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## **Ease of Doing Business: A.P., Telangana top in 2016 all- India ranking**

Commerce and Industry Minister Nirmala Sitharaman released the report on State-wise Ease of Doing Business rankings on Monday.

The rankings are on the basis of 340-point business reform action plan and their implementation by the States. This covers the period from July 1, 2015 to June 30, 2016.

Andhra Pradesh and Telangana topped the all-India ranking with 98.78 per cent each, followed by Gujarat with 98.21 per cent; Chhattisgarh with 97.32 per cent and Madhya Pradesh with 97.01 per cent.

Haryana ranked sixth with 96.95 per cent followed by Jharkhand with 96.57 per cent; Rajasthan with 96.43 per cent; Uttarakhand with 96.13 per cent and Maharashtra completed the top 10 with 92.86 per cent.

At least 32 States and Union Territories submitted evidence of implementation of 7,124 reforms. These submissions were

reviewed by the World Bank team and validated by the Department of Industrial Policy and Promotion's (DIPP's) team. Gujarat slipped to third position from the first rank last year. The national implementation average stands at 48.93 per cent, significantly higher than last year's national average of 32 per cent, according to a DIPP statement. This demonstrates the great progress made by States this year, said the statement.

The laggards falling in the "jump start needed" category with an implementation percentage of 0-40 per cent include Kerala, Goa, Tripura, Daman and Diu, Assam, Dadra and Nagar Haveli, Puducherry, Nagaland, Manipur, Mizoram, Sikkim, Arunachal Pradesh, Jammu and Kashmir, Chandigarh, Meghalaya, Andaman and Nicobar Islands, and Lakshadweep.

Ms. Sitharaman said that the govt is set to launch a new index on "agricultural marketing & farm-friendly reforms" this year. "We are looking at broad-basing the reform drive," Ms. Sitharaman said.

"There is a healthy competition among States on ease of doing business index," she noted, adding that "these indices are important aspects in the government's agenda to transform India."

While last year only seven States had implemented over 50 per cent of the total reform points and no State had an implementation percentage of over 75%, this year 17 States crossed the 50 per cent implementation mark and 16 states have an implementation percentage of over 75 per cent.

The top 10 States scoring on the agricultural marketing & farmer-friendly reforms index are: Maharashtra with 81.7 per cent, followed by Gujarat with 71.5 per cent; Rajasthan with 70 per cent; MP with 69.5 per cent; Haryana with 63.3 per cent; Himachal Pradesh with 59.5 per cent; A.P. with 56.2 per cent; Karnataka with 55.5 per cent; Telengana with 54.3 per cent and Goa with 52.8 per cent.

Keywords: [Ease of Doing Business](#), [all-India ranking](#), [Nirmal Sitharaman](#),

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# Range of BrahMos to be doubled

With MTCR membership, the missile can be modified to reach 600 km

India and Russia have agreed to double the range of the BrahMos supersonic cruise missile that the two produce together.

This follows India's recent accession to the Missile Technology Control Regime (MTCR). Earlier, India was denied access to the missile technology with range over 300 km as it was not a member state.

The decision was taken earlier this month during the summit between Prime Minister Narendra Modi and Russian President Vladimir Putin in Goa on the sidelines of the BRICS summit. "The range will be extended to over 600 km and it would only require slight re-engineering," sources told *The Hindu*.

Mr. Putin made a mention of this in Goa when speaking to journalists from Russia. "We have also agreed to improve the BrahMos missile, which will be land, air and sea launched. We will also work to increase its range."

## **Enhanced capability**

When the two countries teamed up to develop the missile in 1998, which is based on the Russian Yakhont anti-ship missile, its range was limited to 290 km as Russia was a member of MTCR but India was not. While it was a joint development, most of the critical systems on board the missile, including the seeker, come from Russia.

"Extending the range will significantly enhance the stand-off

capability and the operational radius in striking targets. Combined with its speed and accuracy it a major force multiplier,” one Navy officer said.

