Current Affairs, 10th November to 16th November, 2019

International

Riyadh Labels Feminism, Atheism, Homosexuality as Extremist Ideas

- A promotional video published by Saudi Arabia's state security agency categorises feminism, homosexuality and atheism as extremist ideas, even as the conservative Muslim kingdom seeks to promote tolerance and attract foreigners. The animated clip posted on Twitter at the weekend by a verified account of the State Security Presidency said, "all forms of extremism and perversion are unacceptable". It listed those concepts alongside takfir: the Islamist militant practice of labelling followers of other schools of Islam unbelievers. "Don't forget that excess of anything at the expense of the homeland is considered extremism," said the promo's voiceover. As part of plans to open up society and attract foreign investment to transform Saudi Arabia's oil-dependent economy, Crown Prince Mohammed bin Salman has pushed for a more moderate form of Islam. He has loosened social restrictions and launched a tourist visa and as Saudi Arabia prepares to take over the presidency of the Group of 20 countries next year, Riyadh has chipped away at a guardianship system that assigns each woman a male relative to approve important decisions throughout their lives. Under Saudi law, supporting groups classified as extremist organisations can lead to imprisonment.

The Battle Over H-1B and H-4 Visas

- A United States court ruled that a group of American-born tech workers have faced heightened job competition from work authorisations given to the spouses of H-1B visa holders. That being said, the judges gave Indian workers living in the US short-term breathing room by leaving the final decision of the ongoing lawsuit up to a lower court.

What Is The H-1B and H-4 Visas?

The lottery-based H-1B visas allow US companies to employ foreign workers temporarily in specialised occupations for three years, extendable to six years. The issuances are capped at 85,000 a year, but some employers such as universities and research non-profits are exempt. Spouses of H-1B workers are granted an H-4 visa, through which some have been allowed to apply to work in the US since a Barack Obama-era 2015 law. Since the law was instituted, a total of 1,20,514 H-4 visas have been granted, of which 1,10,649 have come from India. Out of the 90,946 that were initially approved, 84,935 were for women. The H-1B visa has long-served as a common passage for Indians into the US. Out of the 4,19,637 H-1B applications in 2018, 74% came from India. Most beneficiaries are aged 25-34, and are in fields involving computers.

What Was the US Lawsuit?

The "Save Jobs USA" suit was originally filed in 2015 by two IT workers and one systems analyst against the US Department of Homeland Security. Their affidavits stated that they worked for more than 15 years at Southern California Edison until they were fired and

replaced by H-1B visa holders. The suit argued that the H-4 work authorisation violates immigration law and exceeds Homeland Security's authority. The plaintiffs lost in the district court in 2016, and appealed in federal court in Washington DC. During the transition between the Obama and Trump administrations, the appeals court held the matter as the new administration was considering eliminating the work authorisation. Homeland Security submitted a memo in September 2019 requesting a hold on oral arguments while they brought out the proposed rule to scrap the H-4 work authorisation. Homeland Security has delayed the move to scrap the H-4 visa spouse rule until spring 2020.

What Were the Arguments in Court?

The court re-visited the matter in December 2018. In the subsequent trials, a lawyer representing the former tech workers argued that US workers were harmed by the "entry of aliens into the job market". Homeland Security maintained that the damage done to the plaintiffs was due to the H-1B programme, not the work authorisation given to the spouses. They argued that there was no direct competition between the tech workers and the H-4 visa holders. The judges at the time also expressed concern that the job competition evidence was anecdotal. In the course of the trial, a brief arguing that the H-4 work authorisation adds to economic growth was submitted by the Information Technology Industry Council, the US Chamber of Commerce, and the National Association of Manufacturers. They contended that the work authorisation has added \$5.5 billion-\$13 billion to the GDP, and roughly \$2.4 billion in tax revenues. According to the brief, H-4 spouse visas have created about 6,800 positions in the US, cancelling out the 5,500 to 8,200 jobs that would've been filled by Americans if they weren't allowed to work.

