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INTERNATIONAL RELATIONS

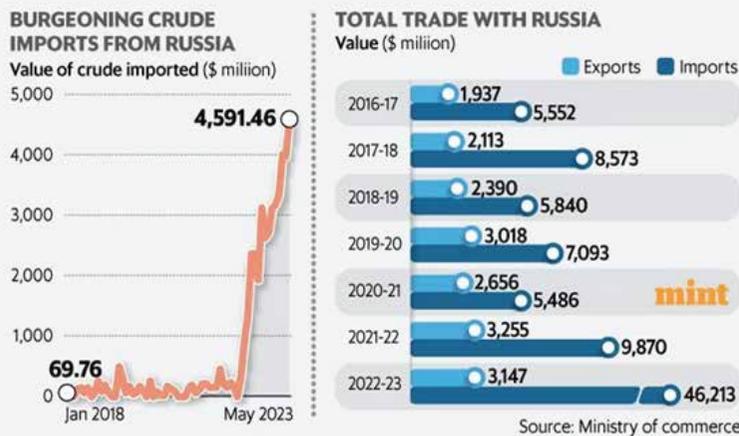
JAISHANKAR ARRIVES IN RUSSIA ON 5-DAY VISIT; TRADE TIES ON AGENDA

CONTEXT: External Affairs Minister S. Jaishankar on Monday began his five-day visit to Moscow and St. Petersburg, during which he will hold talks with Russian Foreign Minister Sergey Lavrov and Trade Minister Denis Manturov.

Ukraine, as well as Israel's continued bombardment of Gaza is expected to be discussed. While Russia has been openly critical of Israel's actions, and in particular, the U.S.'s support to Israel over the bombing of civilians, India's stand has been less strident. India abstained in one vote at the UNGA in October that was critical of Israel, before joining a majority of the international community in UNGA votes calling for a ceasefire this month. India's decision to not join the U.S.-led naval operation against Houthi attacks on shipping in the Red Sea, named "Operation Prosperity Guardian" so far is also likely to find favour in Moscow.

THE TRADE GAP

Aggregate imports in FY23 jumped almost five times from the previous year as India purchased huge quantities of crude oil from Russia.



INDIA-RUSSIA ARRANGEMENT

INDIA trade deficit with Russia stands at \$4 billion

AS a result, Russian exporters are left with huge surpluses

THE surpluses can be invested in various Indian instruments

SARVESH KUMAR SHARMA/MINT

The Indian imports from Russia that have grown a massive 368 % year on year from 2022 to 2023, mainly due to an increase in import of Russian oil. The U.S. and EU sanctions against Russia over the Ukraine war disrupted the rupee-rouble payment mechanism, forcing India to use third-country currencies, including the UAE Dirham and Chinese Yuan to pay for, leading to a major trade deficit.

In addition, Russia's supply of the fourth and fifth regiment of the S-400 Triumf Air Defence Systems, also under U.S. sanctions, have been delayed and are now expected in 2024.

The two sides have now skipped India-Russia Annual Summit for the second year in a row, ostensibly due to the Ukraine conflict. Apart from bilateral issues, conflicts in

DISASTER MANAGEMENT

RAILWAY OFFICERS TO BE TRAINED IN DISASTER MANAGEMENT; ACADEMY, INSTITUTE TO GIVE TRAINING

CONTEXT: The Ministry of Railways has made training in disaster management mandatory for railway officers. The move comes after an investigation into the devastating Odisha train tragedy, which left about 290 passengers dead and scores injured, revealed that the disaster response could have been faster.



Disaster management has now been incorporated as an integral component of the training module for railway officers at the induction/foundation course level and also included in refresher or mid-career training programmes. The National Academy of Indian Railways (NAIR), Vadodara, and the Indian Railway Institute of Disaster Management (IRIDM), Bengaluru, would work together in imparting the comprehensive training programme.

The Railway Board ordered NAIR functioning from a 43.5-acre campus with customised infrastructural facilities designed and developed over the years to hand over the assets to a Gati Shakti Vishwavidyalaya (GSV). Any training programme would from now on require the approval of the Vice-Chancellor of the university.