BrahMos, which is one of its kind, has already been deployed by the Army and the Navy in anti-ship and precision strike roles respectively. The air version is at present undergoing testing

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## **The perils of plastic**

The data breach at 19 Indian banks that has led to more than 32 lakh debit cards being blocked or recalled is a wake-up call for the banking industry. While the actual number of

complaints received so far, 641, and the sum of money that appears to have been fraudulently withdrawn, Rs.1.3 crore, are both small relative to the scale of the potential data theft, it is disconcerting that it has taken almost six months for the system to officially acknowledge the incidents and initiate steps to address them. It is all the more galling since the Reserve Bank of India and its top officials have been urging bankers for quite some time to accord urgent priority to cyber security. A private bank appears to have been a point of entry for the data criminals who, according to reports, may have infiltrated using malware at ATMs operated by a third-party payment services vendor. The National Payments Corporation of India has been coordinating investigations into the incident, and a forensic audit is expected to reveal preliminary findings soon. For the government and the banking regulator, much is at stake as the two have sought to move in concert to harness the digital revolution to advance socio-economic policy objectives. These include increasing financial inclusion, better targeting of subsidies through the direct benefit payments model, improving economic efficiency by lowering transaction costs, and moving toward a cashless economy so as to reduce the circulation of black money and curb tax evasion.

In this context, former RBI Governor Raghuram Rajan's comment at a recent banking technology conference is instructive: "Payment systems are the plumbing of the financial system; so long as there is no leakage or clogging, we are unaware of their functioning. But when they do back up, the situation becomes catastrophic quickly." With banks in India having embraced technological change, the onus is on them to integrate inter-generational legacy systems across branches, ATMs and online banking networks into one seamless and secure whole. The Carbanak cyber gang's coordinated and widespread attack, which is estimated to have cost about 100 financial institutions worldwide \$1 billion, revealed that today's criminals are using more and more sophisticated tools to access computer systems at banks. As these may gestate for several months before manifesting themselves, banks can ill-afford to be complacent and approach incidents such as the latest debit card data breach with band-aid solutions. Top managements at lenders should reappraise their cyber culture,

heed warnings and alerts promptly, and address shortcomings.  
Keywords: [debit card recall](#), [RBI](#), [National Payments Corporation of India](#)

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## Maduro faces rough weather

Venezuela has once again been rocked by opposition-led protests after the process to requisition a recall referendum to oust President Nicolas Maduro was obstructed last week. Local courts in four states issued injunctions to halt the opposition's collection of signatures from 20 per cent of the registered voters, the second phase of the constitutionally mandated recall process, after allegations that there were irregularities in signatures collected in the first phase. The Supreme Court upheld these injunctions, which means the referendum process in the four states will have to be restarted. The timing of the referendum is important. If the outcome were to go against Mr. Maduro before January 10, 2017, mid-term presidential elections will have to be held. If the referendum is held later, a setback would only mean his replacement by the vice-president till the scheduled elections in 2018. The besieged government has sought talks with the opposition to be mediated by the Vatican, but Mr. Maduro has poor approval ratings and his government has been unable to arrest a slide towards further economic chaos. The opposition has more popular support than it did during Hugo Chavez's reign and, importantly, it controls the National Assembly.

Mr. Maduro does not wield the kind of charismatic sway that Chavez, his mentor, did, but the problem goes deeper than this. The continued fall in global petroleum prices under Mr. Maduro's watch has put the country's social welfare model under severe strain. In Chavez's heyday, the government

leveraged the country's immense petroleum reserves to fuel a welfare economy and spend heavily on subsidies. This model resulted in several structural flaws in the economy – corruption in state enterprises, heavy dependence on imported consumer goods due to meagre incentives for production in a highly subsidised economy, and artificial price and exchange controls that resulted in a black market for foreign currency and persisting inflation. When oil prices were high and export revenues booming, these flaws did not hurt the economy much. In fact, there was a reduction in poverty levels, increase in literacy and better health indices over the last decade. But falling oil prices exacerbated Venezuela's economic problems, forcing the government to print money to cover expenses in the face of rising debt, which created a hyperinflationary cycle. Reforms that would stabilise the currency, reduce subsidies and remove artificial price controls will be in order. But it will be difficult for his regime to carry out these reforms without a political compromise of some kind.

