

PENALTY ON GOOGLE

Life & teachings of Maharishi Swami Dayanand

The Competition Commission of India (CCI) recently imposed a penalty of Rs. 936.44 crore on Google for abusing its dominant position with respect to its Play Store policies, apart from issuing a cease-and-desist order. The Commission also directed Google to modify its conduct within a defined timeline. For app developers, app stores have become a necessary medium for distribution of their apps to the end users and the availability of app store(s) is directly dependent on OS installed on a smart device. An appreciation of the market dynamics in licensable mobile operating system in India makes it evident that Google's Android OS has successfully reaped the indirect network effects. Google's Play Store constitutes the main distribution channel for app developers in the Android mobile ecosystem, which allows its owners to capitalize on the apps brought to market. Based on its assessment, the CCI found Google to be dominant in the markets for licensable OS for smart mobile devices & market for app stores for Android smart mobile OS, in India. Selling of in-app digital goods constitutes an important means for app developers to monetize their creations/innovations. However, for in-app digital goods to be distributed to purchasing users, developers must configure their apps so that all purchases of the digital goods go through Google's payment system, which processes the transactions.

Google's Play Store policies require the App developers to exclusively and mandatorily use Google Play's Billing System (GPBS) not only for receiving payments for Apps (and other digital products like audio, video, games) distributed/sold through the Google Play Store but also for certain in-app purchases i.e. purchases made by users of Apps after they have downloaded/ purchased the App from the Play Store. Further, app developers cannot, within an app, provide users with a direct link to a webpage containing an alternative payment method or use language that encourages a user to purchase the digital item outside of the app (anti-steering provisions). If the app developers do not comply with Google's policy of using GPBS, they are not permitted to list their apps on the Play Store and thus, would lose out the vast pool of potential customers in the form of Android users. Making access to the Play Store dependent on mandatory usage of GPBS for paid apps and in-app purchases is one sided and arbitrary and devoid of any legitimate business interest. The app developers are left bereft of the inherent choice to use payment processor of their liking from the open market. The CCI has also examined the allegations of exclusion of rival UPI apps as effective payment options on Play Store. It was found that Google Pay has been integrated with intent flow methodology whereas other UPI apps can be used through collect flow methodology. It was noted that the intent flow technology is superior and user friendly than collect flow technology, with intent flow offering significant advantages to both customers and merchants and the success rate with the intent flow methodology being higher due to lower latency. Google has informed the CCI that it has recently changed its policy and has allowed rival UPI apps to be integrated with intent flow.

Based on its assessment, the CCI concluded that, making access to the Play Store, for app developers, dependent on mandatory usage of GPBS for paid apps and in-app purchases constitutes an imposition of unfair condition on app developers. Thus, Google is found to be in violation of the provisions of Section 4(2)(a)(i) of the Act. Moreover, Google is found to be following discriminatory practices by not using GPBS for its own applications i.e., YouTube. This also amounts to imposition of discriminatory conditions as well as pricing as YouTube is not paying the service fee as being imposed on other apps covered in the GPBS requirements. Thus, Google is found to be in violation of Section 4(2)(a)(i) and 4(2)(a)(ii) of the Act.

The mandatory imposition of GPBS disturbs innovation incentives and the ability of both the payment processors as well as app developers to undertake technical development and innovate and thus, tantamount to limiting technical development in the market for in-app payment processing services in violation of the provisions of the Act. Thus, Google is found to be in violation of the provisions of Section 4(2)(b)(ii) of the Act. Mandatory imposition of GPBS by Google, also results in denial of market access for payment aggregators as well as app developers, in violation of the provisions of Section 4(2)(c) of the Act.

The practices followed by Google results in leveraging its dominance in market for licensable mobile OS and app stores for Android OS, to protect its position in the downstream markets, in violation of the provisions of Section 4(2)(e) of the Act. Different methodologies used by Google to integrate, its own UPI app vis-a-vis other rival UPI apps, with the Play Store results in violation of Sections 4(2)(a)(ii), 4(2)(c) and 4(2)(e) of the Act. Accordingly, in terms of the provisions of Section 27 of the Act, the CCI hereby directs Google to cease and desist from indulging in anti-competitive practices that have been found to be in contravention of the provisions of Section 4 of the Act, as detailed in this order. In relation to computation of penalty, the CCI noted that there were glaring inconsistencies and wide disclaimers in presenting various revenue data points by Google. However, in the interest of justice and with intent of ensuring necessary market correction at the earliest, the CCI quantified the provisional monetary penalties on the basis of the data presented by Google. Accordingly, the CCI imposed a penalty @ 7 per cent of its average relevant turnover amounting to Rs. 936.44 crore upon Google on provisional basis, for violating Section 4 of the Act. Google has been given a time of 30 days to provide the requisite financial details and supporting documents.



