

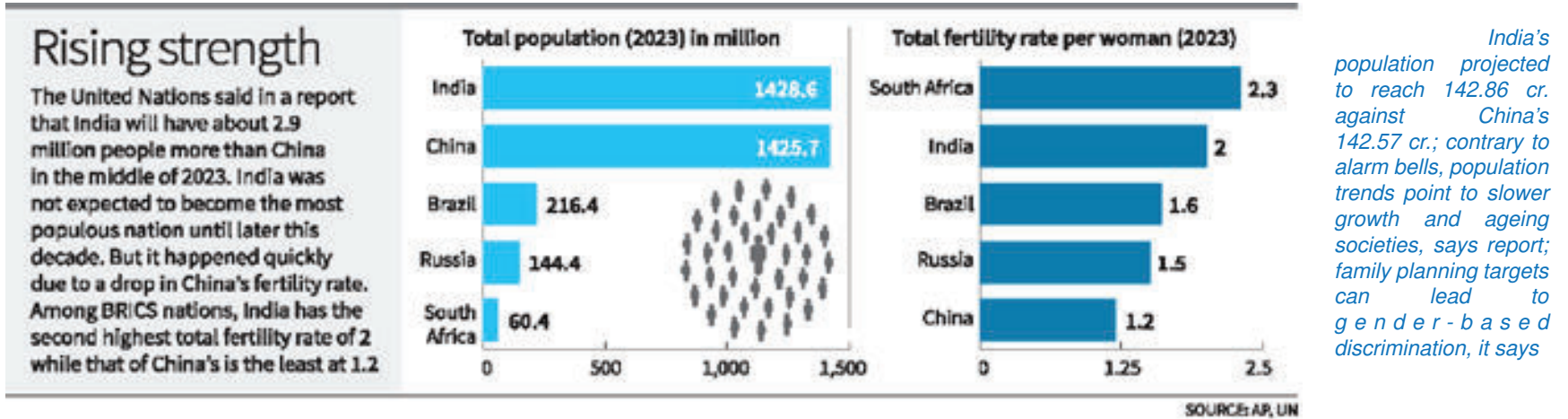
● POLITY

● ECONOMICS

● TECHNOLOGY

● ECOLOGY

## INDIA'S POPULATION TO EDGE AHEAD OF CHINA'S BY MID-2023, SAYS UN



India is set to overtake China to become the world's most populous country by the middle of 2023, according to data released by the United Nations. India's population is pegged to reach 142.86 crore against China's 142.57 crore. This shows India will have 29 lakh more people than its Asian neighbour. The United States is a distant third, with an estimated population of 34 crore, the data by the State of World Population Report, 2023 of the UN Population Fund (UNFPA) showed. The world's population hit the 800-crore mark in November 2022.

The report says that contrary to the alarm bells about exploding numbers, population trends everywhere point to slower growth and ageing societies. Just eight countries will account for half the projected growth in global population by 2050 — the Democratic Republic of Congo, Egypt, Ethiopia, India, Nigeria, Pakistan, the Philippines and the United Republic of Tanzania — while two-thirds of people now live in a country where lifetime fertility corresponds with zero growth.

At a time when there have been increasing calls for imposing a two-child norm in India by various political leaders, and some States such as Assam have issued an order in 2021 to bar those with more than two children

from government jobs, the UN agency said its findings for India too had suggested that "population anxieties have seeped into large portions of the general public".

It called for a radical rethink on how countries address changing demographics and cautioned against use of family planning as a tool for achieving fertility targets. Global experience showed that family planning targets can lead to gender-based discrimination and harmful practices such as prenatal sex determination leading to sex-selective abortion, it says.

Imposition of such targets can lead to imbalanced sex ratios, preferential health and nutrition for male children, denial of the paternity of girl children, violence against women for giving birth to girl children, and coercion of women to have fewer or greater numbers of children.

"With close to 50% of its population below the age of 25, India has a time-bound opportunity to benefit from the demographic dividend," and that it must convert this into "economic benefits through additional investments in health, education, and quality jobs for young people — including targeted investments in women and girls."

