

DAILY PT POINTERS

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Pilgrimage season in Sabarimala Ayyappa temple draws to close

The Hindu Bureau
PATHANAMTHITTA

Marking the conclusion of a pilgrimage season that witnessed an unprecedented influx of devotees, the Ayyappa temple at Sabarimala closed its portals on Monday after a Pandalam Palace representative visited the temple and offered prayers here in the morning.

The temple was opened in the morning at 5 a.m and a Ganapati homam was performed. As is the custom, no other person was permitted to offer prayers at the temple during the day. Following this, the Melsanthi closed the

sanctum sanctorum after covering the idol of the main deity in sacred ash (Bhasmam) and handed over the keys to the palace representative, Raja Raja Varma. The representative then accompanied the procession carrying the Thiruvabharanam (holy jewels) back to the Pandalam Palace. The entourage is scheduled to reach the palace on January 23.

According to P.S. Prashanth, President of the Travancore Devaswom Board, the pilgrimage season recorded a significant rise in the number of devotees, with approximately 6.31 lakh more pilgrims making the journey this year.

- Sabarimala Sree Dharma Sastha Temple, dedicated to Lord Ayyappa, is the most famous and prominent among all the Sastha temples in Kerala.
- The temple is situated on a hilltop (about 3000 feet above sea level) named Sabarimala in Pathanamthitta district, which is unique. The temple is open to people belonging to all religions.
- There is a place near the temple; east of Sannidhanam (the abode of Lord Ayyappa), dedicated to Vavar (a close friend of Lord Ayyappa) which is called Vavaru Nada, an epitome of religious harmony.
- Another unique aspect of this temple is that it is not open throughout the year. It is open for worship only during the days of Mandalapooja, Makaravilakku, Vishu and also during the first day of every Malayalam month.

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Prioritising IMEC is in America's best interest

The United States-India relationship has evolved into an increasingly vital strategic partnership ever since the Clinton administration laid the foundation for a new direction in the 1990s. Today, broad bipartisan consensus supports building upon these ties even further, driven by converging interests in economic growth, regional security, and democratic values. As global dynamics shift, the importance of this relationship for the Trump administration becomes even more pronounced.

The India-Middle East Europe Economic Corridor (IMEC) agreement presents a tremendous opportunity for President Donald Trump to solidify this multilateral partnership while advancing both the strategic interests of the U.S. and India. By leading the effort to secure cooperation among the participating nations, the U.S. can help create a robust economic corridor to ensure free and open trade routes, with enhanced energy security and technological innovation, which, in turn, will also benefit American companies.

More conceptual now

Announced in 2023, IMEC represents an ambitious vision to forge an integrated network spanning three vital regions through advanced physical and digital infrastructure. The corridor must develop efficient transportation routes, including railways, shipping networks, and maritime connections, while also establishing cross-border electricity and hydrogen pipelines and digital communication cables. The end goals should be to enhance trade connectivity and reduce transportation costs, while diversifying global supply chains and promoting deeper economic integration among participating countries (India, the U.S., the United Arab Emirates, Saudi Arabia, Italy, France, Germany, and the European Commission).

At the moment, it is reasonable to suggest that IMEC is more conceptual than concrete. Meeting its lofty goals requires extensive planning and



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The U.S. and India must ensure the completion of this project, which represents a fundamental

compelling alternative to China's Belt and Road Initiative (BRI), creating a more balanced global economic architecture that aligns with western democratic values and market principles.

IMEC was never destined to be a straightforward endeavour. Each participating nation faces a complex calculus of investment, political will and economic strategy. The corridor demands substantial infrastructure investments that directly compete with other national priorities. Moreover, private sector engagement introduces another layer of complexity. Corporate investors require clear pathways to return on investment; and without active engagement from the private sector, it is unlikely that the project could succeed.

Several countries, such as Greece and Italy, have shown substantial initiative on IMEC. France has distinguished itself by appointing a special envoy in Gérard Mestrallet, who is not a traditional diplomat. France's President Emmanuel Macron has chosen a proven business leader from France to head this geopolitical and economic initiative, as he recognises its economic potential for France. The UAE and Saudi Arabia appreciate the role IMEC can play in advancing relationships with the West, and have spearheaded efforts for its implementation. Without regular, strategic engagement, there is a significant risk of creating an uneven economic landscape that could breed tension and political friction among participating nations. The corridor offers transformative economic opportunities not just for coastal regions and primary ports but also for inland areas that could become crucial nodes in this expansive trade network. Even within the region, we have already seen countries such as Iraq and Türkiye initiate trade agreements to compliment IMEC.