OFF 'D' CUFF

Meditation as medication

Meditation is the best medication for all agitations. It will truly calm the mind, fill the heart with joy and bring peace to the soul; the serenity and joy that comes from meditation lasts throughout the day and throughout your life. Meditation is not a simple diversion that works only as long as you are actively engaged in it. Rather, meditation brings you into contact with God; it changes the very nature of your being. As you sit in meditation, you will realise the insignificance of that which causes anxiety; you will realise the transient nature of all your troubles. You will realise the infinite joy and boundless peace that come from God.

You will learn (or perhaps you have already learnt) med-

-Swami Chidanand Saraswati

■ ISHAAN MAHAJAN

Dayanand Saraswati or referred to as Maharishi Dayanand Saraswati or Mool Shankar Tiwari was an exceptional scholar, social reformer, philosopher, political thinker and most importantly the founding father of Arya Samaj. He was born on 12th February 1824 in Tankara, Gujarat in a conservative Brahmin family. Because of Dayanand's logical, scientific and critical analysis of religious faiths and for bringing a revolution in the notion of divinity, he is considered one of the Makers of Modern India.

Dayanand's Vision: Dayanand's vision of India included a classless and casteless society, a united India (religiously, socially and nationally), and an India free from foreign rule, with Aryan religion being the common religion of all. He took inspiration from the Vedas and considered them "India's Rock of Ages", the infallible and the true original seed of Hinduism. He gave the slogan "Back to the Vedas". Dayanand launched a frontal attack on Hindu orthodoxy, caste rigidities, untouchability, idolatry, polytheism, belief in magic, charms and animal sacrifices, the taboo on sea voyages, feeding the dead through Shraddha's, etc. Dayanand subscribed to the Vedic notion of the Chaturvarna system in which a person was not born in any caste but was identified as a Brahmin, Kshatriya, Vaishya or Shudra according to the occupation the person followed. Swami Dayanand also lamented the Hindu race as "the children of children". Inter-caste marriages and widow remarriages were also encouraged. Equal status for women was the demand of the Samaj, both in letter and in spirit. Therefore, Swami Dayanand was in favour and demanded the equal rights of women in society. It was a revolutionary step in increasing women's status and ensuring they receive equality and equal opportunities. He strongly criticised the escapist

Hindu belief in Maya (illusion) as the running theme of all physical existence and the aim of human life as a struggle to attain moksha (salvation) through escape from this evil world to seek union with God. Instead, he advocated that God, soul and matter (Prakriti) were distinct and eternal entities and every individual had to work out his salvation in the light of the eternal principles governing human conduct. Thus, he attacked the prevalent popular belief that every individual contributed and got back from society according to the principles of Niyati (destiny) and Karma (deeds). He held the world to be a battlefield where every individual has to work out his salvation by right deeds, and that human beings are not puppets controlled by fate. Hence, Dayanand's slogan of 'Back to the Vedas' was a call for a revival of Vedic learning and Vedic purity of religion and not a revival of Vedic times. He accepted modernity and displayed a patriotic attitude to national problems.

Dayanand's Mission: He believed that Hinduism had been corrupted by divergence from the founding principles of the Vedas and that Hindus had been misled by the priesthood for the priest's self-aggrandizement. For this mission, he founded the Arya Samaj, enunciating the Ten Universal Principles as a code for Universalism. With these principles, he intended the whole world to be an abode for Aryas (Nobles). In addition, Arya Samaj is consider Aum or Om to be the highest and proper name of God. He was also into reforming Hinduism with a new dedication to God. He travelled the country challenging religious scholars and priests to discussions, repeatedly winning through the strength of his arguments and knowledge of Sanskrit and Vedas. Hindu priests discouraged the laity from reading Vedic scriptures and encouraged rituals, such as bathing in the Ganges River and feeding priests on anniversaries, which Dayanand pronounced as superstitions.

