

## Serbia beat France to win Davis Cup

Serbia wins the 2010 Davis Cup, beating France, after Viktor Troicki beats Michaël Llodra in the decisive match, the first time Serbia has won the cup. Viktor Troicki was the hero for Serbia as he thrashed France's Michael Llodra in the decisive rubber to give the home side their first Davis Cup victory. Troicki came in for the higher-ranked Janko Tipsarevic with the tie level at 2-2 and played superbly to defeat Llodra 6-2 6-2 6-3 in Belgrade.

World number three Novak Djokovic had earlier brought Serbia level with a 6-2 6-2 6-4 win over Gael Monfils. Serbia is the 13th nation to win the Davis Cup since its inception in 1900.

The 2010 Davis Cup was the 99th edition of the most important annual tournament between national teams in men's tennis worldwide. In the dramatic final, Serbia defeated France 3-2 to win its first Davis Cup title. The draw for the World Group, Zonal Groups I and Zonal Groups II took place in Geneva on 23 September 2009. The competition started with the First Round on 5-7 March.

On 6-8 March, 2010 Novak Djokovic played the key role in bringing Serbia to World Group quarterfinals for the first time in its independent history, winning both singles matches in the home tie against United States (against Sam Querrey and John Isner). Later, Serbia progressed to the Davis Cup final, following the victories over Croatia (4-1) and Czech Republic (3-2). Serbia came from 1-2 down to defeat France in the final tie 3-2 in Belgrade to win the nation's first Davis Cup Championship. In the final, Djokovic scored two singles points for Serbia, defeating Gilles Simon and Gael Monfils, while the last match was won by Viktor Troicki who beat Michaël Llodra. Serbia became the 13th nation in history to win the Cup, was passed to them from the previous year winner Spain. France missed the opportunity to win its 10th title and surpass Great Britain by total number of titles won. The Serbian team celebrated the trophy by fulfilling their bet to shave their hair off in case of victory.

## Alassane Ouattara new president of Ivory Coast

Alassane Ouattara won the Ivory Coast's presidential run-off election on Thursday according to the country's electoral commission. However the Constitutional Council has contested the announcement. Ouattara was the challenger in the run-off against President Laurent Gbagbo. Supporters of Gbagbo have claimed that the vote should be blocked because of fraud in the north of the country. The head of the electoral commission, Youssouf Bakayoko, released the results of the vote while under armed guard. He announced that Ouattara had won 54% of the vote, while Gbagbo took 46%. Bakayoko was speaking from a hotel rather than the headquarters of the commission.

World leaders have voiced their support for Ivory Coast opposition candidate Alassane Ouattara, saying he is the true winner of a presidential run-off. The US, UN and France - the former colonial power - have urged Mr Gbagbo to accept defeat.

**Ivory Coast most recognize as:**

- World's largest cocoa producer country.
- Once hailed as a model of stability, slipped into strife several years after death of first President Felix Houphouet-Boigny in 1993.
- An armed rebellion in 2002 split the country between rebel north and government south.
- Power-sharing government took over in 2007 with the ex-rebel leader as prime minister.
- 2010: First presidential elections in 10 years -culmination of the peace process.

## SC bans sale of gutkha in plastic pouches from March 2011

The Supreme Court has ordered a ban on the sale of tobacco products like gutkha and pan masala in plastic pouches from March 2011, while asking the govt to conduct a survey on the ill effects of these products within eight weeks. A bench of justices G S Singhvi and A K Ganguly on Tuesday also asked the manufacturers to explore and decide by March next year on the alternative material for packaging them. The bench issued the directions while brushing aside the pleas of some of the gutkha manufacturers who feared that such a direction could lead to closure of thousands of gutkha and pan masala manufacturing units.

Cigarettes, which are generally sold in paper packs, are out of the ambit of this ban. While asking the government to conduct a survey on the ill effects of these tobacco products, the bench also asked it to examine the effects of packaging these products in plastics pouches over human health.

The bench recorded an undertaking from Solicitor General Gopal Subramaniam that the government would get the required survey done by the National Institute of Public Health on the harmful effects of gutkha, pan masala and other tobacco products and also the adverse effects, if any, of the plastic pouches used for packaging the material.

The bench also directed the Centre to finalise and enforce within eight weeks the Plastic Management and Disposal Rules 2009. It ruled that despite the rules having been framed in 2009, the authorities are yet to enforce them.

The bench passed the direction while adjudicating a petition by a civil society, which has approached the apex court challenging the alleged unbridled sale of gutkha and pan masala material in the country,

## Recommendations of N.C. Saxena Committee

The Planning Commission is the nodal agency in the Government of India for estimation of poverty at the National and State levels. As per latest official poverty estimates for the year 2004-05, the total number of persons living below poverty line (BPL) for the year 2004-05 is 301.7 million accounting for 27.5% of the total population. The Planning Commission in December, 2005 constituted an Expert Group under the Chairmanship of Prof. Suresh D. Tendulkar to review alternate concepts of poverty and to recommend changes in the existing procedure used for official estimates of poverty. The Tendulkar Committee submitted its report in December, 2009 and recommended the Mixed Reference Period (MRP) equivalent Poverty Line Basket (PLB) corresponding to urban poverty ratio of 25.7% at all India level as the new reference PLB. This new reference PLB has been applied to rural as well as urban population in all the States. The resulting estimate of the all-India rural poverty head count ratio for 2004-05 was placed at 41.8 percent, urban poverty head count ratio at 25.7 percent and 37.2 percent at all-India level which accounts for 407.6 million persons. The poverty lines for rural and urban areas based on per capita consumption expenditure of Rs.446.68 and Rs.578.80 per month respectively for the year 2004-05 recommended by the Tendulkar Committee have been accepted by the Planning Commission. Dr. N.C. Saxena Committee was set up by the Ministry of Rural Development to advise it on the suitable methodology for BPL Census and not for estimation of poverty. However, in the Report submitted by the Expert Group on 21st August 2009 it is mentioned that the percentage of people entitled to BPL status should be revised upwards to at least 50%. The committee has suggested proportionate increase in the state level poverty estimates also. The recommendations of the Expert Group and other alternative methodologies are being tested through a pilot socio-economic survey and a Participatory Rural Appraisal (PRA) exercise in order to finalize the methodology for the final BPL Census.



Amritsar’s Nikki Haley is South Carolina Governor

Republican Nikki Haley, the daughter of Sikh immigrant parents from Amritsar, will be the new Governor of South Carolina state, after she defeated her Democratic rival Vincent Sheheen in a close race. The results of election show Haley with 51 percent of the votes to Sheheen’s 47 percent, with 75 percent of the precincts reporting. She’ll be the first woman chief executive of the state and America’s second Indian-American Governor after Louisiana Governor Bobby Jindal, also a Republican, who became the first with his election three years ago.

Haley, born Nimrata (Nikki) Randhawa emerged victorious as the South Carolina State Election Commission reported heavy voter turnout at many precincts throughout the state shortly after polls opened.

The race for governor between Republican Haley and Democrat Vincent Sheheen, to replace Governor Mark Sanford was believed to the most expensive in state history.

Haley saw quite a bit of controversy surround her campaign before the primary earlier this year. From a racial slur from a fellow lawmaker to unproven accusations of an affair by a political blogger, Haley still snagged the Republican nomination.

Elsewhere, Democrat Kamala Harris, San Francisco District Attorney, is giving a tough fight to Republican Steve Cooley, Los Angeles County District Attorney for California attorney general.

But five other Indian-Americans face uphill election bids for the US Congress in California, Kansas, Louisiana, Ohio and Pennsylvania.

Lawyer and State Representative, Raj Goyle, 35, of Wichita, Kansas, is running in an open seat against Republican Mike Pompeo.

Attorney Ravi Sangisetty, 28, of Houma, Louisiana, whose rural district takes in 13 southeastern parishes, is running in an open seat against Republican Jeff Landry of New Iberia.

Manan Trivedi, a former Navy surgeon who served in the Iraq war as an officer in a unit which experienced the first war casualty, is giving a tough challenge to four-time Representative Jim Gerlach in Pennsylvania’s 6th District.

And Surya Yalamanchili, 28, a Procter & Gamble marketing executive in eastern Cincinnati, is challenging Republican Jean Schmidt seeking her third full term in Congress.

Gagan Narang to be India’s Flag bearer at Asian Games in China

Ace shooter Gagan Narang, who won four gold medals at last month’s Commonwealth Games, will be India’s flag-bearer at the opening ceremony of the 16th Asian Games in Guangzhou, China on November 12. This was announced by Indian Olympic Association president Suresh Kalmadi in New Delhi today.

Kalmadi said of the 27-year-old rifle shooter has been chosen not only because he emerged India’s best athlete in the Commonwealth Games with four gold medals but also because he has been one of the most consistent performers for India in the past few years. Gagan Narang first shot into limelight in the Afro-Asian Games in Hyderabad.