As an alternative to China's BRI

IMEC promises substantial economic advantages for India by dramatically reducing trade costs and transforming maritime logistics. This strategic

investment. By positioning itself as an alternative to the BRI, the corridor allows India to strengthen diplomatic ties with West Asian and European countries.

Better for the environment

There are implications to this deal that could impact the earth's climate health. India has emerged as a significant player in green hydrogen development, positioning itself as a potential global leader in this emerging clean energy technology. The country has launched ambitious initiatives to develop green hydrogen as a strategic component of its energy transition and decarbonisation efforts.

India is collaborating with international partners such as Germany and Japan, and developing infrastructure for green hydrogen production, storage, and transportation. This will help reduce carbon emissions, decrease dependence on fossil fuel imports and create new job opportunities in emerging green technology sectors.

The Trump administration's role in facilitating the Abraham Accords proved instrumental in creating the diplomatic conditions that made IMEC possible. Former U.S. President Joe Biden has been a strong proponent of IMEC. Looking ahead, questions remain about IMEC's future under potential new U.S. leadership. One intriguing factor is Mr. Trump's warm personal relationship with Indian Prime Minister Narendra Modi. This rapport could prove significant to ongoing relations. Now that there is a peace agreement between Israel and Hamas, both leaders could facilitate the much needed (and required) meeting of IMEC participants to discuss the next steps.

This endeavour transcends traditional infrastructure development; it represents a fundamental reimagining of regional economic cooperation that requires unprecedented levels of coordination among diverse stakeholders. The U.S. and India, as key architects of the corridor,

- The India-Middle East-Europe Economic Corridor (IMEC), announced in 2023, aims to enhance trade, energy security, and technological innovation across key regions.
- It offers a strategic alternative to China's Belt and Road Initiative, promising economic benefits, including reduced trade costs and strengthened ties for India with West Asian and European countries.
- The project, though still conceptual, requires significant planning, investments, and private sector engagement. It also supports India's green hydrogen efforts.
- The U.S. and India play crucial roles in its development, with leadership needed to ensure success.

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UGC regulations or State university laws?

The crux of the dispute is whether UGC regulations framed by the UGC's Chairman, Vice-Chairman and 10 other members can supersede provisions of State University Acts which are plenary laws passed by State legislatures and assented to by the Governor or President

LETTER & SPIRIT

K. Ashok Vardhan Shetty

Six of Tamil Nadu's State universities are at present without a Vice Chancellor (VC). Some of these posts have been vacant from a few months to over a year. This impasse is due to a disagreement between the Governor and the State government regarding the composition of the search committee for selecting VCs.

The Governor (as ex-officio Chancellor of State universities under the University Acts) insists on including a nominee of the University Grants Commission (UGC) in the search committee as per Regulation 7.3 of the UGC Regulations, 2018. Conversely, the State government insists on adhering to the respective State University Acts, which generally require the search committee to consist of one nominee each from the Chancellor, the syndicate, and the senate. It opposes UGC involvement due to concerns over erosion of State autonomy in university governance.

Conflicting Supreme Court rulings have



THE GIST

Conflicting Supreme Court rulings have complicated the situation. One set of judgments support the Governor's stance that UGC regulations are mandatory and can override the State University Acts in cases of conflict. Another set of judgments back the State government.

There is a somewhat similar stand-off in Kerala and Punjab where numerous universities also face leadership vacuums.

Given the constitutional significance of the dispute and doctrinal ambiguities, a definitive ruling by a Constitutional Bench of the Supreme Court is imperative.

Six Tamil Nadu universities lack Vice Chancellors due to a dispute between the Governor and State government over UGC's role in VC search committees. The issue centers on whether UGC regulations can override State University Acts.

- Conflicting Supreme Court rulings complicate matters, with some supporting UGC's mandatory role and others backing State autonomy. The Supreme Court has consistently ruled that subordinate legislation cannot override plenary State laws, as seen in several landmark cases (e.g., Tika Ramji vs. UP, Indian Express vs. Union of India, and J.K. Industries vs. Union of India).
- Article 254(1) of the Constitution addresses conflicts between central and State laws. It states that if a State law is repugnant to a central law on matters in the Concurrent List, the central law will prevail, and the conflicting part of the State law will be void.
- The constitutional question is whether UGC's subordinate legislation can supersede State laws. A clear ruling by the Supreme Court is needed to clarify the issue and restore university governance.