## STATE CANNOT DISCRIMINATE AGAINST INDIVIDUALS OVER SEXUALITY, SAYS SC



*The Bench, led by CJI Chandrachud, says state cannot push aside the need for legal recognition of same-sex marriage within LGBTQIA+ community as an 'urban and elitist' concept; petitioners claim calling them elitists is unfair view of govt.*

The Supreme Court on Wednesday said sexual orientation is an innate characteristic over which individuals have no control and the state cannot push aside the need for legal recognition of same-sex marriage within the LGBTQIA+ community as an "urban and elitist" concept without any data to support the claim. The Centre has dismissed petitions seeking legal status for same-sex marriage as an elitist push made by a few influential people.

It has said that these petitioners do not reflect the views of the rural, semi-rural and a majority of the urban population of India, who accept marriage as an exclusively heterosexual institution. "But the state cannot discriminate against individuals on the basis of a characteristic [sexual orientation] over which they have no control," Chief Justice D.Y. Chandrachud remarked.

Senior advocate A.M. Singhvi advocate Shadan Farasat, arguing for gay couple Utkarsh Saxena and Ananya Kotia, said their clients have suffered "discriminatory exclusion" only on the basis of their sex and sexual orientation, which is intrinsic to their identity.

"When you say that this is an intrinsic or innate characteristic, it is also an argument in response to the government's contention that this is all very elitist or urban or biased in favour of a particular class... It may be more urban in its manifestation because more people from the urban areas of this

country are coming out of the closet," the CJI observed.

#### 'No data forthcoming'

The Chief Justice also underscored that the government has shown no data whatsoever that same-sex attraction is a solely "urban characteristic". "There is no data forthcoming from the government," he said.

Senior advocate K.V. Vishwanathan intervened to say that the government's claim that only elite people have approached the court was "absolutely without grace".

"My client, Zainab Patel, a transgender person, was thrown out of her house and had to beg on the streets. Through her own efforts she rose in the world. She is now a director with KPMG and a member of the National Council for Transgender Persons. The government itself has nominated her," he said.

Senior advocate Jayna Kothari said the petitioner she represents in the case, Akkai Padmashali, a trans activist, was also forced to leave home at the

age of 15 to make her way in the world. "The people who have approached this court come from working class backgrounds, to say they are elitists is unfair on the part of the government," she said.

Mr. Singhvi said "social values projected by the government cannot trump equal treatment".

The Special Marriage Act, which the petitioners want to be made gender-neutral so that they can marry, was meant to be an "alternative to unpopular marriages" which do not answer to the socially, culturally and legally ingrained concept of marriage. The senior lawyer said the government "hoists with its own petard" when it argues that "marriage is a vital institution". "Yes, it is because marriage is a vital institution that we, the excluded community, want all the indices of marriage which comes with marriage... We too want the security of marriage. We too see marriage as a gateway to avail the legal protections of law in tax, inheritance, adoption, etc.," Mr. Singhvi said.

## HAVE INFORMED STATES OF SAME-SEX MARRIAGE HEARING, GOVT. TELLS SC

The Centre on Wednesday informed the Supreme Court that it has written to the Chief Secretaries of the States, informing them that the same-sex marriage case is being heard by the Supreme Court.

The move to inform the States is despite the Supreme Court having already made it clear on Tuesday that it would not venture into the realm of personal laws of various religions. The court had decided to restrict itself to examining whether the ambit of the Special Marriage Act could be widened to include same-sex marriages.

The petitioners had agreed with the court for the adjudication of the issue in an "incremental manner" and to confine the contours of their submissions to the 1954 Act. They had made it clear to the court that they do not want to touch upon the realm of personal laws, thus obviating the need to involve the States in the case.

As of now, only two States, including Madhya Pradesh, have entered appearance. The case may take a longer turn if more and more States enter appearance.

On Tuesday, Mr. Mehta handed over to the Bench copies of the Centre's letters to the Chief Secretaries. Chief Justice of India D.Y. Chandrachud, heading the five-judge Constitution Bench, without commenting any further, said it is "excellent" that the Centre has informed the States.

Senior advocate Mukul Rohatgi, for petitioners, however, chose to vocally protest the Centre's move. He said the Centre's letter to the States was dated April 18. The Supreme Court had issued notice in the case five months ago. "It is totally unnecessary to do this now," Mr. Rohatgi said.

He said the petitioners have limited their petitions to a challenge of a central law, the Special Marriage Act of 1954. They have only sought from the court a broader interpretation of the 1954 Act to make it gender-neutral so that same sex partners could exercise their right to get married. "It is absolutely wrong for the Centre to argue that just because the subject is in the Concurrent List, all the States have to be heard," he submitted.

