ruling last Tuesday**, in V. Surendra Mohan v. Union of India, has to be regarded as one of the **darkest in India's disability rights movement.**

- The Court had to rule on the legality of the Tamil Nadu government's policy of reserving the post of civil judge only for people whose percentage of blindness does not exceed 40-50%, **resulting in the exclusion of the applicant who was 70% blind.**
- It held that the government's decision was rational and reasonable.
- It ruled that a judicial officer has to possess a reasonable amount of sight and hearing to discharge her functions.
- It accepted the claim that impaired vision makes it impossible to perform the functions required of judicial officers, such as **assessing the demeanour of witnesses** and reading and analysing evidence.
- It also accepted that asking a blind judicial officer to perform such administrative functions as recording **dying declarations** and conducting inquiries can result in avoidable complications. The **judgment is problematic for four key reasons.**

STUDY IQ

Examples of success

- First, the view that a totally blind person cannot thrive as a judge is belied by **several examples of successful judges who are blind.**
- One is former South African Constitutional Court judge **Zak Yacoob,** who has repudiated the notion that one needs to be sighted to assess a witness's demeanour as being nonsensical, to U.S. Court of Appeals DC Circuit judge **David S. Tatel,** who thinks that it is neither fair nor accurate to impose low expectations on what blind lawyers can do.
- There is also former San Diego County Court judge **David Szumowski,** who has described the view that a blind person lacks the wherewithal to become a judge as an unfair characterisation, to **Yousaf Saleem who, last year, became Pakistan's first blind civil judge.**

STUDY IQ

- **Second,** how, some contend, can a blind person be reasonably expected to thrive as a judge without being excessively dependent and inefficient?
- However, as **the Supreme Court itself noted in 2017**, "A lawyer can be just as effective in a wheelchair, as long as she has access to the courtroom and the legal library, as well as to whatever other places and material or equipment that are necessary for her to do her job well."
- Those voicing such a statement of cynicism might find it equally hard to imagine **how a blind person can write an article** for The Hindu, **as this writer is doing,** or study computer science, as many blind Indians have done or be a successful civil servant, as **Beno Zephine N.L.** is.

STUDY IQ

- **Third,** the Court's unreasoned assertion is an outcome of their **ignorance about the capabilities of the disabled.**
- However, as Laura Wolk notes, **ignorance simply cannot be an excuse in 2019.**
- It is **simply unacceptable to condemn disabled legal professionals**, possessing the intellectual wherewithal to be a judge, to the status of outcasts only because the judges delivering the judgment in this case appear simply not to have bothered to notice **the competence of the millions of disabled people who inhabit this world.**
- **As Judge Szumowski asks Indian judges,** "if you went blind while on the bench, and were able to efficiently discharge your responsibility before this, how would you feel if told that you can no longer continue as a judge, even if you are able to perform your functions with some amount of retraining and adaptive tech?"

STUDY IQ

Reasonable accommodations

Fourth, as to **obviating avoidable complications**, the reasonable accommodations required by a blind judge may be considered irksome. However, it bears noting that "there is a distinct exhortatory dimension to be recognised in deciding whether an adjustment to assist a disabled person to overcome the disadvantage that she or he has in comparison to an able-bodied person is reasonable." It does not lie in our mouth to say that we are truly committed to ensuring that the constitutional promise of equality is fully realised, if we lack the ability to even pay the price of making reasonable accommodations.

- This is not just of academic interest for me. On my path to becoming a blind postgraduate law student at the University of Oxford as a Rhodes Scholar, I have often been compelled to engage with the **cynicism of those who thought that something was simply too difficult and messy** for me to do as a blind person.
- And perhaps some things were, and continue to be, comparatively more difficult. But those **experiences also helped me cultivate the ability to assert myself** and to find ways of **thriving in a world not designed for me** — qualities that many able-bodied persons do not possess to the same degree and qualities which were recently recognised by a sitting Supreme Court judge in open court.

STUDY IQ

- When my Supreme Court tells me that my blindness makes me intrinsically incapable of becoming a judicial officer, when **it arrogates to itself the power to stamp a badge of incompetence on thousands like me about whom it knows nothing,** its declaration cuts to the core of my confidence about the fairness and robustness of our judicial system.
- Indeed, it is telling that even the applicant in this case took it as a given that those who are completely blind for all intents and purposes, like me, cannot become a judge; it only argued that a partially blind person can become a judge. I have never had any interest in becoming part of the judiciary. However, I earnestly believe that how we choose to respond to this institutional display of pure and simple discrimination dressed up as legal reasoning will be reflective of what kind of a society we hope to be.

