

## IT'S CENTRE'S CALL, SAYS SC ON MENSTRUAL LEAVE POLICY



 **There are different dimensions to the issue, we will leave it to the policy makers. Let them first formulate a policy, we will consider it then**

**D.Y. CHANDRACHUD**  
Chief Justice of India

*Petitioner can approach the Ministry of Women and Child Development, says Bench, which also flagged the concern that such leave can act as a 'disincentive' for those who want to hire women*

The Supreme Court said on Friday that there are different "dimensions" to menstrual pain leave, which though being a biological process, may also act as a "disincentive" for employers from engaging women in their establishments.

A three-judge Bench led by Chief Justice of India D.Y. Chandrachud asked

the petitioner to approach the Union Ministry of Women and Child Development Ministry to frame a policy.

The court was hearing a petition filed by Shailendra Mani Tripathi, represented by advocate Vishal Tiwari, seeking a direction to States to frame rules for granting menstrual pain leave for students and working women.

### Caution note

However, the court was also intrigued by a caveat filed by a law student, Anjale Patel, represented by advocate Satya Mitra, who raised a flip side to such a move.

"The law student says that if you compel employers to grant menstrual pain leave, it may operate as a de facto disincentive for employers to engage women in their establishments... This has a policy dimension," Chief Justice Chandrachud observed.

Mr. Tiwari said menstruation was a biological process and women should not be discriminated against in educational institutions and workplaces.

"We are not denying it... But the student says that is what employers may do in actual practice. There are different dimensions to the issue, we will leave it to the policy makers. Let them first formulate a policy, we will consider it then," Chief Justice Chandrachud said.

"Having regard to the policy dimensions involved in the matter, we are of the considered view that the petitioner make a representation to the Ministry of Women and Child Development, which may take an appropriate decision on the grievance of the petitioner," the court recorded in its

order.

Mr. Tiwari said Bihar and Kerala are the only States that allow menstrual pain leave. He had sought a direction from the court under Section 14 of the Maternity Benefit Act, 1961.

Section 14 deals with appointment of inspectors and says appropriate governments may appoint such officers and may define the local limits of jurisdiction within which they shall exercise their functions under this law.

The plea said countries like the United Kingdom, China, Wales, Japan, Taiwan, Indonesia, South Korea, Spain and Zambia were already providing menstrual pain leave in one form or the other.

"Ironically, the most disappointing aspect in the direction of respecting the rights of working women, is that in spite of a provision under section 14 of the Maternity Benefit Act, 1961, that there will be an inspector for a particular area to monitor the implementation of provisions, no government in India has created the post of inspectors, forget about the appointment of such inspectors," the plea claimed.

It said the various provisions of the 1961 Act recognise and respect motherhood and maternity of working women.

"In spite of provisions to take care of women in difficult stages of her maternity, the very first stage of the maternity, the menstrual period, has been knowingly or unknowingly ignored by society, the legislature and other stakeholders in society except a few organisations and State governments," the petition said.

## 'INDIA-EU FREE TRADE PACT TO TAKE LONGER'

Union Commerce Minister Piyush Goyal said a free trade agreement with the European Union (EU) will take longer as negotiations with the 27-country bloc will be prolonged.

Active negotiations for the FTAs (free trade agreements) are ongoing with two-three countries and the EU, Mr. Goyal said at a FICCI event.

"EU will take a longer time, because there are 27 countries which have to come on the same page," the Minister said.

Last year, India signed FTAs with Australia and the United Arab Emirates.

Mr. Goyal said the government was planning to come out with a production-linked incentive scheme for the finished goods sector, but did not elaborate on the same.

### NCLAT grants Zee breather in IBC case

In a major relief for media major Zee Entertainment Enterprises Ltd., the National Company Law Appellate Tribunal (NCLAT) stayed the insolvency proceedings initiated against it earlier this week.

The matter pertains to a default of ₹89 crore by Essel Group's multisystem operator arm Siti Networks claimed by IndusInd Bank, for which Zee Entertainment was a guarantor.

The NCLAT order is a major reprieve for Zee Entertainment, which is merging with rival Culver Max Entertainment, formerly Sony Pictures Networks India, creating



Piyush Goyal

India's biggest media empire.

### Awaits NCLT nod

The firm has secured approvals from shareholders, creditors, bourses and the CCI, and a final go-ahead from the NCLT is awaited.