"You need not labour on this, Mr. Rohatgi," the CJI observed.

## OLD FRIENDS

*While strengthening ties with Russia, India must make its stand on war clear*

Growing and balancing India-Russia trade ties dominated the agenda of Russian Deputy Prime Minister Denis Manturov's India visit and the Inter-governmental Commission on Trade, Economic, Scientific, Technological and Cultural Cooperation meet he chaired with External Affairs Minister S. Jaishankar. They hailed the surge in bilateral trade (up by 2.6 times in the past year, and at about \$45 billion), surpassing the 2025 target. Both sides noted the problem of trade imbalance, calling for more market access and the use of "national currencies" to circumvent sanctions. Mr. Manturov suggested that Indian companies could increase exports in road construction and pharmaceuticals. Mr. Jaishankar said that Indian businesses should guard against "over-compliance" when it comes to increasing trade with Russia, due to concerns over western sanctions. They also referred to progress in negotiations for an FTA between India and the Eurasian Economic Union, that was launched in 2017. Its signing could catapult trade, which has been the laggard in bilateral ties dominated by defence, nuclear and space cooperation.

While the impetus in trade and the effort to balance imports and exports with an important partner (Russia) are welcome, it is hard to ignore the circumstances surrounding these developments. Since Russia's war in Ukraine

began last year, and western sanctions drastically cut Russian exports, Moscow has turned increasingly to India and other countries including China that have not joined the sanctions to export resources. India's oil imports from Russia (a negligible 0.2%), have jumped since the war to a massive 28% of its total oil intake, contributing to trade as well as a growing deficit. While the Ukraine Foreign Minister's accusation that India has "blood" on its hands by buying Russian oil is overstating the case, the impression that New Delhi is "benefitting from the war" is gaining traction in western countries, which must be noted, especially as Mr. Modi will soon visit Japan, Australia, the U.S. and France, and also welcome Mr. Putin for the SCO summit in Delhi in July. Mr. Jaishankar's contention that India-Russia ties are among the "steadiest of the major relationships of the world" is well-made, especially at a time of global turmoil and shifting alliances, and provides the basis for the warm welcome to Mr. Manturov. What is harder to explain is that no public comment was made by any Indian leader during any of Mr. Manturov's meetings in Delhi, about the original reason for the current turmoil and its global economic impact: Moscow's decision to launch attacks on its neighbour, and the bombing of civilians, that has continued for over a year.

## IT IS A NEW ASSAULT ON INDIA'S LIBERTY

*Suhrith Parthasarathy is an advocate practising in the Madras High Court*

On April 6, 2023, the Union government introduced a new set of measures with a view to crushing fake news and misinformation on the Internet. These introductions came through an amendment made to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, or IT Rules. The amendment grants to the Union Ministry of Electronics and Information Technology (MeitY) unbridled power to create a "fact check unit", which will identify false or misleading online content that concerns the central government's business in any manner. Should social media intermediaries fail to prevent users from hosting or publishing information that

have been flagged as false by the fact check unit, they stand to lose their "safe harbour" immunity. In other words, any protection that online platforms might have enjoyed against criminal prosecution will be withdrawn.

#### The consequence

The upshot of the new regulation is this: the Union government gets to decide for itself what information is bogus and gets to exercise wide-ranging powers of censorship by compelling intermediaries to take down posts deemed fake or false. In a democracy, where information is free, and where the right to freedom of speech is constitutionally guaranteed, the new law must strike us as

deeply abhorrent.

The IT Rules derive their authority from the Information Technology Act, 2000, a law which, at its inception, was meant to provide “legal recognition” for electronic commerce. Through section 79, the Act provides a “safe harbour”, by granting immunity to intermediaries, so long as these entities observe “due diligence” in discharging their duties under the law, and so long as they follow other guidelines prescribed by the state. An intermediary under the law refers to any person who receives, stores, or transmits electronic records — it would include Internet service providers, search engines, and social media platforms. For example, WhatsApp, Signal, Twitter, Facebook, and Instagram are all what the law construes as intermediaries.