By exhorting the nation to reject such superstitious notions, he aimed to educate the nation to return to the teachings of the Vedas and to follow the Vedic way of life. He also exhorted the Hindu nation to accept social reforms, including the importance of Cows for national prosperity as well as the adoption of Hindi as the national language for national integration. Through his daily life and practice of yoga and asanas, teachings, preaching, sermons and writings, he inspired the Hindu nation to aspire to Swaraj (self-governance), nationalism, and spiritualism. He advocated equal rights and respect for women and advocated for the education of all children, regardless of gender. Dayanand also made critical analyses of faiths including Christianity & Islam, as well as of other Indian faiths like Jainism, Buddhism and Sikhism. In addition to encouraging idolatry in Hinduism, he was also against what he considered to be the corruption of the faithful and pure faith in his own country. Arya Samaj's appeal was addressed not only to the educated few in India but to the world as a whole as evidenced in the sixth principle of the Arya Samaj. As a result, his teachings professed universalism for all living beings and not for any particular sect, faith, community or nation.

Dayananda's Vedic message emphasized respect and reverence for other human beings, supported by the Vedic notion of the divine nature of the individual. In the ten principles of the Arya Samaj, he enshrined the idea that "All actions should be performed with the prime objective of benefiting mankind", as opposed to following dogmatic rituals or revering idols and symbols. The first five principles speak of Truth, while the last five speak of a society with nobility, civics, co-living, and disciplined life. In his own life, he interpreted moksha to be a lower calling, as it argued for benefits to the individual, rather than calling to emancipate others.

Dayanand's Educative Reforms: Swami Dayanand Saraswati brought about a complete overhaul of the education system of India by introducing Anglo-Vedic schools to offer students an updated curriculum hence, imparting both the knowledge of the Vedas and contemporary English education. He was so impactful that you will be happy to know that his work was carried by his followers. One such person was Lala Hansraj who set up the Dayanand Anglo-Vedic School at Lahore. Soon, this school developed into a famous college. Children were taught in English and Hindi by modern methods hence impacting and changing the lives of people. Some disciples founded the Gurukul at Hardwar. Several DAV educational institutions were established to provide modern education. Thus, in the late nineteenth and early twentieth centuries AD, the Arya Samaj became an important organization for religious and social reforms.

Swami Dayanand Saraswati was more than just a religious leader of India who left a deep impact on Indian society and brought about changes in the religious perception of Indians. From voicing his opinions against empty ritualism, and man-made dictates to denouncing the caste system. From bringing about a complete overhaul of the education system by introducing Anglo-Vedic schools to offer Indian students contemporary English education to his political observations which were a source of inspiration for many political leaders during India's struggle for independence, he was an inspiration to many people not only in India but all over the world. That is why he's considered one of the Makers of Modern India and we must "Try not become a man of success but become a man of value." by following his path humanity can surely overcome the pain and suffering and enjoy the divine bliss and happiness in life.

Who is custodian of secularism?

■ MAHADEEP SINGH JAMWAL

The correct notion of secularism means a state that honors all faiths equally and gives them equal opportunities; that as a state it does not allow itself to be attached to one faith or religion. The fissiparous tendencies, whether they belong to Hindus, Muslims, Sikhs, Christians or others, are very dangerous and wrong. They belong to petty and backward minds. No one who understands the spirit of the times can think in terms of communalism. While the concept itself has deep historical roots, the term secularism itself dates only to the 19th century, when it was coined by British reformer George Jacob Holyoake. Andrew James William Copson (Chief Executive of Humanists UK and the President of Humanists International who worked a lot for civil and human rights organizations) in his book 'Secularism' relies on the concise definition offered by French scholar Jean Bauberot, who sees three essential components to a secular society: 1. The separation of religious institutions from the institutions of the state. 2. Freedom of conscience for all individuals circumscribed only by the need for public order and the respect of the rights of other individuals and 3. No discrimination by the state against individuals on the basis of their beliefs.