Keywords: [Venezuela](#), [Nicolas Maduro](#), [presidential elections](#)

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## Situating law in the land

With the submission of the Bharatiya Janata Party-led Central government's affidavit in Supreme Court a few days ago, the debate on Muslim personal law has intensified, prompting even the Prime Minister to join the fray in support of the constitutional rights of Muslim women. Although the government's affidavit did not specifically ask the court to "ban" or "abolish" instant talaq or polygamy, and concedes that "only some women are directly and actually affected by these practices", it nevertheless tells the highest court that "the issue of validity of triple talaq, *nikah halala* and



polygamy needs to be considered in the light of principles of gender justice and the overriding principle of non-discrimination, dignity and equality”.

The government affidavit seems to have ignored the fact that in the Shamim Ara case (2002) the Supreme Court, relying on several earlier rulings, had invalidated instant triple talaq and, by that decision, rendered even *halala* redundant and equally illegal. *Halala* is the un-Islamic temporary marriage a victim of instant talaq is forced to undergo with another man to remarry her first husband. As is obvious, the delegitimisation of instant talaq makes *halala* unnecessary. An overview of the Shamim Ara judgment and some of the rulings cited in it can be found in Justice K. Kannan’s article “Frames of reference”, published in this newspaper on October 21.

### **Polygyny in the Islamic context**

Polygamy includes both polygyny and polyandry. The Koran categorically prohibits polyandry and therefore, it is polygyny that the Supreme Court will be ruling on in the present case.

Polygyny, which finds mention just once (4:3) in the Koran, is one of the most misunderstood concepts of Islamic law. It has been abused over the centuries by Muslim men without appreciating the spirit behind its exceptional sanction, which is clearly contextualised in the historical conditions of the time when a large number of women were widowed and children orphaned as Muslims suffered heavy casualties in defending the nascent Islamic community in Medina. Even a simple reading of verses 4:2, 3 and 127 will show that it was under such circumstances that the Koran allowed conditional polygyny, mainly to protect orphans and their mothers from an exploitative society.

Verse 4:2 warns caretakers against devouring the assets of orphans either by merging them with their own or substituting their “worthless properties for the good ones” of the orphans. And, if the caretakers “fear that they may not be able to do justice” to the interests of the orphans in isolation, the next verse allows them to marry their widowed mothers – on the condition that the new family would be dealt justly on a par with the existing one. For those who are not up to it, the

instruction of the Koran is: "Then [marry] only one."  
It is clear from these arguments that verse 4:3 is not a hedonistic licence to marry several women. Besides, there are several statements in the Koran which describe husband and wife as "spousal mates" created to find "quiet of mind" (7:189) and "to dwell in tranquility" (30:21) in the companionship of each other. Indeed, verse 7:189, which traces the origin of man from a single cell (*nafsan waahida*), talks of the wife in the singular as *zaujaha*, thereby emphasising monogamy. Thus, marriage according to the Koran is the emotional bonding of two minds which cannot be achieved simultaneously with more than one woman.

If despite this, the Koran permitted conditional polygyny, it was, as stated above, only as a social remedy to alleviate the sufferings of women and orphans in calamitous situations. This can be appreciated from the dreadful state of affairs in West Asia today. In November 2011 *The New York Times*, citing Iraqi government sources, reported the presence in that country of one million war widows – and at least an equal number of orphaned children – who want to remarry for security and companionship; but there aren't enough men.

Thankfully, as such conditions do not exist in India, polygyny is not permissible here. The Supreme Court would therefore be justified in delegitimising polygyny practised for reasons other than those mentioned in the Koran just as it invalidated instant triple talaq in the Shamim Ara case for not being in consonance with the Koranic procedure. Indeed, the court's imposition of fetters on polygyny would serve as a de facto ban on the practice, thereby rendering unnecessary the need for a blanket ban – sought by some Muslim groups – which would be politically inexpedient in the prevailing circumstances.