When the IT Rules were introduced in 2021, in supersession of a previous guideline, it was already riddled by controversy. Divided into two distinct parts, the rules sought to regulate intermediaries through MeitY and the digital news media, including over-the-top (OTT) media services, such as Netflix and Amazon Prime, through the Union Ministry for Information and Broadcasting. Insofar as intermediaries are concerned, the IT Rules imposed a series of onerous obligations, a breach of which could result in a loss of safe harbour.

Among other things, the rules required social media platforms, in particular messaging services, to provide technological solutions that would enable them to identify the first originator of any information on their service, where demanded by government, under a set of given circumstances, or where mandated by an order of court. Given the implication of this on end-to-end encryption, and as a result on our right to privacy, the IT Rules has been subject to several sets of challenges, with petitions now pending consideration in the Supreme Court of India.

#### Restrictions through executive diktats

The amendments introduced this month bring with them a new assault on our liberty. To be sure, misinformation or fake news — whatever one might want to call it — is rampant on the Internet. Its effects are unquestionably deleterious. But what might the solutions to this problem be? There is the oft-cited passage from Justice Louis Brandeis’s classic 1927 opinion in the United States Supreme Court case, *Whitney vs California*, where he wrote that “if there be time to expose through discussion, the falsehoods and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence...”. But given the structural inequalities in society, we know that a resolution of this kind is not always helpful, that speech by itself can be harmful, and when it is, it demands intervention from the law.

Equally, though, we must be cognisant that not all problems are capable of easy legislative solutions. Certainly, thoughtless censorship is never an answer. What is worse, in the case of the IT Rules, restrictions flow not through legislation, but through executive diktats. And these commands militate against substantive constitutional guarantees. Article 19(1)(a) grants to every citizen a right to freedom of speech and expression. That right can only be

limited through reasonable restrictions made by law on one or the other of the grounds stipulated in Article 19(2), namely, in “the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence”.

As is plain to see, fake news and misinformation are not grounds on which speech can be limited. No doubt, if a piece of information is proven to be false and has a direct bearing on one of the grounds stipulated in Article 19(2), such speech can be limited through law. But the amendments made to the IT Rules do not caveat the restraints they place in any manner. Instead, they confer on the Fact Check Unit limitless powers to decide what information is false and, in the process, compel social media intermediaries to act based on these findings.

#### Open-ended and undefined

In its landmark judgment in *Shreya Singhal vs Union of India* (2015), the Supreme Court, in striking down Section 66A of the IT Act, held that a law that limits speech can neither be vague nor over-broad. The amendment to the IT Rules suffers on both accounts. First, the notification fails to define fake news. Second, it allows the government’s fact-check unit to make declarations on the veracity of any news “in respect of any business” that involves the state. The use of open-ended and undefined words, especially the use of the phrase “any business” — in a nation such as India, where the state has wide-ranging reach — indicates that the government will have an effective carte blanche to decide what each of us can see, hear, and read on the Internet.

Any workable and constitutionally committed campaign against fake news would have looked first towards a comprehensive parliamentary legislation on the matter. And a legislation emanating out of such a process would have tethered limitations on speech to the grounds stipulated in Article 19(2). It would have further ensured that the government cannot act as an arbiter of its own cause. In France, for example, where legislation exists to counter the spread of misinformation during elections, the declaration is made not by government but by an independent judge.

A proper, lawfully enacted statute would have also demanded a decision on whether a directive to remove misinformation is the only solution to fake news, or whether there are other, less restrictive alternatives available — for instance, in many cases, a government faced with what it believes is deceptive news always has the power to provide its own version of the facts, without calling for an erasure of other accounts.

The amendments to the IT Rules are not only a product of pure executive instruction but also eschew each one of these considerations. The consequences are chilling. Intermediaries faced with the threat of prosecution will naturally weed out information deemed false by the Fact Check Unit. It will only remain for the state to tell us what the truth is. The rights of the press, and indeed of the common person, to question authority, to speak truth to power, will be diminished, and our civil liberties obliterated.

## INDIA-UAE COOPERATION TO SOW REGIONAL FOOD SECURITY

*Abdulnasser Alshaali is the Ambassador of the United Arab Emirates to India*

The United Arab Emirates (UAE), whose food security has been built on imports from global markets, is now focusing on the twin objectives of food access and readiness to confront supply chain crises. India, the world’s second-largest food producer, is an essential partner in the UAE’s ambition to strengthen food security. The India-UAE food security partnership stands to benefit from multiple points of convergence.