Kalmadi added that in 2008, the shooter won the 10 metres air rifle gold in the World Cup finals and earlier this year, claimed bronze in the World cham-

Strategic Power struggle in SriLanka

After decades of strong-arming tiny neighbors Sri Lanka, India finds itself jostling for influence, as its power has blunted by the island nation’s growing ties with Pakistan and China, with the civil war nearing an end. While domestic political sensitivities over the fate of Sri Lanka’s Tamils forced India to ease its leverage, China and Pakistan stepped into the breach, offering Colombo military assistance in its war against the Tamil Tiger rebels.

China in SriLanka

Sri Lanka has achieved military victory over Liberation Tigers of Tamil Eelam (LTTE). This fight against the LTTE has had different connotations for both India and China. In the current scenario India had to be neutral as this definitely would have had repercussions on Indian soil. The involvement of Tamil’s had put to test the Indian internal security. And thus the Indian government had to decide not to supply arms and ammunitions to the Sri Lankan government in its fight against the LTTE. But this neutral stand by the Indian government provided China with an opportunity to make headway into Sri Lanka and there is an urgent need for India to take note of this growing Chinese influence in Sri Lanka and in the Indian Ocean.

In the past few years a number of high level meetings took place between China and Sri Lanka. Today China is heavily investing in the Sri Lankan domestic economy and thus driving the Sri Lankan economy. The Chinese are investing heavily in the field of infrastructure like the Norochcholai power plant which is set to be completed by the year 2010 and would be able to meet the Sri Lanka’s power requirements to a very large extent.

Apart from this China is also extensively involved in building the SriLanka’s Hambantota Port. This will be significant in connecting the southern most part of the island with the existing shipping lanes. This will also provide China a firm ground

pionship. He is also ranked world No 4 in the 10 metres air rifle event.

Kalmadi said that it is a pleasure to have such choice and it strengthens the belief that Olympic sport in India is progressing in the right direction.

The Asian Games open in the Guangzhou from November 12 to 27

India launches its first South Pole expedition India will Monday send its first expedition to the South Pole to study the changes in climate patterns that have taken place in Antarctica over the last thousand of years. Science and Technology Minister Prithviraj Chavan will flag off the expedition on November 1, 2010. Rasik Ravindra, 62, director of the National Centre for Antarctic and Ocean Research, will lead the team of eight scientists on the 40-day expedition. The team will leave for Maitri — India’s second permanent research station in Antarctica — Nov 1 and will be back mid-December.

“This is for the first time that India is sending an expedition to the South Pole. The scientists will bring samples that will give us information about climate change which has taken place in the last thousand years,” said an official.

The team comprises scientists who have experience of wintering over in Antarctica and knowhow of snow vehicles. The team will conduct various scientific experiments on its way to South Pole. “They will study variability of snow chemistry, bed rock topography and ice structure. They will collect meteorological parameter along the 2000-km-long traverse,” the official added.

Tianhe-I supercomputer

Tianhe-I or Tianhe-1 or TH-1 is a supercomputer at the National Supercomputer Center in Tianjin, China. It is one of the few petaFLOP-level supercomputers in the world. In October 2010, an upgraded version of the machine (Tianhe-1A) bested the Jaguar to become the world’s fastest supercomputer, with a peak computing rate of 2.507 petaflops. The Tianhe-I uses a Linux operating system. Tianhe-I was developed by the Chinese National University of Defense Technology (NUDT) in Changsha, Hunan. It was first revealed to the public on 29 October 2009, and was immediately ranked as the world’s fifth fastest supercomputer in the TOP500 list released at the 2009 Supercomputing Conference (SC09) held in Portland, Oregon, on 16 November 2009. Tianhe achieved a speed of 563 teraflops in its first Top 500 test and had a peak performance of 1.2 petaflops. Thus at startup, the system had an efficiency of 46%. Originally, Tianhe-I was powered by 4,096 Intel Xeon E5540 processors and 1,024 Intel Xeon E5450 processors, with 5,120 AMD GPUs which were made up of 2,560 dual-GPU ATI Radeon HD 4870 X2 graphics cards.

After an upgrade, it is now equipped with 14,336 Xeon X5670 processors and 7,168 Nvidia Tesla M2050 general purpose GPUs. 2,048 NUDT FT1000 heterogeneous processors are also installed in the system, but their computing power was not counted into the machine’s official Linpack statistics as of October 2010. After the upgrade, Tianhe-1A has a theoretical peak performance of 4.701 petaflops. It was revealed at HPC 2010 China. NVIDIA suggest that it would have taken “50,000 CPUs and twice as much floor space to de-

in the Indian Ocean and in turn reduce its dependence on the existing routes. China still has unsolved issues in the South China Sea and this new port can help it reduce its dependence on that. When this port is completed it expected to have a container port, a bunkering system, an oil refinery, an airport in addition to other facilities that are expected to transform it into a major transshipment location. This in addition to other ports which China is developing will be helpful for the Chinese navy for the purposes of repair and re-fuelling.

Apart from this China has provided Colombo with arms sales including fighter jets, sophisticated radar and anti-aircraft guns. In 2008 Sri Lanka signed an arms deal with Beijing worth US \$ 37.6 million. China has also sold Jian-7 fighters, anti-aircraft guns and JY-11 3D air surveillance radars to the resurgent Sri Lankan Army, as it seeks to finish one of Asia’s longest-running wars by squeezing the Liberation Tigers of Tamil Eelam (LTTE) fighters in a shrinking patch of the jungle in the north. This has proved to be beneficial for Colombo in its war against the LTTE.

When Defence Secretary Gotabhaya Rajapakse visited China he thanked Beijing for its “steadfast support” in strengthening the “war on terrorism”. There are also reports which suggest that to show its concern for Colombo and help it in its war against the LTTE Beijing went to the extent that it provided six fighter aircrafts (F-7 jets) free of cost.

China has also used its veto power in the United Nations Security Council to block the discussion on steps undertaken by the Sri Lankan government in its fight against the LTTE. This was welcomed by Colombo with claims that these moves in the UN, “have been shot down by Sri Lanka’s steadfast ally in its war on terrorism, i.e. China.” Well it would not be wrong to conclude that this step was taken by Beijing in order to strengthen its influence in the region.

It has been Beijing’s policy to not interfere in the domestic matters of any



liver the same performance using CPUs alone.” The current heterogeneous system consumes 4.04 megawatts compared to over 12 megawatts if it was only built with CPUs.

TH-1 runs an operating system based on the Linux kernel.

The supercomputer is installed at the National Super Computer Center, Tianjin, and is used to carry out computations for petroleum exploration and aircraft simulation. It is an “open access” computer meaning it provides services for other countries.

## Ajka alumina plant accident

The Ajka alumina sludge spill was an industrial accident at a caustic waste reservoir chain of the Ajkai Timföldgyár alumina plant in Ajka, Veszprém County, in western Hungary. On 4 October 2010, at 12:25 CEST (10:25 UTC), the northwestern corner of the dam of reservoir no. 10 collapsed, freeing about a million cubic metres (35 million cubic feet) of liquid waste from red mud lakes. The mud was released as a 1–2 m (3–7 ft) wave, flooding several nearby localities, including the village of Kolontár and the town of Devecser. At least nine people died, and 122 people were injured. About 40 square kilometres (15 square miles) of land were initially affected. The spill reached the Danube river on 7 October 2010. The ruptured and weakened wall of the reservoir which released the caustic sludge is in danger of collapsing entirely, which could release an additional 500,000 cubic metres of sludge.

It was not initially clear how the containment at the reservoir had been breached, although the accident came after a particularly wet summer in Hungary, as in other parts of central Europe. Police have seized documents from the Ajkai Timföldgyár plant, although a spokesman for MAL Hungarian Aluminium (MAL Magyar Alumínium Termelő és Kereskedelmi Zrt.), the company that operates the plant, said the last inspection of the pond had shown “nothing untoward”. Hungarian Prime Minister Viktor Orbán claimed that the cause of the spill was presumably human error.

## Brazil finds massive oil field

A newly-tapped oil field off the coast of Brazil could contain up to 15 billion barrels of oil, officials say. Brazil’s national petroleum agency said the Libra field most probably held around 8 billion barrels.

That matches the size of the giant Tupi oil field, whose discovery in 2007 drew attention to Brazil’s potential as a major oil producer.

If the 15 billion barrel figure were confirmed it would double Brazil’s known oil reserves.

It would also be the biggest oil field discovered in the Americas since 1976, when Mexico found the giant Cantarell field in the Gulf of Mexico.

The Libra exploratory well is located 183km (114 miles) offshore from Rio de Janeiro.

“The volume of recoverable oil belonging to the nation could vary from 3.7 billion to 15 billion barrels, with the most likely estimate being 7.9 billion barrels,” the national petroleum agency (ANP) said in a statement. Brazil has discovered billions of barrels of oil in the last few years, mostly in deep, pre salt fields off its south-eastern coast. The discoveries should make Brazil one of the world’s top 10 oil producers.

Outgoing President Luiz Inacio Lula da Silva has said future oil revenues will be used to eradicate poverty and invest in education and technology.

country. But in this regard it did go out of its way to show its support for the Sri Lankan government’s policies. With this backdrop both India need to take note of the growing Chinese influence in Sri Lanka. Thus out of humanitarian concern, India has sent a military medical team to Sri Lanka.