So, What Happened Last Week?

Friday's ruling came from a three-judge panel in the Washington DC circuit. The judges disagreed with Homeland Security that the H-4 work authorisation is also not at fault: "We disagree. The rule will cause more H-1B visa holders to remain in the United States than otherwise would — an effect that is distinct from that of the H-1B visa holders' initial admission to the country". Although the ruling states that the tech workers do face increased competition from the H-4 work authorisation, the final merits of the lawsuit will be determined by a lower court.

How Has H-1B Changed Over Time?

The Trump administration has visibly ramped up H-1B denials, under the executive order "Buy American and Hire American". H-4 visas have also been issued at a much lower rate, with initial approvals dipping from 31,017 in 2016 to 27,275 in 2017 to 6,800 in 2019. In August, the Department of Labour released for the first time the names of companies where H-1B visa holders are conducting work, even if they are employed by a third-party staffing or outsourcing firm. The release of data was seen as another move to target occupation visa programmes that the President and his base believe are cutting into job opportunities for American-born citizens. Indian outsourcing corporates such as Tata, Infosys, and Wipro faced denial rates of 28%-46% from 2015-19. US-based companies such as Ernst & Young, Deloitte, and Cognizant saw 18%-52% rejection rates, but Big Tech companies like Apple, Google and Facebook faced little change in H-1B visa approvals in that time period, according to a report from National Foundation for American Policy. Still, Big Tech is affected by the increased

rejections. Many of them hire contract workers from the outsourcing companies that have been affected, meaning the Big Tech companies will have to pay US market wages instead of reduced foreign worker wages. The report states that the Trump administration wants "to make it more difficult for well-educated foreign nationals to work in America in science and engineering fields".

A Bolivian Crisis (Vijay Prashad - Director of Tricontinental: Institute for Social Research)

- On November 10, Bolivia's President Evo Morales Ayma, who had been re-elected on October 23, resigned from office. On November 9, rumours suggested that the police would open a corridor for right-wing militias to enter the presidential palace and kill Mr. Morales. Tension gripped the country. Mr. Morales called for fresh elections, but the political parties of the oligarchy, led by Carlos Mesa, rejected the offer. Mr. Mesa had called for "permanent protests" after he had lost the election. These protests escalated into a rebellion, with the police joining the ranks of an insurgency of the oligarchs. Mr. Morales might have remained in power had the military stayed neutral. But General Williams Kaliman demanded that Mr. Morales step down, leaving him with no choice.

Indigenous and Socialist Agenda

When he came to power in 2006, Mr. Morales was the first indigenous President of Bolivia. Two-thirds of Bolivia's population come from various indigenous communities who have lived in poverty and suffered humiliation from those who claim descent from the Spaniards. Mr. Morales had won a landslide in 2005, which enabled his Movement for Socialism (MAS) to push for dignity for the indigenous communities. In the new Constitution of 2009, the flag of the indigenous communities, the Wiphala, became equivalent to the old flag of Bolivia. It was sown onto the uniforms of the military and flown on government buildings. Bolivia, a plurinational state, was no longer going to denigrate its indigenous heritage. Mr. Morales also put forth a socialist agenda. MAS was formed by a range of social and political movements, which included organisations of the indigenous communities and trade unions. His predecessor, Mr. Mesa, was hit hard by protests against gas and water privatisation and against the destruction of coca crop. Mr. Morales, a leader of the coca growers, was rooted in these movements. At the United Nations this year, Mr. Morales said Bolivia has cut poverty drastically, increased its life expectancy rate, become 100% literate, developed a universal healthcare system, and ensured that over a million women received land tenure. Its Parliament is dominated by women. "We nationalised our natural resources and our strategic companies," he explained. Mr. Morales won his first election to the presidency when the 'pink tide' had been established from Venezuela to Argentina. When commodity prices fell, many of these Left-leaning governments lost power, but Mr. Morales remained popular and won election after election. But he faced opposition from Bolivia's oligarchy and from the U.S., which had long wanted him removed from office.