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Settle with borrowers only after exhausting all options, RBI tells ARCs

Central bank tweaks guidelines to emphasise aspects such as cut-off date for one-time settlement eligibility, permissible sacrifice for various categories of exposures to fix settlement sums, and methodology to arrive at realisable value of security

Press Trust of India

MUMBAI

The RBI on Monday modified guidelines related to asset reconstruction companies (ARCs), envisaging that settlement with the borrower should be undertaken only after all possible ways to recover dues have been examined.

The 'Master Direction - Reserve Bank of India (Asset Reconstruction Companies) Directions, 2021' is a



Regulator's diktat: The net present value of a settlement should generally not be less than the securities' realisable value. REUTERS

accordingly, a Reserve Bank circular said.

for the settlement of dues payable by the borrowers.

should, inter alia, cover aspects like a cut-off date for one-time settlement eligibility, permissible sacrifice for various categories of exposures while arriving at the settlement amount and the methodology for arriving at the realisable value of the security.

It further said the settlement amount should preferably be paid in a lump sum. "Where the settlement does not envisage payment of the entire amount, agreed upon, in

sals should be in line with and supported by an acceptable business plan (where applicable), projected earnings and cash flows of the borrower," the RBI said. The guidelines provide procedures to be followed in cases where the settlement of accounts pertaining to a borrower with an aggregate value of more than ₹1 crore or less.

The net present value (NPV) of the settlement amount should generally be not less than the realisable

- The RBI has updated its guidelines for Asset Reconstruction Companies (ARCs), requiring them to adopt a board-approved policy for borrower settlements. The policy must address settlement eligibility, permissible sacrifices, and security valuation.
- Settlements should ideally be in a lump sum, or with a viable business plan if in installments.
- The net present value (NPV) of the settlement should not be lower than the realisable value of securities.

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Mitigating, aggravating circumstances in death penalty cases

AJOY SINHA KARPURAM
NEW DELHI, JANUARY 20

A SESSIONS court in Kolkata sentenced Sanjoy Roy, convicted of the rape and murder of a doctor at RG Kar Medical College and Hospital, to life imprisonment on Monday. The CBI had argued strongly for the death penalty in the case that shook West Bengal and triggered several weeks of protests and strikes by doctors. West Bengal Chief Minister Mamata Banerjee had demanded death for the murderer.

The Supreme Court has held that a sentence of death should be passed only in the "rarest of rare" cases, after the court has considered possible "aggravating" and "mitigating" circumstances (*Bachan Singh v. State of Punjab*, 1980).

'Rarest of rare' test

In *Bachan Singh*, the SC considered a challenge to the constitutionality of the death penalty. It upheld the death penalty, but said it should be imposed only in the "rarest of rare" cases where there is no possibility of

reformation.

The five-judge Constitution Bench did not specify the standards to determine whether the death penalty should be imposed, but laid down non-exhaustive lists of "aggravating" and "mitigating" circumstances for courts to consider while making the decision.

AGGRAVATING CIRCUMSTANCES, which could tilt the court's decision towards the death penalty:

- If the murder is pre-planned, calculated, and involves extreme brutality;
- If the murder involves "exceptional depravity";
- If the accused has been found guilty of murdering a public servant, police officer or a member of the armed forces while on duty, or because of anything they may have lawfully done while discharging their duty.

MITIGATING CIRCUMSTANCES, which could tilt a case away from the death penalty:

- Whether the accused was "under the influence of extreme mental or emotional disturbance" at the time of the offence;
- Age of the accused; they would not be given death if they are very young or very old;
- Probability of the accused posing a con-

tinued threat to society;

- Probability of reforming the accused;
- If the accused was acting on the directions of another person;
- If the accused believed their actions were morally justified;
- If the accused suffers mentally and is unable to appreciate the criminality of their actions.

After *Bachan Singh*

The understanding of mitigating and aggravating circumstances has evolved over the years, and new factors have been added to the list through several decisions. These include:

AGE OF ACCUSED: In several cases including *Ramareish and Ors v. State of Chhattisgarh* (2012) and *Ramesh v. State of Rajasthan* (2011), the Supreme Court considered the young age of the accused persons (below 30 in these cases) as an indication that they could be reformed.

However, as the Law Commission of India noted in its 262nd Report (2015), The Death Penalty, age as a mitigating factor "has been

used very inconsistently". In *Shankar Kisomoo Khade v. State of Maharashtra* (2013), the SC split several cases with similar facts into two groups: where age was considered as a mitigating factor, and where age was ignored or considered irrelevant. The court also noted that sentencing in death penalty cases had become "judge-centric".

In the RG Kar case, the convict Sanjoy Roy is 35 years old.