#### Many capabilities

India has built its status as a global agri-export powerhouse using its vast tracts of arable land, a highly favourable climate, and a large and growing food production and processing sector. Along with serving global markets with its diversified agri-produce, India has, in recent years, acted as a humanitarian provider of food to developing countries, demonstrating awareness of its evolving role in advancing regional and global food security. India has also made major budgetary outlays towards setting up massive food parks, with due emphasis on modern supply chain management spanning farm gate to retail outlet. These investments, complemented by how India has placed its food sector to benefit from bilateral trade agreements, reflect the country’s strong and sustained intent to make the most of its agri-capabilities in the global food marketplace.

In parallel, India runs the Public Distribution System, the world’s largest food subsidy programme, providing nearly 800 million citizens with subsidised grains, providing its people with the reassurance of daily, affordable

meals. Equally laudable is India’s ‘Prime Minister’s Overarching Scheme for Holistic Nutrition (POSHAN) Abhiyaan’, the world’s largest nutrition programme for children and women. As a part of its G-20 presidency, India is promoting the consumption and farming of millets — nutritious, drought-resistant, sustainable, crops — that demonstrate the resilience focus that India offers to the global food security dialogue. In the realm of food security, India’s G-20 presidency seeks to address the three Cs, of “Covid, Conflict, and Climate” (to borrow from India’s External Affairs Minister S. Jaishankar’s address last year), issues pernicious to food security in India and across the globe.

#### What the UAE brings to the table

Seen together, India brings to the table an incredible wealth of food sector experience and the ability to operationalise the world’s largest food supply chains — formidable capabilities that are strengthening the India-UAE food security partnership in a variety of ways. During the I2U2 (India, Israel, the United Arab Emirates and the United States) summit in July last year, the UAE committed \$2 billion in investment towards constructing food parks in India (in Madhya Pradesh and Gujarat), while the signing of a food security corridor on the Comprehensive Economic Partnership Agreement (CEPA)’s sidelines (with logistics partner DP World) has taken forward India’s envisioned presence on the global food value chain, beyond the UAE.

The corridor could potentially commence a route for foods made and processed in India, beginning their outbound journey on the Indian coast of the

Arabian Sea, passing through the UAE, and towards major international markets. With its ability to establish high volume trade of foods, the corridor stands to emerge as a world-class template of successful agri-trade for India, while also unlocking greater productivity, efficiency and growth for its millions of workers and employees.

For the UAE, the benefits go beyond maintaining and diversifying its food reserves, and trade linkages could enable the Emirates to leverage its strategically placed location between Asia and Europe to serve as India's food export gateway to West Asia and the Africa region, and further beyond. Given the food corridor's incredible commercial potential, several UAE-based companies have expressed interest in constructing a supporting logistics and infrastructure pipeline to accelerate trade and reinforce the food corridor.

The Dubai Multi Commodities Centre, the UAE's largest free trade zone, launched Agriota, an agri-trading and commodity platform to link Indian farmers to food companies in the UAE. Agriota gives millions of Indian farmers the opportunity to directly reach out to the entirety of the UAE's food ecosystem (processing companies, traders, wholesalers) and stock their products in

Emirati stores. Alongside this initiative, a consortium of UAE-based entities are investing up to \$7 billion in mega food parks, contract farming and the sourcing of agro-commodities in India. The initiative will include mega food parks, logistics and warehouse hubs, and fruits and vegetable hubs.

#### The benefits

There is much that India stands to gain from the UAE's private sector projects spanning its agricultural and food processing sector. Those projects will generate lakhs of non-farm agri-jobs, while enabling farmers to discover better prices for their products. Bolstered by the UAE's infrastructural capabilities, India's agricultural products will have more resilient and diversified pathways to the global marketplace.

India's G-20 presidency offers an opportune moment for both India and the UAE to showcase viable strategies and frameworks that can forge the basis of food security in the Global South. As it sets the global developmental agenda, India can look to leverage and strengthen trade pathways with the UAE to forge a sustainable, inclusive, efficient, and resilient future of food.