This increasing closeness between Colombo and Beijing is a reason for concern for New Delhi. During the construction of the port a large number of Chinese experts are to be expected to be present in the region and this is proving to be a security concern for the Indian side.

Another outcome of Chinese diplomacy is that Beijing has decided to grant Sri Lanka dialogue partner status in the Shanghai Cooperation Organization (SCO).

This growing Chinese interest in the Indian Ocean has made it quite clear that Beijing is following a planned strategy to encircle India in the sub-continent. The ‘all weather friendship’ between Pakistan and China has been a cause of concern for India for a long time. But with the passage of time China has successfully undermined Indian influence in countries like Nepal, Bhutan, Bangladesh and Myanmar.

China is also trying to increase its influence in Afghanistan as well. And with such warming ties between Colombo and Beijing it is quite obvious that China has been successful in diplomatically making India the second most important player in its own region.

### Pakistan in Sri Lanka

Pakistan President Asif Ali Zardari make a maiden visit to Sri Lanka later this month during the tour he discuss with his counterpart Mahinda Rajapaksha cooperation on security and trade issues. Zardari become the first head of state to visit Sri Lanka after President Rajapaksha assumes duties for his second term of office on 19th November. Foreign Minister Shah Mehmood Qureshi will be accompanying Zardari. A trade and business delegation will be a part of the Pakistani delegation. Pakistan is a key supplier of small arms to Sri

In September the Brazilian oil company Petrobras, which is partly owned by the state, raised \$70bn (£44.7bn) to develop the new fields in the world’s largest ever public share offering.

## Narang wins silver, Bindra disappoints at Asian Games

Ace shooter Gagan Narang picked up his and India's second medal at the Asian Games by netting the silver in the 10m air rifle individual event but Olympic champion Abhinav Bindra disappointed by failing to even qualify for the finals Guangzhou on Saturday. Narang could not better the world record of 703.5 that he holds and shot a score of 700.7 (597+103.7) to settle for silver behind China's Qinan Zhu (598+104).

Korean Kiwon Kim (596+104) took the bronze medal. Narang, who won three bronze medals in Doha Games four years ago, was the lone Indian to qualify for the event after Bindra and Sanjeev Rajput failed to make the cut in the qualifying shoot-off.

With a regulation qualifying score of 593, Bindra and Rajput were tied with Kyrgyzstan's Ruslan Ismailov and Japan's Toshikazu Yamashita but the Indian duo fell by the wayside after a shoot-off.

Bindra and Rajput's shoot-off tally of 50.6 and 51.8 respectively was not good enough against Ismailov (52) and Yamashita (51.9).

Earlier, Narang, Bindra and Rajput had combined to fetch a silver in the 10m air rifle team event.

Adachi takes gold in women's Asian Games triathlon.

Mariko Adachi lived up to her status as pre-race favorite, powering away in the run leg to lead Japan in a gold-silver finish in the women's triathlon on Saturday on the first morning of Asian Games competition.

Adachi finished fourth in world championship events in Sydney and Madrid this year and was ninth overall in the ITU championship, the best of any female Asian triathlete.

She won in 2 hours, 5 minutes, 45 seconds while her teammate Akane Tsuchihashi was second in 2:06.31. Jang Yun-jung of South Korea took the bronze in 2:07.52.

Adachi waited for Tsuchihashi to finish, then the Japanese pair, who belong to the same club team in Tokyo, held their hands in the air to wave to the crowd.

"The swim leg went exactly as planned, and in the cycle, we tried to exchange the lead a few times," Adachi said through an interpreter about her team-mate.

"In the run, I felt very strong. Now I feel very proud to get Japan's first gold medal.

Tsuchihashi said she admired her gold medal-winning friend.

"She is the model that I respect and should follow," Tsuchihashi said.

The race started at 9 a.m. and was held under mostly sunny skies and a temperature of 26 Celsius (79 Fahrenheit).

It included a 1.5-kilometer swim in Centre Lake at the University Town complex, followed by a seven-lap, 40-kilometer cycle on a flat course with tight turns and a 10-kilometer run that included several hills.

The men's race, which includes defending champion Dmitry Gaag of Kazakhstan, will be held Sunday. Despite loud Chinese rock and rap music and such Western songs as Katrina and the Waves' "Walking on Sunshine" creating a party atmosphere at the packed finish line, both the cycle and run courses had

Lanka and also offers training to its security personnel.

Rajapaksa has regularly praised Pakistan for the support the country has extended in the military campaign against Tiger rebels. Leading players in Pakistan’s business and industry had expressed interest to invest in various projects in Sri Lanka. Some of them want to explore the possibility of establishing projects in east Sri Lanka besides other locations.

Pakistan also supplied the army small arms and multi-barrel rocket launchers, and trained the Sri Lankan air force in precision-guided attacks against the rebels, strategic analysts said.

“There have been several shipments of weapons from Pakistan. What has made a real difference to the outcome of the war is the Sri Lankan air force, which has been rigorously trained by Pakistan in precision-guided attacks,” Indian Army Major General (r) Ashok Mehta said. India, by contrast, had limited its military assistance to the Sri Lankan Army to ‘defensive weapons’.

### India’s role in Sri Lanka

India has been limited by its insistence on protection of Sri Lanka’s Tamils, who are closely linked to 60 million Tamils in the Indian state of Tamil Nadu, across a narrow strait from Sri Lanka. “The shine has somewhat gone off from the leverage India has over Sri Lanka, partly because India has allowed it to happen,” said Pakiasothy Saravanamuttu of the Colombo-based Centre for Policy Alternative.

China’s and Pakistan’s help against Tamil Tiger rebels may have been crucial, a former Sri Lankan official said. “If not for China and Pakistan, we would not have been able to finish off the insurgency,” K Godage, a former deputy head of Sri Lanka’s foreign office, told Reuters.

India trained and armed Tamil Tiger rebels in the early 1980s and followed it up a disastrous 1987-1990 peacekeeping foray into Sri Lanka, which has cast a long shadow over the war and made Sri Lanka wary of its giant neighbour. National Security Adviser MK



# AFSPA Story Continue

## LEGAL ANALYSIS of AFSPA

The Armed Forces Special Powers Act contravenes both Indian and International law standards. This was exemplified when India presented its second periodic report to the United Nations Human Rights Committee in 1991. Members of the UNHRC asked numerous questions about the validity of the AFSPA, questioning how the AFSPA could be deemed constitutional under Indian law and how it could be justified in light of Article 4 of the ICCPR. The Attorney General of India relied on the sole argument that the AFSPA is a necessary measure to prevent the secession of the North Eastern states. He said that a response to this agitation for secession in the North East had to be done on a "war footing." He argued that the Indian Constitution, in Article 355, made it the duty of the Central Government to protect the states from internal disturbance, and that there is no duty under international law to allow secession.

This reasoning exemplifies the vicious cycle which has been instituted in the North East due to the AFSPA. The use of the AFSPA pushes the demand for more autonomy, giving the peoples of the North East more reason to want to secede from a state which enacts such powers and the agitation which ensues continues to justify the use of the AFSPA from the point of view of the Indian Government.

### A) INDIAN LAW

There are several cases pending before the Indian Supreme Court which challenge the constitutionality of the AFSPA. Some of these cases have been pending for over nine years. Since the Delhi High Court found the AFSPA to be constitutional in the case of Indrajit Barua and the Gauhati High court found this decision to be binding in People's Union for Democratic Rights, the only judicial way to repeal the act is for the Supreme Court to declare the AFSPA unconstitutional.

It is extremely surprising that the Delhi High Court found the AFSPA constitutional given the wording and application of the AFSPA. The AFSPA is unconstitutional and should be repealed by the judiciary or the legislature to end army rule in the North East.

Violation of Article 21 - Right to life

Article 21 of the Indian Constitution guarantees the right to life to all people. It reads, "No person shall be deprived of his life or personal liberty except according to procedure established by law." Judicial interpretation that "procedure established by law means a "fair, just and reasonable law" has been part of Indian jurisprudence since the 1978 case of Maneka Gandhi. This decision overrules the 1950 Gopalan case which had found that any law enacted by Parliament met the requirement of "procedure established by law".

Under section 4(a) of the AFSPA, which grants armed forces personnel the power to shoot to kill, the constitutional right to life is violated. This law is not fair, just or reasonable because it allows the armed forces to use an excessive amount of force.

The offenses under section 4(a) are: "acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or fire-arms, ammunition or explosive substances". None of these offences necessarily involve the use of force. The armed forces are thus allowed to retaliate with powers which are grossly out of proportion with the offence.

Justice requires that the use of force be justified by a need for self-defense and a minimum level of proportionality. As pointed out by the UN Human Rights Commission, since "assembly" is not defined, it could well be a lawful assembly, such as a family gathering, and since "weapon" is not defined it could include a stone. This shows how wide the interpretation of the offences may be, illustrating that the use of force is disproportionate and irrational.