While traversing on the Indian horizon, we find in 1948, when the newly independent dominion of India was debating the nature of the Constitution of India, Prof K T Shah, debated to include the word 'Secular' in the Constitution. On the inclusion of the term 'Secular', Dr B R Ambedkar said it is against the very grain of democracy to decide in the Constitution what kind of society the people of India should live in. It was agreed on the nature of State adhering to Secular Principles; hence the word 'Secular' was dropped from the preamble of the Indian Constitution. Later on we find the insertion of words "Sovereign Socialist Secular

Democratic Republic" for the words "Sovereign Democratic Republic" and for the words "Unity of the Nation", the words "Unity and Integrity of the Nation" substituted to the Preamble of the Constitution vide 'The Constitution (Forty-second Amendment) Act, 1976'. If we really want a secular society, standing by the Preamble, then we would have to stop identifying ourselves primarily by religion, caste or language, and start thinking of ourselves primarily as equal citizens of one nation, both in theory and in practice. However, given the rise of communal hatred and violence in recent years, it is perhaps fascinating that we look at secularism in terms of inter-community relations. In doing so, we will be able to shift our focus from 'Secular State' to something that is much more promising, 'Secular Society'. Notwithstanding its inspiring history and indubitable uniqueness, we observe, Indian secular pendulum is always vibrating and has not succeeded in bringing various communities together. Unethical and religious debates and commentaries on TV Channels by some paranoids and mustering of votes by exploiting the sentiments of people by political hawks on religion and caste base are not less than catalysts to radicalized ideology. There remain strands of history and expressions of culture that are invoked every now and then to pitch one in hostile opposition to the other. For the past some years, India, a multicultural state, is being leveled as a majority state and this ideology has inherited the tensions in these competing visions of Indian nationhood. In the current political climate, it is harder to bridge the widening gap between the communities that is based on created hostility by vested interests towards each other and is an issue that lies outside the ambit of secularism.

The set of Judgments in the Bommai case in 1993, ruled that secularism is part of the basic structure of the constitution and cannot be amended, that it is

derived from the Hindu principle of tolerance 'Sarva Dharma Sambhava' ensuring the equality of religions, that no religion will be at risk in a secular India because the government should not be aligned to religion, and finally that there is an essential connection between secularism and democracy.

To a mind bogging question, who is the custodian of the future of Indian secularism and who are responsible to save the idea of a pluralistic and tolerant India from becoming a casualty of narrow sectarian politics? Our traverse takes us to the fractured society that has to decode the underlying lust for power among the tainted political faces that harp on the immaturity of voters, who are not in a position to understand the value and power of their vote.

Stringent sanctions required to be imposed on those who promote religious polarization. Although section 123 of the 'Representation of the People Act of 1951' forbids politicians from campaigning on religious themes, it is hardly followed by politicians as ECI is a mute spectator and puppet in the hands of ruling dispensations and issues weakly dealt by law enforcement agencies.

For these reasons it has been unevenly enforced. This is possible only by those who constitute that society through reasoning and sensitivity as to what is best for society in keeping with generally accepted values of tolerance and social responsibility. The recent barbarian events that have occupied the information vessels speaks that we are at the cusp of one of the most defining moments of secularism, and where we go from here depends on whether we are willing to rise above manufactured animosities and invest in an ethically informed understanding of the other, or embrace sectarian populism. The acceptance of coexistence together with equal status before the law can certainly be a first step.

Liberation of PoJK imminent

■ PURAN CHAND SHARMA

Liberation of PoJK is imminent. It is not only a dry political rhetoric but a deep imbedded wish of 130 crore plus sons and daughters of India. Cumulative Prayers always get answered. Things are moving in the right direction for wiping out the historical stigma. We simply need to diligently maintain tempo and mental equipoise As usual we have enthusiastically celebrated Accession Day across the length and breadth of JKUT this year as well in the form of seminars, debates and other colourful programmes organized by social, political and educational Institutions. It is considered to be a great Historical Day of monumental significance in terms of National Integrity. We attained freedom together with pangs of division. At that critical juncture our country was passing through an extreme difficult and painful situation. Mohd Ali Jinnah strongly pitched for separate homeland to Muslim community on the basis of two nation theory playing as a puppet in the hands of British. Gandhi, the influential mass leader failed to stick to his pronounced stance, 'Pakistan Meri Laash Par Bane Ga'. Accordingly the demand for unscientific division of Matri Bhoomi grew stronger and stronger at the behest of unpatriotic elements. Indian National Congress also wilted under undue influence of unruly and anti national elements as well as British Authorities disproportionately to the extent that culminated into Congress working committee passing the resolution of partition of a cohesive country on communal lines. Amazingly even Jinnah, the relentless crusader for partition bluntly said in

reaction to the decision of CWC "Have they gone bad?". He was clandestinely preparing ground for some top position in the very first Government of Independent India. However, his inflated ego and ambitiousness could not be cautiously handled by the authorities that be.