The Indian Railways have a Safety Organisation and an officer in a higher administrative grade designated as the Principal Chief Safety Officer in all Zonal Railways to ensure compliance of safety guidelines and coordinate with different agencies in the event of an exigency. Though the Railways have accident relief trains stationed at major junctions across the railway network with adequate manpower and equipment to reach accident sites or any scene of disturbance, the focus would be more on restoring rail traffic.

HISTORY, ART AND CULTURE

MODI TO HONOUR VALOUR, MARTYRDOM OF SAHIBZADES TODAY

CONTEXT: Prime Minister Narendra Modi will participate in a programme on Tuesday to pay homage to the courage and martyrdom of the sons of Guru Gobind Singh, the 10th and last Sikh 'Guru'.

The Union government has organised many participative programmes across the country to mark the day which has been named "Veer Baal Divas". A digital exhibition detailing the life story and sacrifice of the 'Sahibzades' (martyred sons of Guru Gobind Singh) will also be displayed in schools and childcare institutions across the country.

Veer Baal Divas

Veer Baal Divas is a Sikh festival that commemorates the martyrdom of the four sons of Guru Gobind Singh, the tenth Sikh guru. The boys, named Sahibzada Zorawar Singh, Sahibzada Fateh Singh, Sahibzada Ajit Singh, and Sahibzada Jujhar Singh, were killed by the Mughal emperor Aurangzeb in the 17th century.

Veer Baal Divas is celebrated on December 26th each year. On this day, Sikhs gather in gurdwaras (Sikh temples) to commemorate the sacrifice of the Sahibzadas. They also hold educational programs and rallies to promote the values of courage, sacrifice, and commitment to faith.

The martyrdom of the Sahibzadas is a significant event in Sikh history. It is a reminder of the Sikh commitment to freedom and justice. The Sahibzadas are also seen as symbols of courage and sacrifice for young people around the world. Veer Baal Divas is a day to reflect on the importance of these values and to commit ourselves to upholding them in our own lives.

INTERNATIONAL RELATIONS

INDIA-ASEAN TO REJIG 15-YEAR TRADE PACT IN EARLY 2024

CONTEXT: India and the ten-member Association of South East Asian Nations (ASEAN) will begin negotiations in February to "modernise" their decade-and-a-half-old free trade agreement (FTA) to bring more balance in the pact currently weighed against New Delhi. But new areas like labour, environment, Small and Medium Enterprises (SMEs) and gender, are likely to be kept out.



India-ASEAN Free Trade Agreement (AIFTA)

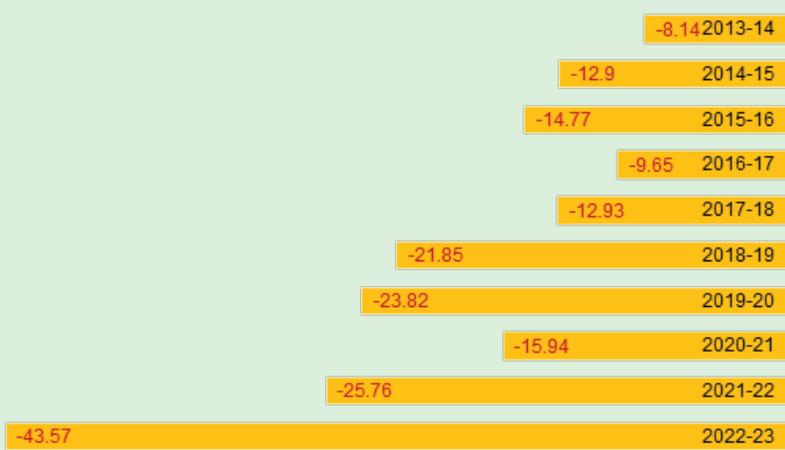
The India-ASEAN Free Trade Agreement (AIFTA) is a crucial economic agreement between the ten member states of the Association of Southeast Asian Nations (ASEAN) and India. It aims to boost trade and economic cooperation between the two regions, creating a market with over 1.8 billion people and a combined GDP of around \$ 3.3 trillion as of 2023.