Several incidents show how the Border Security Force (BSF) and army personnel abuse their powers in the North East. In April 1995, a villager in West Tripura was riding near a border outpost when a soldier asked him to stop. The villager did not stop and the soldier shot him dead. Even more grotesque were the killings in Kohima on 5 March 1995. The Rastriya Rifles (National Rifles) mistook the sound of a tyre burst from their own convoy as a bomb attack and began firing indiscriminately in the town. The Assam Rifles and the CRPF who were camped two kilometers away heard the gunshots and also began firing. The firing lasted for more than one hour, resulting in the death of seven innocent civilians, 22 were also seriously injured. Among those killed were two girls aged 3 1/2 and 8 years old. The injured also included 7 minors. Mortars were used even though using mortars in a civilian area is prohibited under army rules.

This atrocity demonstrates the level of tension prevalent in the North East. For a tyre burst to be mistaken for a bomb proves that the armed forces are perpetually under stress and live under a state of siege.

In the Indrajit Barua case, the Delhi High Court found that the state has the duty to assure the protection of rights under Article 21 to the largest number of people. Couched in the rhetoric of the need to protect the "greater good", it is clear that the Court did not feel that Article 21 is a fundamental right for the people of Assam. The Court stated, "If to save hundred lives one life is put in peril or if a law ensures and protects the greater social interest then such law will be a wholesome and beneficial law although it may infringe the liberty of some individuals."

This directly contradicts Article 14 of the Indian Constitution which guarantees equality before the law. This article guarantees that "the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India." The AFSPA is in place in limited parts of India. Since the people residing in areas declared "disturbed" are denied the protection of the right to life, denied the protections of the Criminal Procedure Code and

prohibited from seeking judicial redress, they are also denied equality before the law. Residents of non-disturbed areas enjoy the protections guaranteed under the Constitution, whereas the residents of the Northeast live under virtual army rule. Residents of the rest of the Union of India are not obliged to sacrifice their Constitutional rights in the name of the "greater good".

Protection against arrest and detention - Article 22

Article 22 of the Indian Constitution states that "(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice. (2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate." The remaining sections of the Article deal with limits on these first two sections in the case of preventive detention laws. On its face, the AFSPA is not a preventive detention law therefore the safeguards of sections (1) and (2) must be guaranteed to people arrested under the AFSPA.

Section (2) of Article 22 was the subject of much debate during the framing of the Indian Constitution. There was argument over whether the time limit should be specified or whether the words "with the least possible delay" should be used. Dr Amedkar, one of the principal framers of the Indian Constitution argued that "with the least possible delay" would actually result in the person being held for a shorter period of time, whereas "twenty- four hours" would result in the person being held for the maximum time of twenty-four hours. The application of these terms has since shown that a specified time period constitutes a greater safeguard. Under the AFSPA, the use of "least possible delay" language has allowed the security forces to hold people for days and months at a time. A few habeas corpus cases in which the court did find the delay to be excessive are indicative of the abuses which are occurring in practice. It should be noted that habeas corpus cases are only filed for those who have access to lawyers and the court. In all the seven states of the North East only the Guwhati High Court bench in Assam can hear habeas corpus cases. So although in the two following cases the time of delay in handing over the arrested person was found excessive, it can only be imagined what types of abuses occur in the states of Manipur and Nagaland where the people do not have access to the court. In Nunghshitombi Devi v. Rishang Keishang, CM Manipur, (1982) 1 GLR 756, the petitioner's husband was arrested by CRPF on 10 January 1981, and was still missing on 22 February 1981. He had been arrested under AFSPA Section 4(c). The court found this delay to have been too long and

unjustified, even under Section 5 of the AFSPA. In Civil Liberties Organisation (CLAHRO) v. PL Kukrety, (1988) 2 GLR 137, people arrested in Oinam were held for five days before being handed over to magistrates. The court found this to be an unjustified delay.

In its application, the AFSPA does lead to arbitrary detention. If the AFSPA were defended on the grounds that it is a preventive detention law, it would still violate Article 22 of the Constitution. Preventive detention laws can allow the detention of the arrested person for up to three months. Under 22(4) any detention longer than three months must be reviewed by an Advisory Board. Moreover, under 22(5) the person must be told the grounds of their arrest. Under section 4(c) of the AFSPA a person can be arrested by the armed forces without a warrant and on the mere suspicion that they are going to commit an offence. The armed forces are not obliged to communicate the grounds for the arrest. There is also no advisory board in place to review arrests made under the AFSPA. Since the arrest is without a warrant it violates the preventive detention sections of article 22.

The case of Luithukla v. Rishang Keishang, (1988) 2 GLR 159, a habeas corpus case, exemplifies the total lack of restraint on the armed forces when carrying out arrests. The case was brought to ascertain the whereabouts of a man who had been arrested five years previously by the army. The court found that the man had been detained by the army and that the forces had mistaken their role of "aiding civil power". The court said that the army may not act independently of the district administration. Repeatedly, the Guwahati High Court has told the army to comply with the Code of Criminal Procedure (CrPC), but there is no enforcement of these rulings.

Army officers have accused High Court judges of weakening military powers in the North East, exemplifying that the armed forces are not interested in complying with civil law standards. Any attempt by the courts to oblige compliance with police procedure is ignored. (see further section on the lack of independence of the judiciary)

In the habeas corpus case of Bacha Bora v. State of Assam, (1991) 2 GLR 119, the petition was denied because a later arrest by the civil police was found to be legal. However, in a discussion of the AFSPA, the court analyzed Section 5 (turn the arrested person over to the nearest magistrate "with least possible delay"). The court did not use Article 22 of the Constitution to find that this should be less than twenty-four hours, but rather said that "least possible delay" is defined by the particular circumstances of each case. In this case, the army had provided no justification for the two week delay, when a police station was nearby, so section 5 was violated. Nevertheless, this leaves open the interpretation that circumstances could justify a delay of 5 days or more.

The Indian Criminal Procedure Code ("CrPC")

The CrPC establishes the procedure police officers are to follow for arrests, searches and

seizures, a procedure which the army and other para- military are not trained to follow. Therefore when the armed forces personnel act in aid of civil power, it should be clarified that they may not act with broader power than the police and that these troops must receive specific training in criminal procedure.

In explaining the AFSPA bill in the Lok Sabha in 1958, the Union Home Minister stated that the Act was subject to the provisions of the Constitution and the CrPC. He said "these persons [military personnel] have the authority to act only within the limits that have been prescribed generally in the CrPC or in the Constitution." If this is the case, then why was the AFSPA not drafted to say "use of minimum force" as done in the CrPC? If the government truly means to have the armed forces comply with criminal procedure, than the AFSPA should have a specific clause enunciating this compliance. Further it should also train the armed forces in this procedure.

The CrPC has a section on the maintenance of public order, Chapter X, which provides more safeguards than the AFSPA. Section 129 in that chapter allows for the dispersal of an assembly by use of civil force. The section empowers an Executive Magistrate, officer-in-charge of a police station or any police officer not below the rank of sub-inspector to disperse such an assembly. It is interesting to compare this section with the powers the army has to disperse assemblies under section 4(a) of the Act. The CrPC clearly delineates the ranks which can disperse such an assembly, whereas the Act grants the power to use maximum force to even to non commissioned officers. Moreover, the CrPC does not state that force to the extent of causing death can be used to disperse an assembly.

Sections 130 and 131 of the same chapter sets out the conditions under which the armed forces may be called in to disperse an assembly. These two sections have several safeguards which are lacking in the Act. Under section 130, the armed forces officers are to follow the directives of the Magistrate and use as little force as necessary in doing so. Under 131, when no Executive Magistrate can be contacted, the armed forces may disperse the assembly but if it becomes possible to contact an Executive Magistrate at any point, the armed forces must do so. Section 131 only gives the armed forces the power to arrest and confine. Moreover, it is only commissioned or gazetted officers who may give the command to disperse such an assembly, whereas in the AFSPA even non-commissioned officers are given this power. The AFSPA grants wider powers than the CrPC for dispersal of an assembly.

Moreover, dispersal of assemblies under Chapter X of the CrPC is slightly more justifiable than dispersal under Section 4(a) of the AFSPA. Sections 129-131 refer to the unlawful assemblies as ones which "manifestly endanger" public security. Under the AFSPA the assembly is only classified as "unlawful" leaving open the possibility that peace-

ful assemblies can be dispersed by use of force.

Chapter V of the CrPC sets out the arrest procedure the police are to follow. Section 46 establishes the way in which arrests are to be made. It is only if the person attempts to evade arrest that the police officer may use "all means necessary to effect the arrest." However, sub-section (3) limits this use of force by stipulating that this does not give the officer the right to cause the death of the person, unless they are accused of an offence punishable by death or life imprisonment. This power is already too broad. It allows the police to use more force than stipulated in the UN Code of Conduct for Law Enforcement Officials (see section on International law below). Yet the AFSPA is even more excessive. Section 4(a) lets the armed forces kill a person who is not suspected of an offence punishable by death or life imprisonment.