STUDY IQ

Learning to probe early

Why research should be made part of UG curriculum in India

- While addressing the 106th Indian Science Congress, Prime Minister Narendra Modi underscored the need for universities to get involved in research.
- While India has made considerable strides in **achieving a near-perfect enrolment rate in primary education**, it has failed to give higher education as much attention.
- As a consequence, **Gross Enrolment Ratio in higher education is 25.8%, against China's 48.44% and the U.S.'s 88.84%.** Mr. Modi's address alerts us to major lacunae in the education system that need to be looked at urgently if the higher education system is to meet the demands of today.

The importance of research

- **Research remains a significant weakness in India's higher education system**, traditionally cocooned in specialised institutes such as the Tata Institute of Fundamental Research (TIFR), the Homi Bhabha Centre for Science Education, and the Indian Institute of Science (IISc).
- Unlike the world's best higher education systems, there is hardly any interaction between these institutes and teaching universities.

- In India, about 80% of the students enroled in higher education are concentrated in undergraduate (UG) programmes.
- Research and application-oriented education can substantially enhance the quality of UG education.
- While the **concept of UG research is fairly new in India**, it is now taken as a given in many parts of the world.
- Several studies on such programmes have shown a positive impact on students, such as enhanced learning through mentorship, increased retention, increased enrolment in graduate education, more prowess in critical thinking, creativity, problem solving, intellectual independence, and understanding of research methodologies.

- Research at the UG level increases the aptitude for research-oriented career options as well as the employability of students.
- Based on the nature of their association and the nuances of a research programme, the **faculty can also gain by sharing their research ideas with students**, receive valuable feedback as well as help in the form of assistantship and apprenticeship.
- Additionally, research also **helps the faculty enhance their teaching abilities** and content by upgrading knowledge. Introducing and sustaining the culture of research at this level can also help solve the problem of shortage of faculty, as **more students will likely opt for doctoral and post-doctoral studies and teach in their home country.** In any sound higher education system, **research and teaching should ideally go together.**

- Besides, the government has also floated two ambitious projects towards internationalizing higher education in India:
- **‘Study in India’ and ‘Institutes of Eminence’.**
- Both these will need institutes to become world class and carry out high-quality research on campuses. Only then will competent faculty as well as doctoral students from across the world come to India.
- **Internationalisation of campuses** is important if India wants to be in the global university ranking lists and this will not happen without **encouraging an ecosystem that promotes high-quality research.**

Some strategic steps

- However, given the impediments vis-a vis infrastructure, teachers, funds and content, the government will need to take **strategic steps** to roll out policies to promote UG research programmes.
- **First, investment in education** needs to meet the world standard of at least **6% of GDP,** to upgrade infrastructure, labs and resources, which are essential to carry out high-quality research.
- **Second**, the University Grants Commission and other regulatory bodies will have to come out with a **priority list of reputable journals.**
- This will **rid the country of the problem of bogus journals and publications**.
- Research institutes such as TIFR and IISc should mentor some of the well-performing universities and colleges till they become aware of the nuances of conducting fair and high-quality research.
- Once capable, these trained institutes can then help the second rung of colleges and so on.

STUDY IQ

- **Third,** there should be planned ways to embed research in **UG curriculum.**
- Due to limitations in curriculum and the practice of rote learning, most students in India, even at the Masters level, graduate without having attempted an original piece of research or dissertation.
- The UGC should **make it compulsory for students** to **submit at least a 5,000-word research paper that** should be assessed just as publication in serious research journals are.
- **Unless students are made aware of the value of research from an early stage, they will not recognise the true value of higher education.**
- **The status quo in education** has resulted in education that is not only substandard but also fails to open inquiring minds to the world of research. **India must be innovative in its approch** if its demographic dividend is to be tapped into. Otherwise, what Mr. Modi said will remain a quotable quote.

STUDY IQ

Investment over subsidies

A reconfiguration of public policy is needed to replace agricultural subsidies with investment