Key elements of AIFTA:

- 1. Trade in Goods Agreement (ATIGA):** Signed in 2009 and implemented in 2010, ATIGA gradually reduced tariffs on over 90% of traded goods between India and ASEAN countries. By 2016, tariffs were eliminated on over 4,000 product lines.
- 2. Trade in Services Agreement (ATISA):** Signed in 2014, ATISA liberalizes trade in services - tourism, banking, healthcare, and education. It promotes transparency, reduces market access barriers, and encourages cooperation in service sectors.
- 3. Investment Agreement (AIA):** Also signed in 2014, AIA aims to increase foreign direct investment (FDI) between

India and ASEAN countries. It guarantees fair and equitable treatment for investors, protects their investments, and simplifies investment procedures.

India's trade balance with ASEAN



There will be a complete re-look at the FTA with the broad objective of bringing down the trade deficit for India. The first round of negotiations for reviewing the FTA, officially known as the ASEAN India Trade in Goods Agreement (AITGA), will be on February 18-19 in New Delhi. India has long been pressing for a review of the AITGA, which was signed in August 2009 and implemented in January the following year, as the pact resulted in disproportionate benefits for the ASEAN.

Trade deficit

India's trade deficit with the region was at \$ 7.5 billion per annum when the pact was implemented. This has ballooned to \$ 43.57 billion in FY23. In 2022-23, India's exports to the region were valued at \$ 44 billion, while its imports were at \$ 87.57 billion.

The Commerce Department has collected inputs from various sectors on tariff and non-tariff barriers faced by them in the ASEAN. Market access for Indian businesses has to go up by addressing both areas". Sectors that need propping up include chemicals and alloys, plastics and rubber, minerals, leather, textiles, gems and jewellery. India will also need to make some concessions for the ASEAN as the review will have to benefit both, but the objective of bringing balance has to be central.

Revamping AITGA

Modernising the AITGA will include incorporating changes in the Rules of Origin (ROO), which can work in favour of India by increasing market access for some items as well as blocking possible re-routing of goods by China through the ASEAN countries.

ROO are the criteria to determine the origin of a product and establish if it qualifies for duty cuts under an FTA. PSRs will be introduced in the ROO chapter which can help India relax rules for certain items to increase exports. At the same time, loopholes could be blocked to check circumvention by China.

The modernised AITGA will also have a chapter on

trade remedies, which will seek to provide a safety net for domestic industry against unfair trade practices or unforeseen surges in imports of goods. But no new areas, such as environment, labour, MSMEs or gender, will be added to the AITGA.

The 10-member ASEAN, which includes Indonesia, Malaysia, the Philippines, Singapore, Thailand, Brunei, Vietnam, Laos, Myanmar and Cambodia, accounted for 11.3% of India's global trade in 2022-23.

ECONOMICS AND DEVELOPMENT

RISK OF STAGFLATION RECEDING: RBI OFFICIALS

CONTEXT: Reserve Bank of India (RBI) officials believe the risk of stagflation — a portmanteau of economic stagnation with high inflation — has lowered further to 1% compared with 3% in August based on data.

In the first approach, stagflation risk was assessed based on phases of lower economic growth coinciding with high inflation. The second approach used the 'at-risk' frameworks viz. "Inflation at Risk" (IaR) and "Growth at Risk" (GaR) by employing quantile regression to assess the likelihood of stagflation.

Based on data spanning from Q1:1996-97 to Q2:2023-24, empirical findings suggest supply-side shocks such as spikes in commodity prices coupled with tighter financial conditions and relatively higher depreciation of the domestic currency turn out to be the major determinants of stagflation risk in India. Elevated risks of stagflation were experienced during specific episodes like the Asian Crisis, the Global Financial Crisis, the taper tantrum, and the COVID-19 pandemic. Latest estimates, incorporating data up to Q2:2023-24, however, assign a very low probability of only 1% to the risk of stagflation. In August, the RBI officials had stated the risk of stagflation was with a probability of 3% with easing of financial conditions, stability of rupee/U.S. dollar exchange rate and steady domestic fuel prices.