## WHY IS A STAR-PLANET PAIR EMITTING RADIO SIGNALS?

*What is YZ Ceti b? How have astronomers detected radio signals from this planet which is 12 light years away?*

An alien world called YZ Ceti b has suddenly become the cynosure of astronomers. YZ Ceti b is a rocky, earth-sized exoplanet rotating around a small red dwarf star, YZ Ceti, barely 12 light-years from Earth. Astronomers have detected a repeating radio signal from this exoplanet, suggesting the presence of a magnetic field — one of the prerequisites for a habitable planet — around it.

#### How was the discovery made?

The discovery was made by Jackie Villadsen from Bucknell University, Pennsylvania, and Sebastian Pineda from the University of Colorado, Boulder, using the Karl G. Jansky Very Large Array radio telescope in New Mexico. They published their findings in the journal *Nature Astronomy* on April 3.

They had to make multiple observations before they could detect the radio signals from the star YZ Ceti, which seemed to match the orbital period of the planet YZ Ceti b. From this, they deduced that the signals were a result of the interaction between the planet's magnetic field and the star.

#### Why does the magnetic field matter?

Just as energy surges from the sun sometimes disrupt telecommunications on earth and damage orbiting satellites, intense bursts of energy from the YZ Ceti star-exoplanet exchange produce spectacular auroral lights. "We get to see this indirectly in the form of the radio emission we receive," Dr. Pineda said.

These radio waves, strong enough to be picked up on earth, confirmed the existence of an exoplanetary magnetic field. Such signals can only be produced if the exoplanet orbits very close to its parent star and has its own magnetic field to influence the stellar wind and generate the signals.

#### What does this mean for YZ Ceti b?

YZ Ceti b has a small orbit — astronomers determined that the planet takes just a couple of earth-days to circle its star. Since the mid-1990s, astronomers have found hundreds of planets orbiting stars similar to the sun.

To have an atmosphere and sustain water, a planet has to be at a certain distance from its star (in orbits said to be in the star's "Goldilocks zone"), or it will get burnt. Earth, for example, would have been a lot more like Venus if it had been just a little closer to the sun or cold like Mars if it had been any farther. Astronomers believe nearly 30% of all star systems discovered could potentially have "Goldilocks zones".

#### How common are such magnetic fields?

With such overwhelming numbers, it always stood to reason that strong planetary magnetic fields should be common outside the solar system. Nevertheless, despite many of the larger exoplanets detected being found to possess magnetic fields, planetary scientists have never been able to identify such fields on smaller, rocky exoplanets — until now. Dr. Pineda said that if the latest findings are confirmed by further research, they will confirm their method's ability to lead to the "magnetic characterisation of exoplanets". This is important because the survival of a planet's atmosphere may well depend on its having, or not having, a strong magnetic field, since the field protects its atmosphere from being eroded by the charged particles from its star.

#### What happens next?

Curiously, Mars orbiting the sun at a 'safe' distance has a similar story to tell. Both Mars and Earth were very much alike billions of years ago, with a lot of water and similar atmospheric systems. But in spite of this, life started on one planet while the other became cold as the solar winds stripped it of most of its atmosphere. Will the story of YZ Ceti b be the same? "We are hoping to get additional observations on this target," Dr. Pineda said. "Longer-term monitoring is important to confirm these results and further investigate the properties of the radio signals." But one thing is certain: these findings will help astronomers learn more about rocky worlds in the deepest reaches of space running rings around their parent stars.

Prakash Chandra is a science writer.

## THE CASTE IMPERATIVE

*Caste census, even if morally flawed, can help in targeting of quota benefits*

With the Congress party joining the chorus for an updated caste census, there seems to be an emerging consensus among the political opposition on the need for this exercise. While the parties committed to reservations in the northern belt — the SP and the RJD in particular — have made this demand as a reaction to the expansion of reservation benefits to economically weaker sections among "forward" castes using income criteria, the Congress's pivot towards supporting this stems from the party's new political emphasis on expanding its support base. With the Mandal Commission report of 1980 that was based on caste census data of 1931 still remaining the basis of identifying backwardness and determining the extent of reservation to the OBCs, the need for a comprehensive census that provides data to support, or evaluate existing reservation quotas, or to assess demands for them remains pertinent. Such a diligent exercise would also serve a legal imperative allowing the government to answer the Supreme Court's call for quantifiable data. But counting castes is not easy. An inherent weakness is

evident in how the government described the Socio-Economic and Caste Census in 2011: as being riddled with infirmities that made the data collected unusable. Data here recorded 46 lakh different castes, sub-castes, caste/clan surnames, which required adequate parsing before being used for proper enumeration. The survey's hurried conduct, without utilising the Census Commissioner and the Office of the Registrar General properly, also rendered it problematic.