Under the Indian Penal Code, at Section 302, only murder is punishable with death. Murder is not one of the offenses listed in section 4(a) of the AFSPA. Moreover the 4(a) offences are assembly of five or more persons, the carrying of weapons, ammunition or explosive substances, none of which are punishable with life imprisonment under the Indian Penal Code. Under section 143 of the Penal Code, being a member of an unlawful assembly is punishable with imprisonment of up to six months and/or a fine. Even if the person has joined such unlawful assembly armed with a deadly weapon, the maximum penalty is imprisonment for two years and a fine. Moreover, persisting or joining in an unlawful assembly of five or more persons is also punishable with six months imprisonment, or a fine, or both. The same offence committed by someone in a disturbed area under the AFSPA is punishable with death. This again violates the Constitutional right to equality before the law. Different standards of punishment are in place for the same act in different parts of the country, violating the equality standards set out in the Constitution.

Supposedly the military do have instructions on the procedures they are to follow when they act in aid of civil power. In People's Union for Democratic Rights v. Union of India, (1991) 2 GLR 1, when the court reviewed the army's powers it referred to two sets of instructions issued to the military when acting in aid of civil power. The first was a 1969 pamphlet issued by the Government of India as guidance for military but it was confidential and the court was not allowed to review it. A 1973 basic book instructions for army acting in aid of civil power was also referred to in the case. In a personal meeting with Justice Raghuvir, former Chief Justice of the Guwahati High Court, and the Justice who wrote the opinion in People's Union for Democratic Rights, SAHRDC asked for details on the nature of these instructions. Justice Raghuvir told us that he was only able to see a few pages and that the whole booklet was not available to non-military personnel. He believes that the military keeps these instruction manuals confidential so that it can not be shown that the armed forces fail to comply with their own standards. This is another example of the lack of judicial review and allows the armed forces to remain above the law.

.....Continue in next issue



# Meaning of Barack Obama's visit

Chitra Singh Rajput

President Barack Obama visit to India was the sixth visit by a US President to India since it became independent in 1947. The previous visits were of Dwight Eisenhower in 1959, Richard Nixon in 1969, Jimmy Carter in 1978, Bill Clinton in 2000 and George Bush in 2006. The US has realised that India is helping build the US economy, the rhetoric about 'outsourcing' notwithstanding. Indian investments in the US are increasing rapidly and creating jobs. According to some estimates by business chambers, Indian investment in the US has created 300,000 jobs in the US, many of them during the recession years. Economic compulsions pull the United States President Barack Obama toward India, as he announced a 10 billion dollars trade deals with the latter during his three day official trip. With his India trip that concluded on November 8, Obama attempted to create over 50,000 jobs for Americans. Its accords with India include 7.7 billion dollars contract supply of 30 Boeing aircraft, restrictions waived on Indian

space and defense manufacturers, trade barriers reduced on products ranging from retail to telecommunication. Obama, who finds himself into a more challenging situation at home with Republicans winning the Congress elections amid the weakening U.S. economy, is treading carefully to shore his democrat team to safety as the outcome would influence the next U. S. presidential polls. The trip was originally planned for Japan and South Korea, but two more populated countries, India and Indonesia were added to this "business safari" to convince Americans that he was on a job hunt spree for them. In a symbolic gesture a day before Obama's trip on Nov. 4, the U.S. treasury department imposed sanctions on already disbanded two Kashmir specific jihadi outfits: Lashkar-e-Taiba and Jaish-e-Muhammad and a key militant leader Azam Cheema for Nov. 26, 2008 Mumbai carnage. The issue of India's "Cold Start Doctrine" was not mentioned by Obama, a

major concern to Pakistan, particularly, when Pakistan was compelled to focus on its western border with Afghanistan, which "it is not designed for." On the other hand, India did not reduce pressure on Pakistan's eastern border with deployment of over half a million troops. Cold Start Doctrine is a military doctrine developed by the Indian Armed Forces. It involves joint operations between India's three services and integrated battle groups for offensive operations. A key component is the preparation of India's forces to be able to quickly mobilise and take offensive actions without crossing the enemy's nuclear-use threshold. With impending cuts in the US defence budget, US defence manufacturers are looking for opportunities in India. Undoubtedly, Indo-US defence cooperation has grown tremendously in the last few years. Over fifty joint exercises have been held. India has already decided to buy \$2.5 billion worth of defence equipment including C-130J and P-8I aircraft. Two US companies have bid for

the 126 advanced fighter aircraft. New defence deals will create new jobs in the US. However, the defence relationship so far remains a buyer-seller relationship. The Indo-US civil nuclear deal paves the way for nuclear energy renaissance. US nuclear suppliers are unhappy about the newly passed Indian nuclear liability bill, but the chances are that this problem will be sorted out as India takes a decision on signing the Convention on Supplementary Compensation for Nuclear Damage. If all goes well, India will emerge as a major force in the nuclear energy arena. This will create new, high tech capabilities in India. New jobs will be created here. India should not expect that the US will adjust its policies towards Pakistan, Afghanistan and China to suit India's interests. Here there will always be some divergence which cannot be wished away. Such a realisation will help keep expectations at a reasonable level.

## Mittal, two other Indians in Fortune's visionary list

Suraj Singh Rajput

Better known for his sprawling steel empire and mounds of wealth, Lakshmi Mittal has now been named as a visionary by Fortune magazine for extending support to help Indian athletes win Olympic medals. The league of eight individuals also features two other Indians—Rikin Gandhi, the chief of New Delhi-based NGO Digital Green, and Indrani Medhi, an executive at Microsoft India. Elaborating on the 'The Fortune Global Forum Visionaries' list, the magazine said it set out to find "eight trailblazers whose innovative contributions to emerging markets and developing nations are as significant as they are universal." The NRI billionaire has found a place in the list as the founder of Mittal Champions Trust that supports Indian athletes in as many as six sports. The publication said the England-based chief of the world's largest steel company ArcelorMittal plays a pivotal role in India's ongoing quest for the Olympic metals. "According to Mittal, the goal of the Mittal Champions Trust is to identify, support and enhance the performance of talented up-and-coming Indian athletes in six sports: track and field, shooting, wrestling, archery, boxing, and squash," the magazine noted.

The trust, started in 2005 with an initial funding of USD 9 million, supports over 60 Indian athletes, including the Olympic gold medalist and shooter Abhinav Bindra. "The next goal? Bring home at least five medals from the 2012 Olympics in London," the report said. The Rikin Gandhi-headed Digital Green teaches farmers in small villages the latest agricultural techniques with the help of multimedia presentations and personal demonstrations.

Quoting Gandhi, the magazine said, his effort is "ten times more effective per dollar spent in converting farmers to better farming practices than more traditional approaches".

Writing about Indrani Medhi, the publication said her research work is to "make assistance-free and useful interaction possible for any first-time, non-literate user of a PC or mobile phone". Medhi is an associate researcher (Technology for Emerging Markets Group) at Microsoft India.

The Nobel Prize winner and founder of Bangladesh's Grameen Bank Muhammad Yunus, International AIDS Vaccine Initiative's epidemiologist Seth Berkley and the Hong Kong-based sourcing firm Li & Fung Group's Victor and William Fung also feature in the list.

The Fortune has also named French business school HEC Paris' associate dean Valerie Gauthier and China South Locomotive and Rolling Stock Corporation chief Zhao Xiaogang among the eight visionaries.



## United Nations Security Council Reforms

One proposed change is to admit more members: the candidates usually mentioned are Japan, Germany, India and Brazil (the G4 nations). Britain, France and Russia support G4 membership in the UN Security Council. Italy has always opposed this kind of reform, and has submitted since 1992 another proposal, together with other countries, based on the introduction of semi-permanent membership. In addition South Korea opposed Japan; Pakistan opposes India; and Mexico and Argentina oppose Brazil, a Portuguese-speaking country in a largely Spanish-speaking Latin America. All these countries have traditionally grouped themselves in the so-called Coffee Club; officially Uniting for Consensus. India is a charter member of the United Nations and participates in all of its specialized agencies. It has contributed troops to UN peacekeeping efforts in the Korea, Egypt and Congo in earlier years and in Somalia, Angola and Rwanda in recent years, and more recently Haiti. India has been a member of the UN Security Council six terms, most recently from 1991 to 1992.

India has been elected six times to the UN Security Council, and is one of the countries that has served for the most number of years as an elected member. India has been seeking a permanent seat on the United Nations Security Council as a member of the G4, an organization composed of Brazil, Germany, Japan, and India, all who are currently seeking permanent representation. According to their proposal the UN Security Council should be expanded beyond the current fifteen members to include twenty-five members. If this actually happens, it would be the first time permanent Security Council status is extended to a South Asian nation and supporters of the G4 plan suggest that this will lead to greater representation of developing nations rather than the current major powers.

India makes a number of claims to justify its demand. India has the world's second largest population and is the world's largest liberal democracy. It is also the world's twelfth largest economy and fourth largest in terms of purchasing power parity. Currently, India maintains the world's third largest armed force. India is the third largest contributor of troops to United Nations Peacekeeping missions after Bangladesh and Pakistan. Although in absolute numbers the troops supplied by India is only 3000 more than that from Nepal, a small country in comparison with India. India was offered a permanent seat on the council 55 years ago, in 1955. But that offer, made by the United States and the Soviet Union was declined by India's first prime minister, Jawaharlal Nehru. Nehru said the seat should be given to China instead. The council seat then was held by Taiwan (ROC). This decision by Nehru is seen as a blunder and the loss of an opportunity to attain a stronger diplomatic stature by India.