Destabilising factor

Stagflation had the potential to destabilise the entire macroeconomic framework of an economy by creating an environment of uncertainty. A major concern for the RBI as it was entrusted with the primary objective of maintaining price stability while keeping in mind the objective of growth requiring constant monitoring of any stagflation risk.

Further, higher commodity prices and the appreciation of the U.S. dollar post-pandemic raised concerns of stagflation globally. The delays in the monetary-normalisation process after the pandemic have also raised concerns about the potential for a costly stagflation.

Similar results after using the integrated IaR and GaR frameworks to evaluate the stagflation risks adds further credence to our findings. However, given the weak pass-through of crude oil prices to domestic petrol and diesel

prices, it has limited predictive power for stagflation.

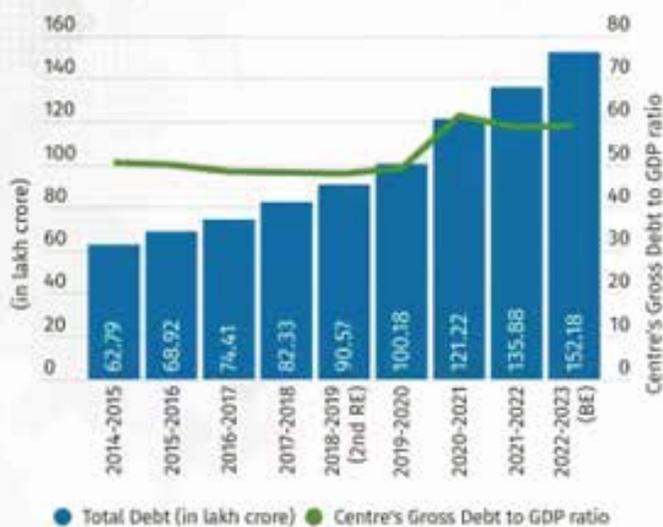
Given the focus of central banks on maintaining price stability and healthier financial positions of financial institutions, the long-term inflation expectations have largely remained well-anchored to the inflation target unlike during the 1970s when inflation expectations were weakly-anchored and went to exorbitantly high levels.

ECONOMICS AND DEVELOPMENT

DEBT DEBATE

CONTEXT: The International Monetary Fund (IMF), under its Articles of Agreement, holds bilateral discussions with members, usually every year. IMF staffers collect economic and financial information, and discuss policies with top officials, before preparing a report that is discussed by the Fund's executive board.

THE CENTRAL GOVERNMENT'S DEBT JUMPED UP POST-PANDEMIC



BE- Budget Estimate
Source: Budget documents

The Finance Ministry, four days after the IMF released its latest India consultation details issued a statement titled 'Factual position vis-à-vis IMF's Article IV consultations with India'. The statement noted that "certain presumptions have been made taking into account possible scenarios that does not reflect factual position" referring to an IMF view that adverse shocks could lift India's general government debt to, or beyond 100 % of GDP in the medium-term (by 2027-28). The Ministry asserted this was only a worst-case scenario and not a fait accompli, and emphasised that other IMF country reports show much higher extreme 'worst-case' scenarios, for instance, at 160 %, 140 % and 200 % of GDP, for the U.S., the U.K. and China, respectively. The statement was not a rebuttal to the IMF but "an effort to arrest misinterpretation or misuse" of its comments to imply that

General Government debt would exceed 100 % of GDP in the medium term.

The combined debt of central and State governments stood at 81 % of GDP in 2022-23, from 88 % in 2020-21. Under favourable circumstances, the IMF reckons this could even go down to 70 % by 2027-28. The shocks faced by India so far in this century were global, and affected the entire world economy, be it the 2008 financial crisis or the pandemic.

From arguing in 2022 that India's fiscal space is at risk, they now believe sovereign stress risks are moderate. This is in no small part due to the ability of the Centre, whose debt levels were about 57% of GDP last year, to meet fiscal deficit targets in recent times. Reducing debt and spends to stay the course on its commitment to bring the deficit to 4.5% of GDP by 2025-26 from an estimated 5.9% this year, is critical.