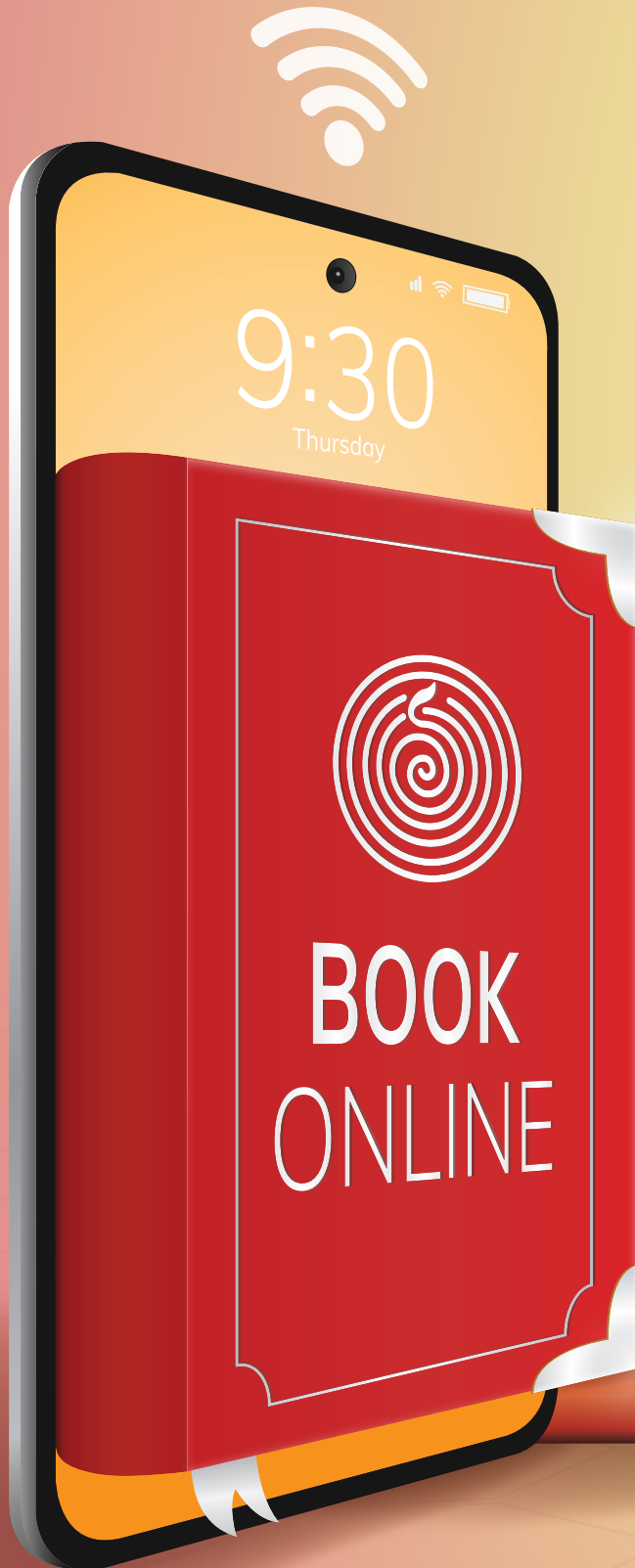
A more thoroughgoing exercise would entail an adequate consolidation of caste/sub-caste names into social groups based on synonymity and equivalence of the self-identified group names revealed by respondents in the census. Marking these groups against the OBC/SC/ST lists for each State would build a useful database, which can be utilised in the decennial Census. The data obtained this way can be used to parse aggregated socioeconomic information for these groups. But with the government having postponed the long-delayed 2021 Census and not acquiescing to the demand of including caste counts,

questions remain whether an effective caste census is possible. There is of course the risk of reification of caste identities even as the constitutional order seeks to build a casteless society. But with caste-based identification still predominant, such a census seems politically imperative, even if morally

flawed, for the purpose of addressing socioeconomic inequities through facile reservation quotas that confer income benefits and a degree of social justice without actually advancing the cause of a truly casteless society.



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