### **Muslim polygyny v. Hindu bigamy**

From another point of view too, a total ban on polygyny may not be advisable. Latest census data and impact studies conducted by researchers such as Flavia Agnes show that bigamy continues to prevail among the Hindus despite the Hindu Marriage Act, 1955 outlawing it, and Section 494 of the Indian Penal Code (IPC) declaring it a punishable offence.

Chart C-3 of the 2011 Census containing details on marital status by religious community and sex provides the shocking

information that among Hindus (not including Sikhs, Buddhists and Jains) married women outnumber married men by 43.56 lakh. To be exact, out of 47,13,97,900 married Hindus, 23,35,20,803 are males and 23,78,77,097 females, thus exceeding the males by 43,56,294. The only inference that could be drawn from these figures is that 43,56,294 Hindu women are in bigamous relationships with Hindu men unless of course it can be proved they are mostly married to non-Hindus.

One reason for this could be the fact that Section 198 of the Code of Criminal Procedure does not allow any court to take cognisance of an offence punishable under Chapter XX of the IPC (which includes Section 494) except upon a complaint made by the "person aggrieved" by the offence. For a male bigamist, the first wife is the aggrieved person, and if she chooses not to lodge a complaint, her husband cannot be prosecuted.

However, the bigger issue here is that the "second wife" cannot claim rights on a par with the first wife under the Hindu law even if the first wife consents to her husband taking another wife and the "second wife" is informed of the existence of the first before marriage. This seriously compromises the equality guaranteed to her as a citizen under Article 14, and the right to life with dignity assured under Article 21 of our Constitution.

It also brings into question the constitutionality of laws that discourage women from making informed choices; and when they do, penalise them for exercising their human agency in the name of undefined societal morality!

### **Factoring in social reality**

The consolation is that our courts are fully aware of the flaws in the Hindu law and have tried to overcome them through deontological interpretations. In the *Rameshchandra Rampratapji Daga v. Rameshwari Rameshchandra Daga* case of 2004, the Supreme Court, while justifying the granting of maintenance to a second wife and her daughter, observed: "...a bigamous marriage may be declared illegal being in contravention of the provisions of the [Hindu Marriage] Act but it cannot be said to be immoral so as to deny even the right of alimony or maintenance to a spouse financially weak and economically dependent." This view was fully endorsed in 2013 by another Supreme Court Bench in the matter of *Badshah*

*v. Sou. Urmila Badshah Godse & Anr* where it was emphasised that “just as change in social reality is the law of life, responsiveness to change in social reality is the life of the law.”

Unfortunately, ill-informed calls for the abolition of polygyny among Muslims are not based on an appreciation of the change in social reality today which is manifesting itself in the form of a renewed emphasis on individual rights especially with regard to sexual orientation and preference.

### **Rights of the ‘second wife’**

If, in the light of the foregoing arguments, a blanket ban on Muslim polygyny is being opposed, it should not be construed as an expression of support for the practice. The point that is sought to be made here is this: if polygyny is abruptly declared illegal for Muslims, without first identifying and addressing the causes of failure of Hindu law in preventing bigamy, it would end up creating the same confusions in the Muslim law, especially with regard to the rights of the “second wife” under Articles 14, 15 and 21.

Therefore, pending examination of the Hindu bigamy law through the prism of these facts, the most judicious option, insofar as Muslim polygyny is concerned, would be to fetter it with Koranic conditions as discussed above.

This should not be a difficult decision given the fact that eight out of the 10 countries cited approvingly in the government’s affidavit have regulated polygyny by making it conditional. It would therefore be improper to hold up these countries as examples in the case of instant triple talaq – which all 10 have invalidated – while ignoring 80 per cent of them on polygyny.

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Keywords: [polygyny](#), [triple talaq](#), [Muslim personal law](#), [Shamim Ara case](#)

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