Plans to Destabilise the Government

When he assumed power, the U.S. embassy in La Paz called Mr. Morales an "illegal coca agitator". Plans to destabilise the government began immediately. The U.S. said it would delay all loans and discussions on debt relief until Mr. Morales displayed "good behaviour".

If he tried to nationalise any of the key sectors, or if he rolled back the anti-coca policies, he would be penalised. Mr. Morales showed no such fealty to the U.S. Bolivia has seen many coups. The armed forces, influenced by the U.S., were always on standby for a scenario when they could eject Mr. Morales. But the popularity of the President and the MAS prevented any such armed action. Mr. Morales's socialist agenda improved the everyday lives of the people, even as commodity prices declined. The 'coup' had to be delayed given his appeal. The lead-up to the election of October 20 was fraught with tension. Mr. Morales had sought a fourth term, for which he got judicial sanction. He beat Mr. Mesa by over 10 percentage points, but Mr. Mesa refused to accept the result. The Organization of American States (OAS), which is influenced by the U.S., found irregularities in the counting of votes. It said it was surprised by the "drastic and hard-to-explain change in the trend of the preliminary results", but offered no evidence for this claim. The Centre for Economic and Policy Research found no irregularities. Nonetheless, key U.S. officials and the Bolivian oligarchy tried to nullify the results. Based on this, the right-wing called upon its supporters to flood the streets, and the police forces decided to mutiny. The U.S. and the OAS played a key role in the 'coup'. Mr. Morales has been granted asylum in Mexico. Meanwhile, in Bolivia, armed men have begun to arrest cadre from MAS and indigenous organisations. The Wiphala is being removed from government buildings and from the uniforms of the armed forces; it is being burnt on the streets to chants of "Bolivia belongs to Christ". This is a direct attack on the indigenous majority. Mr. Morales is aware of this terrible situation. He resigned to prevent this violence; it did not help. "We will come back," he wrote. And then he quoted the Andean leader, Tupac Amaru II: "When we come back, we will be millions".

- According to the Bolivian Constitution, if the President steps down, the Vice-President should take over. The heads of the Senate and chamber of deputies are the other leaders in the hierarchy who could assume acting presidency. But in this case, all four officials, all Socialists, have resigned. And it has left a vacuum, which the military could exploit.
- Mr. Morales made some major political mistakes as well. Primarily, he failed to bring up a second-rung leadership in the Movement for Socialism to whom he could pass the baton of his "21st century socialist revolution". In 2016, his push to end presidential term limits through a referendum failed. He then said he accepted the verdict. But later, a constitutional court lifted the term limits, allowing the President to seek re-election. This had galvanised the Opposition, which claimed that the President's electoral participation itself was unconstitutional. This was followed by allegations of electoral fraud, which further weakened him.

Foreign Affairs

RCEP

- India has enormous strategic and long-term economic imperatives to join the RCEP. India's ambitions to become a global hub for manufacturing means that it is the country's long-term national interest to be integrated into global value chains. However, in Asia today, there are effectively now two economic structures — the RCEP and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) — which will effectively determine global value chains for manufacturing in Asia for years to come. India, now a part of neither architecture, will continue to remain unintegrated in such supply chains, and will

see its ambitions of becoming a global manufacturing hub further delayed. The World Bank found that when coupled with domestic reforms, joining such global value chains can "boost growth, create better jobs, and reduce poverty". India's own evidence shows that jobs linked to global value chains earn one-third more than those jobs focused on the domestic market. The inability to accede to the RCEP and ensure India's integration into these emerging global value chains means India will lose out on a key opportunity to create such high-quality, high-paying jobs. Moreover, India's absence in both of Asia's two key economic architectures will take away from India's goals as a regional and Indo-Pacific power, as well as a prospective global power. Given India's own ambitions to generate growth and jobs through spurring manufacturing within India, and becoming a key player and rule-maker on the world stage, India's decision to withdraw from the RCEP is not ideal. India now faces a choice: does it translate this withdrawal from the RCEP into a commitment for domestic reforms to prepare itself for the next opportunity to integrate itself into the global value chains and unleash Indian manufacturing? Or does it revise its ambitions and, as the Prime Minister said, remain "isolated and sitting alone in a corner?" Hopefully, India chooses the former path.