IndusInd had approached the NCLT claiming financial debt of around ₹92 crore. However, this was challenged by Zee Entertainment by filing another appeal against the maintainability of the petition by the bank.

## CHINA CALLS FOR RUSSIA AND UKRAINE CEASEFIRE, HITS OUT AT 'BLOCS' IN NEW POSITION PAPER



### China's top diplomat Wang Yi visited Russia this week.

China has called on all parties to support Russia and Ukraine in reaching "a comprehensive ceasefire", as Beijing on Friday put out a new position paper spelling out its stand on the crisis. Released on the one-year anniversary of the Russian invasion, the paper reflected Beijing's approach of, on the one hand, saying it supported the "sovereignty" of all countries, while on the other, criticising the West and NATO, suggesting implicitly that their actions had been responsible for triggering the invasion. The U.S. has criticised Beijing for its continued close relations with Russia.

"Sovereignty, independence and territorial integrity of all countries must be effectively upheld," the paper said, while adding that "the security of a region should not be achieved by strengthening or expanding military blocs." On the way forward, it said China's view was that "conflict and war benefit no one" and "all parties should support Russia and Ukraine in working in the same direction and resuming direct dialogue as quickly as possible, so as to gradually deescalate the situation and ultimately

reach a comprehensive ceasefire.”

On this count, the positions of India and China have been broadly similar, calling for diplomacy without criticising Russia. Both have also sought to flag food security concerns of the Global South. The paper called on all parties “to implement the Black Sea Grain Initiative signed by Russia, Turkey, Ukraine and the UN fully and effectively in a balanced manner.”

The prominent difference in the two countries’ positions has been with regard to China’s repeated criticism of NATO, which, for Western observers, has raised questions on its ability to play any role as a possible mediator. Top Chinese diplomat Wang Yi’s visit to Russia this week, and recently frequent declarations by both sides that relations were currently in their “best period in history”, have reinforced those questions.

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## NOT NEUTRAL

*India cannot be seen as dithering on issues of any nation’s sovereignty*

Nearly one year to the date of Russian President Vladimir Putin’s launch of attacks on Ukraine (February 24, 2022), the UN General Assembly’s vote on the latest resolution to criticise Russia resulted in 141 votes in favour, seven against (it includes Russia) and 32 abstentions (it includes India and China). The resolution, or a call for a “just and lasting peace”, that was eventually sponsored by more than 70 countries, demanded an immediate cessation of hostilities, and appealed for accountability at international courts for rights violations and war crimes. Significantly, the sponsors, led by the U.S., its allies, and European Union countries, did not call for peace talks — something Ukrainian President Volodymyr Zelenskyy does not favour at present, given the status quo advantage that lies with Russian forces having laid claim to about one-fifth of Ukrainian territory. Two amendments suggested by Russia’s ally Belarus, to replace the term “invasion” with what Russia calls “Special Military Operations”, and to call for dialogue immediately, were rejected. As a result, although there is a military stalemate in Ukraine, casualties continue to rise, and western sanctions have not found favour with much of the world, Ukraine and NATO countries called the vote a major victory — much like they had in a similar vote, on March 2, 2022. In spite of several attempts by the U.S. and the European countries, India abstained, which it has consistently done

since last year on any resolution at key UN bodies that has been critical of Russia. In explanations by External Affairs Minister S. Jaishankar at international fora — some of which were reiterated by India’s UN envoy on Thursday — the Modi government has asserted its strategic autonomy, citing its traditional relationship with Moscow, its initial concerns of becoming a party to the conflict while Indian students were caught in the middle, stressing that “diplomacy and dialogue” are the only way forward, and claiming that it is required to maintain a “neutrality” of sorts to leave space for mediation. While its decision to reject unilateral western sanctions on Russia and increase trade in fuel and fertilizers with Moscow can be explained by its desire for independent decision making, it is becoming increasingly hard for New Delhi to hold that abstaining from voting at the multilateral stage is a principled stand. It has become very clear that this is indeed a Russian invasion of its smaller, sovereign neighbour, one that has not been halted despite Russia gaining its initially announced strategic goals. Prime Minister Modi’s celebrated statement that “this era is not of war” has not been heeded by President Putin, and it is unclear if Ukraine sees India as an unbiased mediator. India has proven over decades that it will not vote under duress, yet the global and regional leadership that New Delhi claims cannot come from appearing diffident over basic principles of sovereignty and territorial integrity.