EXPLAINED LAW

NATURE OF OFFENCE:

In *Shankar Khade*, the SC said courts should compare the case before them with a pool of cases concerning similar offences before determining the punishment. Otherwise, the court said, applying the "rarest of rare" doctrine would become "subjective". The Law Commission Report used the example of cases concerning the rape and murder of a young child, and presented examples to show that it "shocks the judicial conscience in some cases, not in others".

In *Machhi Singh v. State of Punjab* (1983), the SC held that death could be given in cases where the "collective conscience" of society is so shocked that the judiciary is expected

to impose the death penalty.

The Law Commission noted that this decision, and the decisions it influenced in the future, focused only on the circumstances of the crime, and not the circumstances of the criminal and the possibility of reform.

POSSIBILITY OF REFORM: In *Bachan Singh*, the SC held that the government must prove there is no possibility of reform, and that the presumption would be against such a penalty. In *Smritish Barjaryar v. State of Maharashtra* (2009), the SC said "the court will have to provide clear evidence as to why the convict is not fit for any kind of reformatory and rehabilitation scheme".

The Law Commission Report said the requirement for evidence was held as "essential" in *Barjaryar* "for introducing an element of objectivity into the sentencing process".

Stage of the trial

When should the court consider these circumstances?

In *Bachan Singh*, the SC said courts must conduct a separate trial after convicting, so that judges can be persuaded why the death sentence should not be imposed.

When should this separate trial take place? In several rulings, the SC has held it can be on the same day; in other cases, it has stressed the importance of a "real, effective and meaningful hearing" during the sentencing hearing in death penalty cases.

In *Dattaraya v. State of Maharashtra* (2000), the court held that such a hearing did not take place, and that this was a valid reason to commute a death sentence to life imprisonment.

In suo motu proceedings instituted in 2022 (*INRE: Framing Guidelines Regarding Potential Mitigating Circumstances To Be Considered While Imposing Death Sentences*), the SC asked whether sentences delivered on the same day as the conviction satisfy the requirement of a meaningful and effective hearing.

It also noted that aggravating circumstances form a part of the record of a case and are always available to a judge, whereas mitigating circumstances are only placed on record after a conviction and before sentencing.

"This", the Bench said, "places the convict at a hopeless disadvantage, tilting the scales heavily against him", and referred the case to a larger Bench to create a uniform approach to sentencing hearings in death penalty cases.

- Sanjoy Roy was sentenced to life imprisonment for the rape and murder of a doctor at RG Kar Medical College and Hospital.
- The CBI sought the death penalty, citing aggravating factors, but the court followed the Supreme Court's "rarest of rare" doctrine, which mandates death sentences only in exceptional cases after considering both aggravating and mitigating circumstances.
- The Supreme Court has outlined various factors, such as the possibility of reform, the nature of the crime, and the age of the accused, which influence the sentencing decision.

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Bail under PMLA: interpretation by SC, HCs of law on exception for women

EXPRESSNEWS SERVICE
NEW DELHI, JANUARY 20

THE SUPREME Court criticised the Enforcement Directorate (ED) last week for arguing that the rigorous bail conditions in money laundering cases will apply to women even though the Prevention of Money Laundering Act, 2002 (PMLA) provides an exception to this standard.

"We will not tolerate conduct on the part of Union of India to make submissions contrary to statute," a bench of Justices A S Oka and Augustine George Masih said while hearing the bail plea of a woman accused of aiding alleged money laundering activities by the promoter of a Lucknow-based real estate company.

The court gave bail to the woman, a government school teacher named Shashi Bala.

PMLA and exception

Section 45 of the PMLA, which provides for bail, puts the onus on the accused seeking bail to prove that there is no prima facie case against them. This is similar to the stringent bail standard under the anti-terror law Unlawful Activities (Prevention) Act, 1967 (UAPA).

Section 45(1) reads: "No person... shall be released on bail or on his own bond unless (i) the Public Prosecutor has been given an opportunity to oppose the application...; and (ii) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail."

However, there is an exception to this bail standard, which applies to minors, women, and sick people:

"Provided that a person, who is under

the age of sixteen years or is a woman or is sick or infirm, may be released on bail, if the Special Court so directs."

Legal precedent

In 2023, Delhi High Court granted bail to Preeti Chandra, wife of Sanjay Chandra, who was the Director of M/s Unitech Group, underlining the exception for women. The HC rejected the ED's argument that the accused was not entitled to the benefit of the exception because she was not a "household lady".

"...To argue what kind of woman is entitled to fall within the proviso to section 45(1) PMLA by creating an ad-hoc illusion-

ary sub-classification of educated women, business women, women belonging to high social strata, within the broader classification of "woman"... is misconceived," the court said.