If India were to accept this offer it would have required the United Nations charter to be amended to include India in place of Republic of China (Taiwan) in the Security Council or to expand the Council. It is not known whether the Taiwanese government representing China's current seat in the Security Council would have vetoed the amendment or accepted the amendment under US pressure as Taiwan was solely dependent on the US for its protection from mainland China. Although the U.S. and other permanent Council members were not very supportive of expanding the Security Council, in his visit to India President Obama has offered his support for India to become a permanent member of the Council. However the reaction from other Council members are not very clear, particularly from China. Thus it is uncertain whether the demands by G4 nations will be implemented anytime soon.



a sparse smattering of spectators through the leafy university complex in Panyu district, about 10 kilometers from downtown Guangzhou.

The two Japanese women led out of the swim leg, but then were involved in a five-way tussle for the lead in the cycle leg.

After four laps, Adachi and Tsuchihashi, Fan Dan of China, Jang Yun-jung of South Korea and Hoi Long of Macau were bunched, with Hoi and Fan in the chase group.

Hoi caught the pack and led for several kilometers at the hour-long mark of the race and into the sixth lap of the cycle before Jang powered away to lead out of the cycle leg transition in a time of 1:30.02, with Fan a second behind and Adachi two.

Adachi quickly made up the slight disadvantage, catching Jang within a half-kilometer and then taking a 20-meter lead that she easily extended, getting stronger as the run led progressed.

She led by more than 30 seconds going into the final lap.

Enkhjargal Tuvshinjargal of Mongolia was the 11th and last competitor to finish the race, crossing the line 36 minutes after Adachi.

## 2G Spectrum allotment scam

In a huge embarrassment to the UPA, the Comptroller and Auditor General of India (CAG) has held telecom minister A. Raja responsible for selling second generation (2G) spectrum at lower than market rates in 2008, causing a loss of over Rs 1.76 lakh crore to the exchequer. The CAG report on the alleged telecom scam says Raja ignored the advice of the finance ministry, the law ministry and the Telecom Commission while allocating the spectrum in an arbitrary manner. The CAG report has been submitted to the President and the finance ministry.

Currently Both the Lok Sabha and the Rajya Sabha plunged into turmoil over the issue. A united Opposition is set to embarrass the government in the Rajya Sabha tomorrow by seeking the removal of Raja. All Opposition parties have given notices for a motion on the removal of Raja, whose DMK party is a key constituent of the Congress-led government at the Centre. The Congress, on its part, has put the ball in DMK's court to decide on Raja's future. "While we assert that it is the Prime Minister's prerogative to decide upon his council of ministers, we will also keep in mind the coalition dharma," party spokesperson Jayanthi Natarajan told reporters.

Prime Minister Manmohan Singh is expected to take a decision on Raja's continuation in the Union cabinet after his return from the G20 meet in Seoul.

The CAG report said the price at which spectrum was allotted in 2008 was based on 2001 rates, which were quite low and had resulted in a loss to the exchequer. Nine firms were issued licences, bundled with start up 2G spectrum, in January 2008 at Rs 1,658 crore for pan-India operations.

The companies which were allotted spectrum include Unitech Wireless Ltd (rebranded as Uninor), Loop Telecom, S Tel, Datacom Services (now known as Videocon Mobile) and DB Group-promoted Swan Telecom (now Etisalat DB Telecom).

CAG draft audit reveals realty cos that was to benefit from the cheap 2G licences are not even eligible to apply for a telecom licence.

The report finds Unitech, which was awarded 2G licences for running mobile ops could not, under the law, carry out this business as its MOA & AOA state that it operates in the realty segment.

Narayanan asked Sri Lanka to stop seeking arms from China or Pakistan last year, saying India as the regional power would still meet its defence requirements.

Narayanan made an unscheduled visit to Colombo last year to ensure Sri Lanka did not become a cockpit of regional rivalry, as with Afghanistan where Islamabad feared Indian influence. This week, Indian Foreign Minister Pranab Mukherjee visited Sri Lankan President Mahinda Rajapaksa, and the two discussed safety measures for Tamils trapped in fighting between the army and Tamil Tigers separatists, and post-war reconstruction. The visit was also to cool tensions with Tamil Nadu politicians in India's ruling coalition who were sympathetic to the Tigers and demanded India broker a ceasefire.

### Summary

The strategic battle in Sri Lanka is seen as part of a wider power struggle in South Asia, involving not only India and Pakistan but also China, which seeks to gain influence in the important economic region. China has made strides developing strategic assets, like the Gwadar port in Pakistan, the Sri Lankan port of Hambantota and assets in Yangon, part of a strategy to protect shipping lanes.

Sri Lanka sits next to shipping lanes that feed 80 percent of China's and 65 percent of India's oil needs.

"There is a convergence of strategic interest in Sri Lanka among regional powers," said security analyst C Uday Bhaskar. But ignoring India may be hard for Sri Lanka, as the war appears to draw to a close, the focus is turning to the state of Sri Lanka's \$32 billion economy. Sri Lanka is suffering from costly short-term foreign debt. The war is expected to cost nearly \$2 billion this year. Indian investments in Sri Lanka have grown.

## India's Economy on Track

Government says that Indian economy is gaining momentum by the day and is on track to achieve the pre-economic crisis status soon. The Indian economy would touch the near 9 percent

Unitech, which had bagged the 2G licence for a mere ` 1,631 crore, made a killing by selling a 67 per cent stake to Telenor for ` 6,200 crore and rebranded itself as Uninor

Allianz Infratech is another real estate firm that has been identified for violating the conditions

Under the Companies Act, since telecom is not a business associated with realty, Unitech needed to seek the government's permission to change its AOA and find a new name

Further, these steps would have had to be approved by the Company Law Board ( CLB) before Unitech could become eligible to enter the telecom business and qualify to apply for a licence.

CAG report highlights the fact that at the time of applying for the licence in September, 2007 and when Unitech got the 2G licence in January, 2008 it was a real estate firm as stated in its AOA.

The auditor has also slammed the Telecom Regulatory Authority of India (TRI) for not stepping in to prevent the irregularities. The telecom ministry had, however, hit back at the CAG saying policy decisions cannot be "assailed" as arbitrary and refuted CAG's claim that spectrum was allocated in an arbitrary manner.

The Supreme Court had on October 29 pulled up the CBI, saying the agency was making tardy progress in its investigations.

## What is 2G spectrum?

It is a term used telecommunication sector. It is a spectrum which support 2G technology. High bandwidth is required for this purpose. 2G means second-generation wireless telephone technology. Second generation 2G cellular telecom networks were commercially launched on the GSM standard in Finland in 1991.

G has been superseded by newer technologies such as 2.5G, 2.75G, 3G, and 4G; however, 2G networks are still used in many parts of the world.

Three primary benefits of 2G networks over their predecessors were that phone conversations were digitally encrypted; 2G systems were significantly more efficient on the spectrum allowing for far greater mobile phone penetration levels; and 2G introduced data services for mobile, starting with SMS text messages.

2G technologies can be divided into TDMA-based and CDMA-based standards depending on the type of multiplexing used. The main 2G standards are:

" GSM (TDMA-based), originally from Europe but used in almost all countries on all six inhabited continents (Time Division Multiple Access). Today accounts for over 80% of all subscribers around the world. Over 60 GSM operators are also using CDMA2000 in the 450 MHz frequency band (CDMA450).[2]

" IS-95 aka cdmaOne (CDMA-based, commonly referred as simply CDMA in the US), used in the Americas and parts of Asia. Today accounts for about 17% of all subscribers globally. Over a dozen CDMA operators have migrated to GSM including operators in Mexico, India, Australia and South Korea.

" PDC (TDMA-based), used exclusively in Japan

" iDEN (TDMA-based), proprietary network used by Nextel in the United States and Telus Mobility in Canada

" IS-136 aka D-AMPS (TDMA-based, commonly referred as simply 'TDMA' in the US), was once prevalent in the Americas but most have migrated to GSM.

" 2G services are frequently referred as Personal Communications Service, or PCS, in the United States.

**Advantages**

" The lower power emissions helped address

growth rate in the near future.

After achieving 9 % growth rate for a number of years, there was sudden downfall to 6.5 % in 2008-9, due to global economic slowdown. But thanks to the resilience of the Indian economy, growth rate kept on increasing every year. It touched 7.4 %, followed by 8.8 % and now we hope to return to 9 % growth rate in the next year to move forward to a double digit figure.

The Finance Minister said that the phenomena to a number of factors, with underlying fundamentals of the economy being on the top. That this growth came about in a year when the country was faced with a sub-normal monsoon reflects the strengths of our economy's fundamentals and its underlying dynamics. This was cushioned by the impact of various fiscal and monetary policy measures taken by the Government and recovery, though at a slow rate, of the global economy.