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## NAVY SUBMARINE DOCKS IN INDONESIA



*Maritime ties: INS Sindhukesari during its visit to Jakarta, Indonesia, from February 22 to 24. ANI*

through the Sunda Strait and undertook the maiden docking in Indonesia for Operational Turnaround (OTR), a defence source said. Naval ships regularly make port calls to countries in the region, the source added.

The OTR in Jakarta, over 2,000 nautical miles away from its home base in Visakhapatnam, significantly expands the area operational reach of the submarine arm near crucial shipping lanes and the strategic Malacca

In line with the expanding military cooperation with South East Asian nations, an Indian Navy Kilo class conventional submarine, INS Sindhukesari, docked in Jakarta, Indonesia, for the first time from February 22 to 24.

“Highly enriching engagements with the Indonesian Navy conducted during port call, strengthening maritime partnership between India and Indonesia towards safer and secure Indo-Pacific,” the Navy said on Twitter.

The submarine, which was on operational deployment, travelled

through the Sunda Strait. In the past, Indonesia gave access to its Sabang port to Indian Naval ships for operational turnaround.

India has steadily expanded its defence and security cooperation with countries in the region, many of which are engaged in disputes with China in the South China Sea.

In recent years, India has signed logistics support agreements with several countries to enhance reach of military assets.

## CYBERATTACKS ARE RISING, BUT THERE IS AN IDEAL PATCH

*Anil K. Antony is a technology entrepreneur and a Munich Young Leader, 2023, Korber Stiftung and Munich Security Conference*

The past few weeks have highlighted the soft underbelly of our fast expanding digital networks. The first was the ransomware attack on the servers of India’s premium institute, the All India Institute of Medical Sciences. Nearly 40 million health records were compromised and it took over two weeks for the systems to be brought online. Soon afterwards, a ransomware gang, BlackCat, breached the parent company of Solar Industries Limited, one of the Ministry of Defence’s ammunition and explosives manufacturers, and extracted over 2 Terabyte of data.

### Growing vulnerability

Ransomwares have emerged as the most predominant of malicious cyberattacks. Here, the perpetrators demand hefty payments for the release of withheld data. Data show that over 75% of Indian organisations have faced such attacks, with each breach costing an average of ₹35 crore of damage. There are other malwares that could infect all kinds of computer systems. With the lines between the physical and digital realms blurring rapidly, every critical infrastructure, from transportation, power

and banking systems, would become extremely vulnerable to the assaults from hostile state and non-state actors.

Cyber capabilities are also playing a pivotal role, as seen in the ongoing conflict in Ukraine, where electronic systems in warheads, radars and communication devices have reportedly been rendered ineffective using hacking and GPS jamming. With cyber threats capable of undermining our critical infrastructure, industry and security, a comprehensive cyber security policy is the need of the hour.

In 2022, the Indian Computer Emergency Response Team (CERT-In), which is India’s cybersecurity agency, introduced a set of guidelines for organisations to comply with when connected to the digital realm. This included the mandatory obligation to report cyberattack incidents within hours of identifying them, and designating a pointsperson with domain knowledge to interact with CERT-In. India’s draft Digital Personal Protection Bill 2022 proposes a penalty of up to ₹500 crore for data breaches. Recently, India’s armed forces created a Defence Cyber Agency (DCyA), capable of offensive and defensive manoeuvres. All Indian States have their own cyber command and control centres. However, most organisations lack the tools to identify cyber-

attacks, let alone prevent them. India also faces an acute scarcity of cybersecurity professionals. India is projected to have a total workforce of around 3,00,000 people in this sector in contrast to the 1.2 million people in the United States.

Most of our organisations are in the private sector, and their participation remains limited in India's cybersecurity structures. They would be advised to look at the Digital Geneva Convention, where over 30 global companies have signed a declaration to protect users and customers from cyber breaches, and collaborate with like-minded intergovernmental and state frameworks. With the introduction of 5G and the arrival of quantum computing, the potency of malicious software, and avenues for digital security breaches would only increase. India's cybersecurity strategy would do well not to overlook these actualities and trends.