The most significant point in the resolution of partition was "all Muslim majority areas would go to the newly born country namely Pakistan. In this context it will be interesting to ponder over the candid views of Dr B R Ambedkar, the principal architect of our constitution. "Agreeing for division of the country on communal and religious basis is unfortunate and if at all it has been done, the complete transfer of population must be diligently ensured failing which the adverse consequences of this suicidal blunder shall have to be faced by our future generations."

The prevailing situation vis-a-vis our traditional rival Pakistan in the current times bears testimony to the pinpointed foresight of an outstanding legal luminary of the country. Our intractable neighbour has degenerated into a lacerating sore for ever for our upcoming progeny in the critical times ahead. Alas, our Leadership would have kept in mind the words of Abraham Lincoln, American President amidst grave crisis, "Let there be a civil war but the country will not be divided."

In the back drop of pangs of division of country and not strictly enforcing complete transfer of population, we turn focus on Jammu & Kashmir wherein a Hindu King was successfully ruling a Muslim majority state. As per the India Independence Act all princely states

immediately signed the letter of Accession well before 15th August,1947 but Maharaja was taking some time to sign the letter of Accession as J&k state was not a princely state but being a Muslim majority state it was to go to Pakistan which Maharaja never wanted. The final authority to take a decision was vested in the incumbent king. Simultaneously Mountbatton was pressurizing Maharaja to submit a letter on the lines of Princely state so that he is empowered to decide the fate of J&k state but Maharaja was resisting this illegal move, had the King meekly toed their line, entire state would have gone into the dominion of Pakistan.

It goes to the credit of Maharaja that he did not succumb to the Imperialist arm twisting tactics and saved Jammu & Kashmir. It is also significant to note that the document of accession signed by Maharaja was inclusive of PoJK subsequently subjugated by Pakistan through armed rebellion. Whilst on the subject a brief revisit to those horrific and explosive conditions arising out of our killer follies and beastly conduct of Pakistani Kabalis together with Army of newly born dominion would be eye opener for a general public and authorities at the helms. Hordes of Pakistanis assembled on the Borders to hold a massive demonstration exhibiting horrible stance on 7.9.1947. On 9th September, 1947, Pakistani Tribals along with Army launched attack on Jammu & Kashmir and massacred huge number of Hindu refugees coming from Pakistan to Kohala. In Mirpur, which is now in PoJK, 18,000 men, women and children were brutally killed

by Pakistani Army and Raiders in three days atrocious action on September 25, 26 and 27, 1947.

On October 6, 1947 Pakistani instigated marauders attacked Pattan (Kotli). Hindu force was inadequate, they fought valiantly but got massacred. Raiders and Kabalis burnt villages, killed people and dishonoured womenfolk. Almost entire Mirpur District fell into the subjugation of Pakistan. Similarly many other strategic areas of Indian territory like Skardu, Gilgit, Baltistan etc. slipped into the illegal occupation of Pakistan.

At this twilight hour we are well poised to launch a decisive, sustained, diplomatic and aggressive campaign at all appropriate levels to retrieve our sacred territory from the claws of wily neighbour and can stamp out the grave historical folly. Newly born Pakistan stabbed us in the back and annexed substantial territory of J&K by use of force. Union Govt and Maharaja were conducting themselves as strange bed fellows. Central forces were not sent in time. Being extremely upset over unreasonable delay he told his ADC, "If you do not hear Indian planes tomorrow morning, shoot me in my sleep". Further when the forces arrived and swung into action, the advancing army was halted by way of unilateral decision which proved to be damp squib and a consumptive mistake which has degenerated into permanent sore point for the Nation. Pakistan has been using our PoJK territory for its nefarious designs against us. This has to be stopped forthwith by the rising India enforcing the resolution of our Parliament unanimously adopted in the year 1994. Jai Bharat.