U.S. Trade Negotiators to Visit Delhi For More Talks

- Generalised System of Preferences — is a preferential market access programme the U.S. offers developing country partners. India's GSP benefits were revoked in June on the grounds that India had not assured the U.S. that it would provide "equitable and reasonable" access to its markets, as per U.S. President Donald Trump's proclamation on the issue. Mr. Trump believes the world trading system, and more broadly, the multilateral system, treats America unfairly. India has wanted its GSP benefits restored but it is unclear whether any limited trade agreement reached between the sides will result in a full or partial restoration of GSP benefits to India. The extent of GSP restoration has been one of the discussion points between the two sides. India also has wanted a roll-back of tariffs on steel and aluminium imports into the U.S. that Mr. Trump had imposed in 2018 across countries, ostensibly on national security grounds. Both India and the U.S. have wanted greater access for agricultural commodities in each other's markets. The U.S has wanted lower Indian tariffs on apples, almonds, and walnuts. The U.S. has also wanted tariff concessions on Harley Davidson motorbikes (of symbolic value to Mr. Trump), dairy products and Information Communication and Technology products. India has been reluctant to move on ICT products, concerned that it would open Indian markets up to a flood of Chinese goods. Sources close to both sides expressed optimism that progress had been made and a limited trade package was being finalised. This optimism, that a limited deal can be reached, appears to be higher than it was at the end of September when Mr. Goyal and Mr. Lighthizer met in New York City hoping to stitch together a limited deal prior to the September 24 bilateral between Prime Minister Narendra Modi and Mr. Trump.

India-US Disaster Relief Exercise

- In tune with the growing partnership between India and the US, the maiden India US joint tri-services Humanitarian Assistance and Disaster Relief (HADR) Exercise named 'Tiger Triumph' is scheduled on the Eastern seaboard from November 13 to 21. Indian Naval ships Jalashwa, Airavat and Sandhayak, Indian Army troops from 19 Madras and 7 Guards, and Indian Air Force MI-17 helicopters and Rapid Action Medical Team (RAMT) would be

participating in the exercise. The US would be represented by US Navy Ship Germantown with troops from US Third Marine Division. The exercise is aimed at developing interoperability for conducting HADR operations. The harbour phase is scheduled at Visakhapatnam from November 13 to 16. On completion of the harbour phase, the ships, with troops embarked, would sail for the sea phase and undertake maritime, amphibious and HADR operations. On reaching the HADR area at Kakinada, the landing of relief forces would be undertaken to the exercise scenario.

BRICS summit

- Prime Minister Narendra Modi left for Brazil to attend the 11th BRICS Summit. What is on the agenda of this grouping, and why is it important?

The Origins, And Now

On November 30, 2001, Jim O'Neill, a British economist who was then chairman of Goldman Sachs Asset Management, coined the term 'BRIC' to describe the four emerging economies of Brazil, Russia, India, and China. In a paper, 'The World Needs Better Economic BRICs', written for the Goldman Sachs 'Global Economic Paper' series, O'Neill — who went on to serve as Commercial Secretary to the Treasury between 2015 and 2016 in the governments headed by David Cameron and Theresa May — made a case for BRIC on the basis of econometric analyses projecting that the four economies would individually and collectively occupy far greater economic space and become among the world's largest economies in the next 50 years or so. Answering a question, "Should the G7 be replaced by a G9?", he wrote it seems quite clear that the current G7 needs to be "upgraded" and room made for the BRICs in order to allow more effective global policymaking. And, about India's role, he wrote, "India would almost definitely be the least eager to join the G9 club. They might regard any 'obligati'ns' as unwelcome, as well as possibly seeing their own experiences as limiting their ability to give 'advice'. However, in view of their size, population and potential (and their geographical location), the possible inclusion of India would be attractive." Eighteen years later, India finds itself as one of the emerging economies in the grouping and beyond, especially G20. BRICS now brings together five economies accounting for 42% of the world's population, 23% of the global GDP and an around 17% share of world trade. As a formal grouping, BRIC started after the meeting of the leaders of Russia, India and China in St Petersburg on the margins of the G8-Outreach Summit in July 2006. The grouping was formalised during the first meeting of BRIC Foreign Ministers on the margins of the UNGA in New York in September 2006. The first BRIC Summit was held in Yekaterinburg, Russia, on June 16, 2009. It was agreed to expand BRIC to BRICS with the inclusion of South Africa at the BRICS Foreign Ministers' meeting in New York in September 2010. South Africa attended the third BRICS Summit in Sanya on April 14, 2011. Last year, leaders of the grouping commemorated the 10th anniversary of BRICS in Johannesburg.