However, to be eligible for bail, the accused must not be a "flight risk" or "tamper witnesses", the court said. (Preeti Chandra vs Directorate of Enforcement, June 14, 2023)

In April 2024, however, a trial court in Delhi denied interim bail to Bharat Rashtra Samithi (BRS) leader K Kavitha in the Delhi excise scam case, observing that it was not "obligatory" or "mandatory" for the court to follow the exception.

Judge Kaveri Baweja observed that Kavitha was "well-educated" and a "well-placed woman in the society", and could not

be considered a "vulnerable" woman for the purposes of the exception under the PMLA. (Kavitha was subsequently given bail by the Supreme Court.)

Case of Shashi Bala

The ED is investigating alleged fraud by Shine City Group and its promoter Rasheed Naseem, who, according to a May 2024 release by the agency, "collected huge amount of money (approximately Rs 800-1000 Crore) from the public... and promised huge returns on such investment".

"However, no such returns were given to the investors and they were cheated by the accused by way of committing fraud," the ED said.

Shashi Bala is one of several individuals accused of assisting Naseem in money laundering and concealing the proceeds of crime. The ED has alleged that she was

Naseem's main confidant, and received more than Rs 36 lakh as a part of the money laundering exercise.

Shashi Bala was arrested in November 2023, and her plea for bail was denied by Allahabad High Court in September 2024.

The HC held that she was in contact with Naseem, who is absconding, and "coupled with the proportion of fraud committed", she does not fall under the category of a "vulnerable woman" and would not be entitled to bail under the exception for women under Section 45 of the PMLA.

Shashi Bala appealed to the SC, and in December 2024, the ED argued before the court that the exception should not be available to her. On January 15, Justice Oka said: "If people who appear for the Union of India do not know basic provisions of law why should they appear in the matter?"



- The Supreme Court criticized the Enforcement Directorate (ED) for arguing that women should face rigorous bail conditions under the Prevention of Money Laundering Act (PMLA), despite an exception for women.
- The court granted bail to Shashi Bala, a government school teacher accused of aiding money laundering by a real estate company promoter.
- PMLA Bail Conditions: Section 45 of PMLA requires the accused to prove no prima facie case against them to get bail, with a special exception for women, minors, and the sick.

HEADLINES OF THE DAY



PIB-GS3(Economy)

Ministry of Commerce & Industry



24 Companies selected under PLI Scheme for White Goods (ACs and LED Lights) with committed investment of Rs. 3,516 crore in Third Round.

18 new companies committed investments of Rs. 2,299 crore and 6 existing PLI beneficiary committed additional investment of Rs. 1,217 crore

15 AC Companies to invest Rs. 3,260 crore, 9 LED Companies to invest Rs. 256 crore

Total of 84 companies under the PLI Scheme for White Goods (ACs and LED Lights) are set to bring investments of Rs 10,478 crore, resulting in production worth Rs 1,72,663 crore during the Scheme period

- With a total of 24 beneficiaries committing investment of Rs 3,516 crore in the third round, the PLI Scheme is poised to significantly boost the production of Components of ACs & LED Lights across India. In the third round of the on-line application window of the Production-Linked Incentive (PLI) Scheme , a total of 38 applications were received.
- The PLI Scheme on White Goods is designed to create a robust component ecosystem for Air Conditioners and LED Lights Industry in India and make India an integral part of the global supply chains. The Scheme extends an incentive of 6% to 4% on reducing basis on incremental sales for a period of five (5) years subsequent to the base year and one year of gestation period. Domestic Value Addition is expected to grow from the current 15-20% to 75-80%.

HEADLINES OF THE DAY

Air-GS3(Economy)

India Becomes 7th Largest Producer In The World



- India is now the seventh-largest coffee producer globally, with exports reaching 1.29 billion dollars in the last financial year. The Commerce and Industry Ministry said in a release that this is nearly double the 719 million dollars worth of exports in 2020-21.
- The Ministry also highlighted that in the first half of this month, India exported over 9,300 tonnes of coffee, with top buyers including Italy, Belgium, and Russia.
- It added that while India primarily exports unroasted coffee beans, there is a growing demand for value-added products like roasted and instant coffee, further fueling the export boom. Meanwhile, Karnataka leads in coffee production, contributing 248,000 metric tonnes in 2022-23, followed by Kerala and Tamil Nadu. Talking about domestic consumption, the Ministry said that it has increased from 84,000 tonnes in 2012 to 91,000 tonnes in 2023. This is attributed to the rise of café culture, higher disposable incomes, and a growing preference for coffee over tea in India.