POLITY AND GOVERNANCE

CARRY ON, DOCTOR

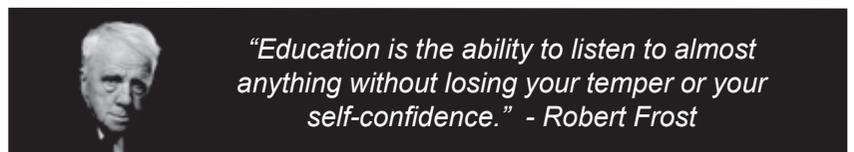
CONTEXT: Section 106(1) of the Bharatiya Nyaya (Second) Sanhita Bill, 2023 that defines the offence of "mob lynching" replaces Section 304(A) of the Indian Penal Code that prescribes the punishment for doctors.

The Parliamentary Standing Committee actually suggested a seven-year imprisonment term for death due to negligence in case of an RMP. The IMA then submitted to the Standing Committee that there was no mens rea or criminal intent in the relationship between the patient and the doctor, and thus the increased punishment was not justified. The committee then reduced the imprisonment to five years. The amended Section 106(1) specifies that a registered medical practitioner (RMP) shall be punished with imprisonment up to two years and a fine.

"Whoever, along with five or more other persons, commits murder or grievous hurt on any person on the grounds of race, caste, sex, language, or personal belief, shall be punished with imprisonment for life or with death, and shall also be liable to fine."

- Section 106(1) of the Bharatiya Nyaya (Second) Sanhita Bill, 2023

The court in *Jacob Mathew vs State of Punjab & Anr.* (2005). held that the negligence should be 'gross', of a significantly high degree, and consequently, criminal liability would come up only if the physician's act can be demonstrated to be negligent or reckless, causing death. Even during prosecution, at various levels, the weight is on the opinion of a similarly qualified expert on whether negligence on the part of the doctor led to death. Though, doctors enjoy adequate protection under the law in the execution of their duties, the reality is that the incidence of violence against medical professionals is indeed increasing.



"Education is the ability to listen to almost anything without losing your temper or your self-confidence." - Robert Frost

POLITY AND GOVERNANCE

ARTICLE 370 ISSUE CLOSED, BUT TERROR VICTIMS NEED CLOSURE

CONTEXT: Justice Sanjay Kishan Kaul of the Supreme Court of India, while delivering the judgment on Article 370 of the Constitution recommended the constitution of a Truth and Reconciliation Commission to heal the wounds and suffering of the victims of the insurgency that gripped the Kashmir Valley, particularly in 1989-90.

Defining parameters

The purpose of a truth and reconciliation commission is to facilitate the process of reconciliation in societies that are divided during periods of violence and grave human rights abuses. The Truth and Reconciliation Commission may help to 'achieve collective understanding of the human rights violations perpetrated by State and non-State actors, against people of the region'.

The Uganda Commission of Inquiry into Disappearances of People of Uganda, 1974 investigated report on hundreds of disappearances that occurred during the earlier regime. Most of such commissions have been constituted to study the pattern of human rights violations that took place either during an earlier regime or military dictatorship or arising out of insurgency or similar grave acts of violence. Justice Kaul, for instance, referred to the South African truth and reconciliation commission, which was set up to investigate rights violations during the apartheid regime.

Priscilla B. Hayner, known for her expertise on truth commissions and transitional justice, in her book, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, has delineated the five main characteristics of truth commissions.

1. Officially authorised or empowered by the state.
2. Temporary body, with the aim of concluding with a final report.
3. Focus on the past, rather than ongoing events.
4. Investigates a pattern of events that took place over a period of time.
5. Engages directly and broadly with the affected population, gathering information on their experiences.

The United Nations appointed Truth and Reconciliation Commission for Timor-Leste or East Timor). A non-governmental organisation (NGO) such as the World Council of Churches, in Brazil too set up a Truth and Reconciliation Commission. The International Center for Transitional Justice (ICTJ), an NGO established in March 2001 to propagate truth commissions and help to transfer the expertise, is still working in many countries.