The current growth of economy is more broad-based with growth improving in all the three sectors - industry, service and agriculture. He pointed out that a decline in the share of agriculture in GDP has only made the Indian economy more resilient to cyclical changes. Within the agriculture sector too, we have been able to counterbalance the impact of rainfall deficit. Unlike in the past, a major deficiency in monsoons does not necessarily lead to a negative growth or decline in agriculture production.

Fiscal deficit too is coming down. It is expected to come down to 5.5 % as proportion of GDP, in the current year. Last year it stood at 6.7 %. The medium term Fiscal Policy Statement 2010-11 has outlined a decline in fiscal deficit to 4.8 per cent of GDP in 2011-12 and 4.1 per cent of GDP in 2012-13. This reflects the governments concern for adopting fiscal consolidation through prudent methods. No wonder then, that India is slowly coming out of the stimulus era with tax rebates being withdrawn, gradually. The partial restoration of the



health concerns.

" Going all-digital allowed for the introduction of digital data services, such as SMS and email.

" Greatly reduced fraud. With analog systems it was possible to have two or more "cloned" handsets that had the same phone number.

" Enhanced privacy. A key digital advantage not often mentioned is that digital cellular calls are much harder to eavesdrop on by use of radio scanners. While the security algorithms used have proved not to be as secure as initially advertised, 2G phones are immensely more private than 1G phones, which have no protection against eavesdropping.

## Disadvantages

In less populous areas, the weaker digital signal may not be sufficient to reach a cell tower. This tends to be a particular problem on 2G systems deployed on higher frequencies, but is mostly not a problem on 2G systems deployed on lower frequencies. National regulations differ greatly among countries which dictate where 2G can be deployed.

Analog has a smooth decay curve, digital a jagged steppey one. This can be both an advantage and a disadvantage. Under good conditions, digital will sound better. Under slightly worse conditions, analog will experience static, while digital has occasional drop-outs. As conditions worsen, though, digital will start to completely fail, by dropping calls or being unintelligible, while analog slowly gets worse, generally holding a call longer and allowing at least a few words to get through.

While digital calls tend to be free of static and background noise, the lossy compression used by the codecs takes a toll; the range of sound that they convey is reduced. You'll hear less of the tonality of someone's voice talking on a digital cellphone, but you will hear it more clearly.

## 3G or 3rd Generation

3G or 3rd Generation, is a generation of standards for mobile phones and mobile telecommunications services fulfilling specifications by the International Telecommunication Union. Application services include wide-area wireless voice telephone, mobile Internet access, video calls and mobile TV, all in a mobile environment. Compared to the older 2G and 2.5G standards, a 3G system must allow simultaneous use of speech and data services, and provide peak data rates of at least 200 kbit/s according to the IMT-2000 specification. Recent 3G releases, often denoted 3.5G and 3.75G, also provide mobile broadband access of several Mbit/s to laptop computers and smartphones.

The following standards are typically branded 3G:

" The UMTS system, first offered in 2001, standardized by 3GPP, used primarily in Europe, Japan, China (however with a different radio interface) and other regions predominated by GSM 2G system infrastructure. The cell phones are typically UMTS and GSM hybrids. Several radio interfaces are offered, sharing the same infrastructure:

" The original and most widespread radio interface is called W-CDMA.

" The TD-SCDMA radio interface, was commercialised in 2009 and is only offered in China.

" The latest UMTS release, HSPA+, can provide peak data rates up to 56 Mbit/s in the downlink in theory (28 Mbit/s in existing services) and 22 Mbit/s in the uplink.

" The CDMA2000 system, first offered in 2002, standardized by 3GPP2, used especially in North America and South Korea, sharing infrastructure with the IS-95 2G standard. The cell phones are typically CDMA2000 and IS-95 hybrids. The latest release EVDO Rev B offers peak rates of 14.7 Mbit/s

tax cuts, compression in expenditure coupled with revenue from 3G auction and disinvestment would help in meeting fiscal targets for the current year.

Gross Tax Revenue has so far grown by 27.3 per cent, against a negative (-) 11.6 per cent last year. The total revenue receipt has increased by 85.0 per cent. Last year, it was a negative (-) 2.7 per cent. Total expenditure has grown by 30.4 per cent, as against 22.8 per cent achieved last year.

On the inflation front too there has been progress. The year 2010-11 started off with a headline inflation of 11.0 per cent in April. After remaining in double digits up to June 2010, it has moderated to reach 8.6 per cent in September 2010. It has come down to single digit level in all the three major groups- industrial workers, agricultural labour and rural labour. The main driver of inflation has been the high food prices. Measures taken by the Government to tackle the problem included, selective ban on exports and futures trading in rice and some pulses, zero import duty on select food items and removal of restrictions on licensing, stock limits and movement of food articles under the Essential Commodities Act. The Government permitted import of pulses and sugar by public sector undertakings and a higher quota of non-levy sugar was released.

In the export sector too the story is equally impressive. Exports jumped by a record 23 % in September, fastest in the last two years. Between April to September, exports aggregated to \$103.3 billion, marking a 27 .6 % increase from the period, a year ago. It is because of this performance that the Commerce Minister Shri Anand Sharma recently expressed confidence that the country would be able to achieve the export target of \$200 billion in the current fiscal. Of course, imports too are on the rise, causing a trade deficit of \$13 billion in August, but that is a temporary phenomenon.

The Reserve Bank of India (RBI) also took measures as part of the monetary policy. It raised its

downstreams.

In 2008, India entered into the 3G arena with the launch of 3G enabled Mobile and Data services by Bharat Sanchar Nigam Ltd. (BSNL) in Bihar (Patna). BSNL is the first Mobile operator in India to launch 3G services. Later, MTNL launched 3G in Mumbai & Delhi. Government owned Bharat Sanchar Nigam Ltd (BSNL) has already been provided with a 3G license and has been operating its services in 380 cities by the end of March 2010. Nation wide auction of 3G wireless spectrum in April 2010 was announced. The auction fetched huge sums of money for the Government of India, estimated to be around Rs 35,000/- Crore (\$7.6 billion). The total revenue collected by the Government was nearly Rs 1,06,000 Crore (\$23 billion). Private provider Tata Docomo launched this services during Diwali (Season in November 2010). Airtel is expected to launch 3G services before end of 2010 while Vodafone by end of January 2011.

## 4G or 4th Generation

4G refers to the fourth generation of cellular wireless standards. It is a successor to 3G and 2G families of standards. A 4G system is expected to provide a comprehensive and secure all-IP based solution where facilities such as ultra-broadband (giga-bit speed) Internet access, IP telephony, gaming services, and streamed multimedia may be provided to users.

Pre-4G technologies such as mobile WiMAX and first-release 3G Long term evolution (LTE) have been available on the market since 2006 and 2009 respectively, and are often branded as 4G. Current versions of these technologies do not fulfill the ITU-R requirements of data rates approximately up to 1 Gbit/s for 4G systems.

In all suggestions for 4G, the CDMA spread spectrum radio technology used in 3G systems and IS-95 is abandoned and replaced by frequency-domain equalization schemes, for example multi-carrier transmission such as OFDMA. This is combined with MIMO (Multiple In Multiple Out), e.g., multiple antennas, dynamic channel allocation and channel-dependent scheduling.

## History of 4G and pre-4G technologies

In 2002, the strategic vision for 4G - which ITU designated as IMT-Advanced - was laid out.

In 2005, OFDMA transmission technology is chosen as candidate for the HSOPA downlink, later re-named 3GPP Long Term Evolution (LTE) air interface E-UTRA.

In November 2005, KT demonstrated mobile WiMAX service in Busan, South Korea.

In June 2006, KT started the world's first commercial mobile WiMAX service in Seoul, South Korea.

In mid-2006, Sprint Nextel announced that it would invest about US\$5 billion in a WiMAX technology buildout over the next few years (\$5.4 billion in real terms. Since that time Sprint has faced many setbacks, that have resulted in steep quarterly losses. On May 7, 2008, Sprint, Imagine, Google, Intel, Comcast, Bright House, and Time Warner announced a pooling of an average of 120 MHz of spectrum; Sprint merged its Xohm WiMAX division with Clearwire to form a company which will take the name "Clear".

In February 2007, the Japanese company NTT DoCoMo tested a 4G communication system prototype with 4x4 MIMO called VSF-OFCDM at 100 Mbit/s while moving, and 1 Gbit/s while stationary. NTT DoCoMo completed a trial in which they reached a maximum packet transmission rate of approximately 5 Gbit/s in the downlink with 12x12 MIMO using a 100 MHz frequency bandwidth while moving at 10 km/h, and is planning on releasing the first commer-

key policy rates since April, 2009. On September 16 last, it raised the repo rate to 6.0 per cent and reverse repo rate to 5.0 per cent to check liquidity in the market.

A strong domestic demand and robust investment climate in the country has resulted in a surge in capital inflows which has put pressure on the Rupee, resulting in its appreciation in the last few months. But the finance Minister is not at all disturbed by it. He says huge FII inflows reflect foreigner's confidence in the Indian growth story. Appreciation of the Rupee he believes is not abnormal. The Government thus seems to be inclined to face the situation as in the past, without taking stringent policy measures.