### Global understanding is essential

With most cyberattacks originating from beyond our borders, international cooperation would be critical to keep our digital space secure. It would also be a cause which would find resonance abroad. This year, cyber-crimes are expected to cause damage worth an estimated \$8 trillion worldwide. India has already signed cybersecurity treaties, where the countries include the United States, Russia, the United Kingdom, South Korea and the European Union. Even in multinational frameworks such as the Quad and the I2U2 (which India is a member of) there are efforts to enhance cooperation in cyber incident responses, technology collaboration, capacity building,

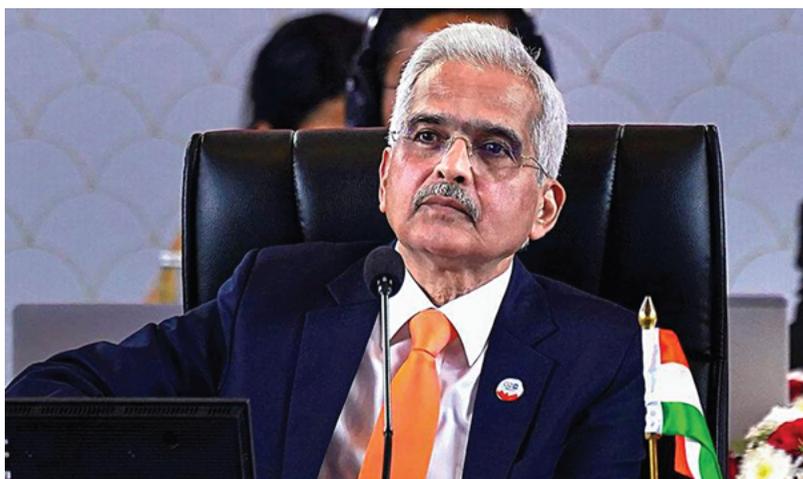
and in the improvement of cyber resilience. Yet, there is no truly global framework, with many operating in silos.

Previous years have seen the United Nations General Assembly establish two processes on the issues of security in the information and communication technologies (ICT) environment. One is the Open-ended Working Group (OEWG), comprising the entire UN membership, established through a resolution by Russia. The other is the resolution by the U.S., on the continuation of the Group of Governmental Experts (GGE), comprising 25 countries from all the major regions. The two antagonistic permanent members of the UN Security Council, counted among India's most important strategic partners, differ vastly on many aspects of the Internet, including openness, restrictions on data flow, and digital sovereignty. Yet, based on adoption, member-states have found the two resolutions to be complementary, and not mutually exclusive. Amidst the turbulent current world events, these UN groups would struggle to have effective dialogues.

### Tap the G-20 summit

The G-20 summit this year in India, which will see participation by all the stakeholders driving the global levers of power, is a rare opportunity to bring together domestic and international engagement groups across the spectrum, and steer the direction of these consultations. India could make an effort to conceptualise a global framework of common minimum acceptance for cybersecurity. This would be one of the most significant contributions made by any nation towards collective security in modern times.

## 'UNCERTAINTY STAYS, BUT GLOBAL ECONOMIC OUTLOOK IMPROVING'



*All hands on deck: The effort will be to entrench faith in G20 as a multilateral forum to address global challenges, says Das. PTI*

*There is now greater optimism that the world may avoid a deep recession and only experience slow growth or a softer recession, says Reserve Bank Governor Shaktikanta Das*

The global economic outlook has improved in recent months, but uncertainties still remain, RBI Governor Shaktikanta Das said on Friday as he called upon G20 nations to resolutely address the challenges, including debt distress and threats to financial stability, confronting world economies. Addressing the inaugural session of the meeting of G20 finance ministers and central bank governors (FMCBG), Mr. Das said the outlook for the global economy has improved in recent months. "There is now greater optimism that the world may avoid a deep recession and only experience slow growth or a softer recession. Yet uncertainties lie ahead of us." The International Monetary Fund had in its January update of the World Economic Outlook said although the global economy is poised to slow this year, before rebounding next year, the outlook is less gloomy than in its October forecast, and could represent a turning point, with growth bottoming out and inflation declining.

*The FMCBG meeting is the first major meeting of G20 under India's Presidency.*

## NSE INDICES UNVEILS MUNICIPAL BOND INDEX



NSE Indices Ltd., an arm of NSE, said it had introduced the country's first municipal bond index.

The Nifty India Municipal Bond Index will track the performance of municipal bonds issued by Indian municipal corporations across maturities and having investment grade credit rating, NSE Indices said in a statement. Presently, the index has 28 municipal bonds issued by 10 issuers, all having AA credit ratings. The index constituents are assigned weights based on the outstanding amounts.

Raising money from capital markets incentivises municipal corporations to fund new projects and improve civic infrastructure while encouraging them to become financially disciplined and governance oriented. The index is computed using the total return methodology.

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