Caution needed to fix mandate

The most important function of a truth and reconciliation commission is to hold public hearings and record patterns of rights violations, as narrated by the victims as well as by the perpetrators. The South African

commission, for instance, had the power to grant amnesty in exchange for full disclosure by applicants. Such a provision could attract controversy in India if applied uniformly to state and non-state actors. Non-state actors in the Valley were terror groups, mostly financed by actors active across the border. Even home-grown terror groups are known to have been brain-washed and trained by them.

But as far as state actors are concerned, levelling imputations against the Indian Army (and/or the Jammu and Kashmir security forces) which have been holding fort since the late 1940s may not go down well with the government, as the Army's presence in the Valley is still required to further normalise the situation. Also, it is important to note that the central government has denied permission in the past to prosecute certain members of the defence forces for alleged offences and rights violations. The Supreme Court of India, in *General Officer Commanding (Army) vs CBI & Anr. (2012)*, held that the government's sanction is necessary if there is a 'reasonable nexus' between action and the lawful discharge of duties of the official.

The case of the Kashmiri Pandits

As mentioned by Justice Kaul, the phase of involuntary migration (of Kashmiri Pandits) that took place in 1989-90 due to the second round of insurgency is the one that awaits rightful redress. It is quite understandable that many victims might not be alive to seek closure of their loss and violations. The truth and reconciliation commissions, if constituted immediately after the change of regime or end of hostilities or insurgency, would be most useful in reconciliation and in rebuilding fractured societies. Therefore, the truth and reconciliation commission, even if constituted without further delay, will have only limited utility.

Nevertheless, the victims of rights violations still reserve the right of reparation (recognised even by the UN) which may take all or any of the five forms, i.e., restitution; compensation; rehabilitation; satisfaction, and guarantees of non-repetition. Restitution includes all measures aimed at re-establishing the original situation before the rights violations happened. Examples include return to one's place of residence or the return of property. This, though it appears to be problematic, is still the most crucial step for most migrants who need to be given a fair chance without further aggravating their agony. Monetary compensation for damages and pension may solve some problems of the poor victims, though the neediest might not be alive to the situation to get due benefits. Rehabilitation could restore reputation and may include legal services if needed. Satisfaction may assume the form of a public apology, commemoration, tribute to victims and so on. The guarantee of a non-repetition may include measures contributing to the prevention of further violations as well as training for armed and other security forces. Despite Jammu and Kashmir being a case of delayed reparation, some relief can still be given to the victims within each parameters given above to rebuild their lives.

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ECOLOGY AND ENVIRONMENT

GLOBAL GOAL ON ADAPTATION AND THE ROAD FROM DUBAI

CONTEXT: The 28th meeting of the Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC), in Dubai culminated in the adoption of the framework for Global Goal on Adaptation (GGA) at COP28.

The best mitigation efforts enshrined in the nationally determined contributions (NDCs) of the Parties to the Paris Agreement are not in sight of restricting global average temperature below 1.50 Celsius as compared to pre-industrial levels. They would rather nudge the world towards the 2.80 Celsius point by the end of the century.

Challenges in GGA implementation

The framework of the GGA is expected to influence the prioritisation of the adaptation plans. A main target in the GGA includes the Parties to the Paris Agreement having “conducted up-to-date assessments of climate hazards, climate change impacts and exposure to risks and vulnerabilities and have[ing] used the outcomes of these assessments to inform their formulation of national adaptation plans, policy instruments, and planning processes and/or strategies”, by 2030.

By 2027, all the Parties have to establish multi-hazard early warning systems, climate information services for risk reduction and systematic observation to support improved climate-related data, information and services. A comprehensive review of experiences from the Millennium Development Goals found that globally agreed goals do not trickle down easily from the global to the national level. National conditions, including administrative capacity and economic development, were identified alongside adequate support as key influencing factors for the implementation of a global goal.