PULAPRE BALAKRISHNAN

G.K. RAO

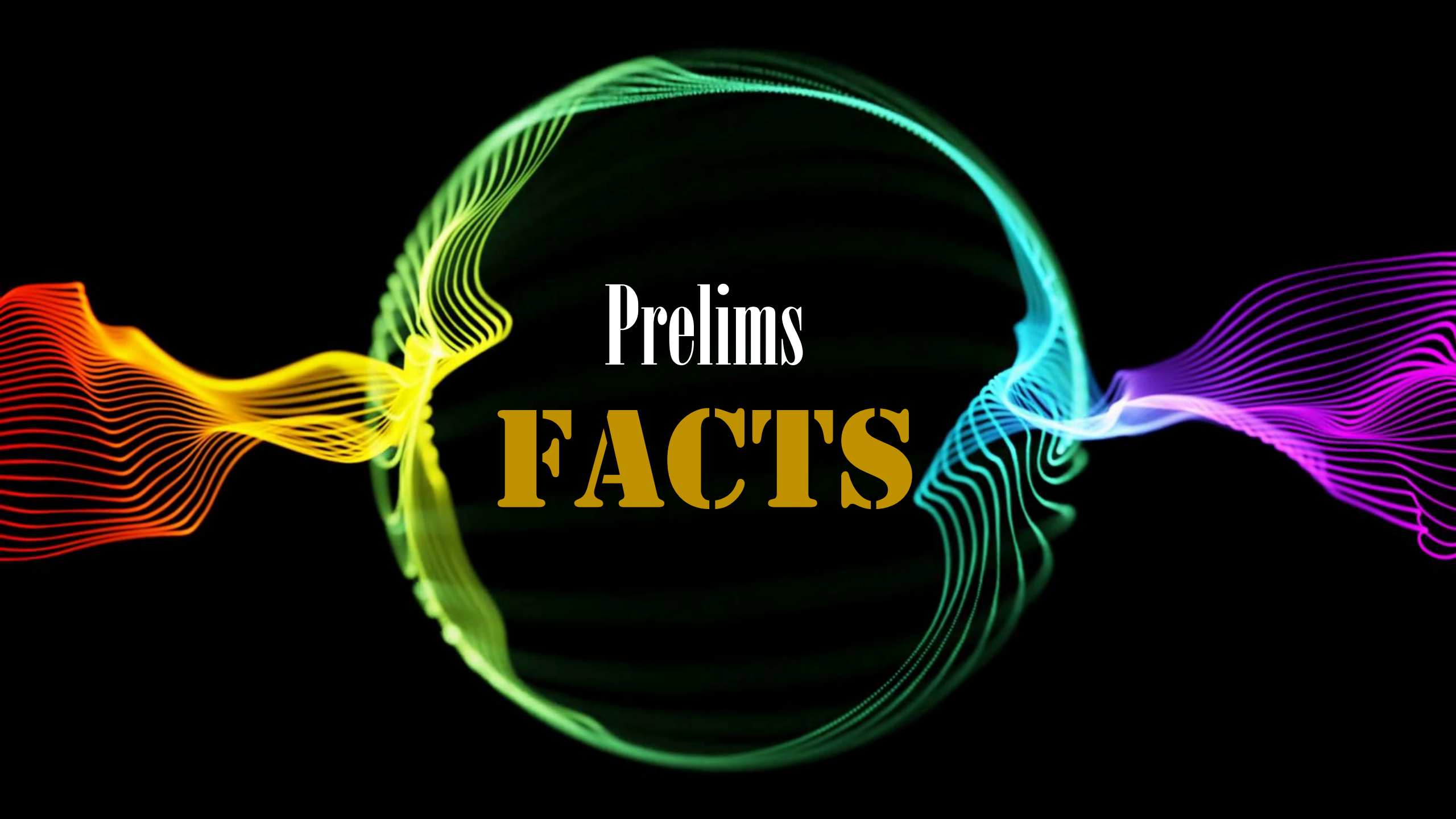
We are witnessing something akin to lobbying for a universal basic income whereby every Indian citizen gets money paid into their bank account. A recent proposal published in the print media is presented also as a solution to the current agrarian impasse. It argues for the removal of all agricultural subsidies, which range from fertilizer subsidies to those on interest, water and power, and distributing the saving among most of the rural population. To its authors, this scheme presents itself as addressing 'rural' and not just 'farm' distress. To evaluate what is being proposed as a way out of the present agrarian crisis it would be useful to understand what defines it and to recognise the originally intended role for the agricultural subsidy.

At its core the agrarian crisis is a case of agricultural activity not yielding enough returns for a section of the farming population. This group is facing a declining farm size due to partitioning across generations. As this population grows the process of fragmentation of the family farm will continue, with succeeding generations staring at a shrinking pie. There are two solutions to this problem. One is the obvious one of enabling some members of each household to shift out of farming. The other is to reconfigure public expenditure on agriculture to raise the yield of land. Actually, the latter would serve both objectives.

A reconfiguration of public policy is needed to replace agricultural subsidies by capital formation or 'investment'.