## Fiat money

The Fiat money term derives from the Latin fiat, meaning “let it be done”, as the money is established by government decree. Where fiat money is used as currency, the term fiat currency is used. Today, most national currencies are fiat currencies, including the US dollar, the euro, and all other reserve currencies, and have been since the Nixon Shock of 1971. The term fiat money is used to mean:

· Any money declared by a government to be legal tender.

· State-issued money which is neither legally convertible to any other thing, nor fixed in value in terms of any objective standard.

· Money without intrinsic value.

## Taliban to launch media regulatory authority

The Taliban will soon launch their own “media regulatory authority” to monitor press and TV reports to prevent “false” statements about Islam, a militant spokesman said on Sunday, warning that a second-time violator of its media guidelines will “be executed”.

In an email sent to journalists, Taliban Media Centre spokesman Muhammad Omer said the militants were working on the “Taliban Media



cial network in 2010.

In September 2007, NTT Docomo demonstrated e-UTRA data rates of 200 Mbit/s with power consumption below 100 mW during the test.

In January 2008, a U.S. Federal Communications Commission (FCC) spectrum auction for the 700 MHz former analog TV frequencies began. As a result, the biggest share of the spectrum went to Verizon Wireless and the next biggest to AT&T. Both of these companies have stated their intention of supporting LTE.

In January 2008, EU commissioner Viviane Reding suggested re-allocation of 500-800 MHz spectrum for wireless communication, including WiMAX.

February 15, 2008 - Skyworks Solutions released a front-end module for e-UTRAN.

In April 2008, LG and Nortel demonstrated e-UTRA data rates of 50 Mbit/s while travelling at 110 km/h.

In 2008, ITU-R established the detailed performance requirements of IMT-Advanced, by issuing a Circular Letter calling for candidate Radio Access Technologies (RATs) for IMT-Advanced.

April 2008, just after receiving the circular letter, the 3GPP organized a workshop on IMT-Advanced where it was decided that LTE-Advanced, an evolution of current LTE standard, will meet or even exceed IMT-Advanced requirements following the ITU-R agenda.

On 3 March 2009, Lithuanian's LRTC announcing the first operational "4G" mobile WiMAX network in Baltic states.

In December 2009, Sprint began advertising "4G" service in selected cities in the United States, despite average download speeds of only 3-6Mbps with peak speeds of 10Mbps (not available in all markets).

On December 14, 2009, the first commercial LTE deployment was in the Scandinavian capitals Stockholm and Oslo by the Swedish-Finnish network operator TeliaSonera and its Norwegian brandname NetCom (Norway). TeliaSonera branded the network "4G". The modem devices on offer were manufactured by Samsung (dongle GT-B3710), and the network infrastructure created by Huawei (in Oslo) and Ericsson (in Stockholm). TeliaSonera plans to roll out nationwide LTE across Sweden, Norway and Finland. TeliaSonera used spectral bandwidth of 10 MHz, and single-in-single-out, which should provide physical layer net bitrates of up to 50 Mbit/s downlink and 25 Mbit/s in the uplink. Introductory tests showed a TCP throughput of 42.8 Mbit/s downlink and 5.3 Mbit/s uplink in Stockholm.

On 25 February 2010, Estonia's EMT opened LTE "4G" network working in test regime.

On 5 June 2010, Sprint Nextel released the first 4G Smartphone, the HTC Evo 4G.

On July 2010, Uzbekistan's MTS deployed LTE in Tashkent. On 25 August 2010, Latvia's LMT opened LTE "4G" network working in test regime 50% of territory.

## Venezuela harbours rebel groups

The Colombian defence minister has said that intelligence sources now have irrefutable evidence of rebel bases in neighbouring Venezuela. Gabriel Silva said that intelligence agencies had gathered grid references of rebel camps in Venezuela. He said the evidence proved the “permanent toleration” of rebel groups like the Farc and ELN by Caracas.

The minister added that the guerrilla presence there was a direct threat to the national security of Colombia.

Regulatory Authority”, which would be “operational in the next few days”.

“Its main objective is to monitor the media closely so that not a single false statement regarding Islam and Islamic ideologies should be broadcast nor any disputed matter could be discussed in media,” the statement said.

Anyone violating the Taliban’s media guidelines for the first time would be fined, Omer said. Anyone who commits a second violation will “be executed while taking the suo moto action,” he added. Omer said other details of the regulatory authority “will be given shortly.”

He also sought suggestions and comments from journalists, and assured that the Taliban would respond to any questions.

The spokesman claimed TV channels and newspapers were working as allies of the government and intelligence agencies.

They should “be prepared for what they deserved”, he added. Omer also indicated that the decision to set up a media regulatory authority was a response to the media’s failure to highlight the Taliban Media Centre’s statement distancing the militants from last week’s suicide attack on the Data Darbar shrine in Lahore

## World’s largest gold coin auction

The world’s largest gold coin ‘Maple Leaf 2007’ was sold at auction for USD 4.03 million. Spanish precious metals trading company Oro Direct bought the 100-kilogram Canadian coin which has a face value of CAD 1 million. The auction was held on Friday.

Measuring 53 centimetres in diameter and with a purity of 99.999 per cent, it is listed in the current edition of the Guinness Book of Records as the world’s biggest gold coin. The front side of the coin displays Queen Elisabeth II and the reverse shows three maple leaves, the national symbol for Canada. There are five Maple Leaf 2007 coins worldwide. One is owned by Queen Elisabeth II, two belong to unidentified

“We have overwhelming evidence of the presence, including from today, of a terrorist presence in Venezuela,” announced Mr Silva.

He said that Bogota has video recordings and the exact grid coordinates not only of Farc (Revolutionary Armed Forces of Colombia) camps, but those of the smaller ELN (National Liberation Army).

He asserted that he knew of a member of the Farc ruling body who goes by the name of Ivan Marquez conducting a meeting of rebel leaders in Venezuela even as he spoke.

Colombian President Alvaro Uribe hands over power to his successor and his former Defence Minister Juan Manuel Santos in less than three weeks.

It seems with these declarations that he has decided to cast diplomatic caution aside and to try to force Venezuela into taking action against the Marxist rebels.

Venezuelan President Hugo Chavez froze diplomatic relations with Bogota in July last year over the issue of US military bases in Colombia.

Mr Chavez is unlikely to respond positively to this new public and high-profile onslaught from Colombia.

## Goldman Sachs agrees record \$550m fine

US bank Goldman Sachs has agreed to pay \$550m (£356m) to settle civil fraud charges of misleading investors. The charges concerned Goldman’s marketing of mortgage investments as the US housing market faltered.

US finance watchdog the Securities and Exchange Commission said it was the biggest fine for a bank in its history. The UK’s Royal Bank of Scotland, which is now 84% owned by the UK taxpayer and lost about \$840m in investments, will receive \$100m compensation.

German bank IKB Deutsche Industriebank will receive \$150m, with the remaining \$300m going to the US Treasury. Terms of the settlement are subject to approval by a federal judge.

The SEC said Goldman had acknowledged that marketing material contained “incomplete information”. In a statement, Goldman did not admit legal wrongdoing but said the move was “the right outcome for our firm, our shareholders and our clients”.

Despite the record fine, Goldman shares rose by 4.5%, reflecting the fact that many analysts felt the firm had got off lightly.

“They pay \$550 million and they get an \$800 million pop in their stock price... they got off easy,” said Kevin Caron at Stifel, Nicolaus & Co.

Goldman made a profit of \$3.5bn in the first three months of this year.

In April, the SEC charged Goldman with failing to disclose “vital information” that one of its clients, Paulson & Co, helped to choose which securities were packaged into a mortgage portfolio that was then sold to investors in 2007. It claimed Goldman did not disclose that Paulson, one of the world’s largest hedge funds, had bet that the value of the securities would fall.

The SEC alleged that investors in the mortgage securities, packaged into a vehicle called Abacus, lost more than \$1bn (£650m) in the US housing market collapse.

Goldman, arguably the world’s most prestigious investment bank, had escaped relatively unscathed from the global financial meltdown.

investors in Dubai and the whereabouts of the fifth is unknown. The former owner, the Austrian investment group AvW Invest, which filed for insolvency earlier this year, ordered the auction in the Vienna-based Dorotheum, which is central Europe’s largest auction house.

## Two Indian-Americans appointed in White House

Two Indian-Americans - Pat Basu and Sunny Ramchandani - were among 13 candidates who were selected for the prestigious White House Fellow for the year 2010-2011. While Pat Basu is a radiologist at Stanford University and the Palo Alto Virginia, Sunny Ramchandani is a Lieutenant Commander and physician in the United States Navy.

This unique position in our nation’s government encourages active citizenship and service to the nation. The Fellows also take part in an education programme designed to broaden their knowledge of leadership, policy formulation, military operations, and current affairs. Community service is another important component of the programme, and Fellows participate in service projects throughout the year. At Stanford, Basu is Course Director of Health Policy, Finance and Economics, and lectures nationally and internationally on these areas of expertise. He was named the Consultant Physician of the Year at Stanford in 2009, where he served as Chief Resident Physician in 2008. He received the AMA’s National Excellence in Medicine Award for Leadership in 2007.

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