Measuring GGA

The Parties are expected to have progressed in their implementation of national adaptation plans, policies and strategies by 2030. Unlike mitigation of greenhouse gases, climate adaptation does not have a universal metric, and its ambition or implementation level cannot be simply aggregated based on countries’ national pledges. The GGA framework has taken an important decision to launch a two-year work programme on indicators for measuring progress achieved towards the targets mentioned in paragraphs 9-10 of the GGA draft decisions (FCCC/PA/CMA/2023/L.18).

In a global context of scarce public funds and competing priorities, the idea of spending in those adaptation activities would not pose much difficulty if their results can be fairly measured and compared. The idea of developing a standardised metric is one that is being supported by international donors and the national budget managers,

which would help them in applying this to all sorts of adaptation projects.

The COP28 Draft Decision notes with concern that the adaptation finance gap is widening, which amounts to highlighting the widening gap between the estimated costs of meeting a given adaptation target and the amount of finance available. The COP26’s urge to developed countries to double overall adaptation finance from 2019 levels by 2025 was repeated in the Draft Decision. Estimation made on the basis of updated NDCs or national adaptation plans indicate a figure of \$71 billion per year from now to 2030. The Organisation for Economic Co-operation and Development countries have already admitted that their combined mitigation and adaptation finance flows fell short of the annual \$100 billion to \$83.3 billion in 2020.

Climate financing and mitigation bias

There is also a strong bias in climate financing in favour of mitigation as compared to adaptation.

Here are the reasons: the climate change regime has been largely mitigation centric; rich countries do not gain much as the benefits of adaptation are local, and mitigation projects generate benefits globally and the availability of low-cost mitigation options in developing countries.

Buchner, in a study, said that the split between mitigation and adaptation finance is 95:5 (Climate Policy Initiative, Venice, 2011). Self-reporting made by finance providers indicates there has been a trend of increasing international adaptation finance to developing countries in recent years, reaching \$28.6 billion in 2020, but the share of adaptation in total climate finance to developing countries was 34% in 2020, still far behind mitigation finance (Adaptation Gap Report, 2022).

The GGA is an encouraging development as it contains a number of developments that are very useful for the cause of adaptation. But it still falls woefully short in terms of treating adaptation on a par with mitigation as it lays stress on holding the increase in the global average temperature well below 20 C and 1.50 C essential for ensuring the continued availability of the largest number of adaptation options, and also adds greater levels of mitigation that will reduce the need for additional adaptation efforts.



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INTERNATIONAL RELATIONS

TRUMP'S INSURRECTION ROLE: LEGAL IMPACT

CONTEXT: The Colorado Supreme Court has pushed that latter piece to the forefront, ruling on December 19 that Mr. Trump cannot appear on Colorado's 2024 presidential ballot because of his involvement in the January 6, 2021, insurrection.



Section 3 of 14th Amendment to the Constitution, ratified in 1868, three years after the Civil War ended says:

“No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.”

Explanation

Section 3 of the 14th Amendment is known as the Disqualification Clause and addresses the issue of individuals who engage in insurrection or rebellion against the United States holding public office.

Who is affected?

Anyone who has previously taken an oath to support the Constitution of the United States. This includes:

1. Federal officials: Senators, Representatives, and other officers of the United States.
2. State officials: Members of state legislatures and executive and judicial officers of any state.

What does it prohibit?

Holding any "office, civil or military," under the United States or any state. This includes elected offices, appointed positions, and even participation in the Electoral College.

What triggers the disqualification?

Engaging in "insurrection or rebellion" against the United States. This is a legal term with no clear definition, but it generally refers to an attempt to overthrow the government by force or violence.

Giving "aid or comfort to the enemies thereof." This could include providing material support, financial assistance, or even moral encouragement to those engaged in insurrection or rebellion.

Is there a way to get around the disqualification?

Yes, Congress has the power, by a two-thirds vote of each House, to remove the disability imposed by Section 3. This means Congress can reinstate the eligibility of someone who has been disqualified to hold office.

Importance and controversy

Section 3 was passed in the aftermath of the Civil War to prevent those who had participated in the Confederacy from holding public office. However, its application has been debated in various contexts, including its potential use to disqualify individuals involved in the January 6th Capitol attack.

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