For three and a half decades now subsidies have progressively replaced public investment for agriculture. Having once been less than half that of investment it is now five times as large. Evidence points strongly to a case for moving some distance back. The impact of public investment on both the yield of land and rural poverty, encompassing a cohort wider than farmers, is far greater than that of fertilizer, electricity, irrigation and interest rate subsidy. This crucial finding is due to the Sino-Indian team of economists Shenggen Fan, Ashok Gulati and Sukhadeo Thorat. In their study, the investments found most valuable were "educational" and on rural roads.

The agricultural subsidies that are now found wasteful were designed with a purpose. The plan was to place agricultural production on a sound footing. It envisioned raising the yield of land, which works to generate rising output without inflation and with reasonable profit. The price of food has historically been high for Indians at the bottom of the income distribution. This has held back industrialisation and the desirable shifting of population away from farming to other activities. Even a total elimination of subsidies to enable this transformation via public investment may not be such a bad thing. However, eliminating them merely to implement a universal basic income would be unwise.


Prelims
FACTS

No-war zone

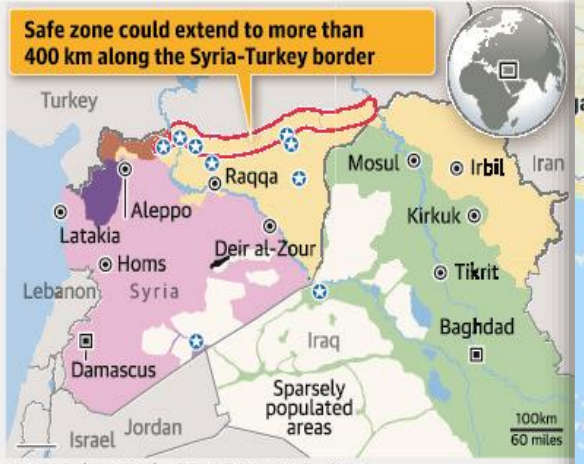
Turkish President Recep Tayyip Erdoğan on Monday reiterated his government's call for the creation of a safe zone in the semi-autonomous Kurdish-populated northeastern Syria, which would enable around four million Syrian refugees in his country a safe passage to their homeland

7-10% of Syria's population is Kurdish

25% Kurds control a quarter of Syrian territory

20,000-30,000 fighters

The YPG, the leading Kurdish militia, has thousands of fighters



Areas of control: as on January 7, 2019

- SYRIAN GOVERNMENT AND ALLIES
- SYRIAN OPPOSITION FORCES
- KURDISH FORCES
- IRAQI GOVERNMENT
- TURKISH-BACKED SYRIAN REBELS AND TURKISH FORCES
- ISLAMIC STATE GROUP
- U.S. MILITARY POSITIONS

A Kurdish fighter in Raqqa firing at an Islamic State-operated drone in June 2017. . REUTERS

The three main players

The U.S.

President Donald Trump has signalled his intention to pull out the 2,000 U.S. troops stationed in Syria, a move that has shocked American lawmakers as well as U.S. allies. To assuage the concerns of those who feel that Turkey may attempt to gain control over the region, Trump has backed the creation of a safe zone, where there would be no fighting

Turkey

Ankara considers the People's Protection Units (YPG), who are allied with the U.S. and whose support has been instrumental in driving out Islamic State from the region, a terrorist force. It says that the YPG is an extension of the Kurdistan Workers' Party (PKK), which has been fighting the Turkish state for greater autonomy for three decades. Last year, Syrian rebels backed by Turkey drove out YPG fighters from Afrin. Turkey is the most prominent backer of the safe zone idea

The Kurds

The northeastern Syrian region along the Syria-Turkey border is under the control of the Syrian Democratic Forces, an anti-IS force commanded by the YPG. The Kurds fear coming under the occupation of Turkey or forces backed by Ankara and have rejected the idea of a 'safe zone', considering it a Turkish ploy to gain greater control over the region

Source: Graphic News, Reuters

STUDY IQ

Natco Pharma launches heart failure drug

Natco Pharma has launched **combination drug** **Valsartan-Sacubitril** tablet in India.

The product is used for certain types of heart failure and works by relaxing blood vessels, making it easier for the heart to pump blood to the body. The company on Monday said it has launched the drug under its brand Valsac at an affordable price. It is available in 50 mg and 100 mg strengths at an MRP of ₹45 and ₹55 per tablet respectively, the firm said.

- Ionian sea
- Zagreb
- Adriatic sea
- Corsica
- Zibralter strait

MAINS PRACTICE

Comment on the universities condition in india and what are the opportunities, challenges and typical needs, according to that suggest measures of reforms.(600 words)

Thank you all !

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