India & The Current BRICS Summit

As Modi attends the 11th BRICS Summit in Brasilia, his sixth since he assumed office in 2014, it will be the beginning of what New Delhi sees as the "second cycle" of BRICS. Since July 2014 in Fortaleza in Brazil, Modi's first multilateral summit after becoming Prime Minister, the grouping has completed the first cycle during his regime in India. From the Indian perspective, BRICS has emerged the voice of developing countries, or the global south. As

these countries face an aggressive club of developed countries, raising challenges on issues from WTO to climate change, New Delhi believes BRICS has to protect the rights of the developing countries. The five BRICS countries are also members of G-20. While the economic heft of three of the five countries has been dented in the last few years, the BRICS cooperation has two pillars — consultations on issues of mutual interest through meetings of leaders and ministers, and cooperation through meetings of senior officials in areas including trade, finance, health, education, technology, agriculture, and IT. Also, India has to maintain the balancing act between Russia-China on the one side and the US on the other. While India has had a growing role in global affairs in the last decade or so, and is seen to be helping drive the global agenda, the current crop of BRICS leaders too is seen as strong personalities — from Chinese President Xi Jinping to Russian President Vladimir Putin to Brazil's President Jair Bolsonaro — with a pronounced nationalistic agenda. South Block views this as a potential for cooperation, as the leaders have more in common than their predecessors. New Delhi believes that over the last few years, India has taken the lead in galvanising BRICS has also worked within the grouping to take a strong stand against terrorism and bring about focused consultations on specific aspects relating to terrorism.

On the Table in Brazil

This year, the joint working group on counter-terrorism has decided to constitute sub-working groups in five areas: terrorist financing; use of Internet for terrorist purposes; countering radicalisation; the issue of foreign terrorist fighters; and capacity-building. It is expected that India will chair the subgroup on use of Internet for terrorist purposes. During meetings of National Security Advisers of BRICS last month, India's NSA Ajit Doval put forward a proposal to host a BRICS workshop on digital forensics in India. Brazil has also made terrorism one of the priorities for its presidency. It held the first BRICS seminar on Strategies for Countering Terrorism. The fact that BRICS has put counter-terrorism on top of the agenda has been a success for India. That was evident in the BRICS Summit in Xiamen in September 2017, with China as the chair. The fact that it was achieved, despite the strained ties due to the standoff in Doklam, was a testimony to the value Beijing and New Delhi attach to the outcomes of the grouping. On the question of multilateralism, Modi has articulated a vision for strengthening and reforming the multilateral system itself. He has underlined that when India calls for multilateralism, it is not a call to reinforce the status quo of multilateralism but to reform it since this is what BRICS had originally set out to do. Leaders will attend a BRICS-restricted session, expected to focus on challenges and opportunities for the exercise of national sovereignty in the contemporary world. In the Plenary Session, leaders will discuss cooperation for economic development of BRICS societies. A meeting of BRICS leaders with BRICS Business Council will take place, and BRICS MoU among Trade and Investment Promotion agencies will be signed. On the conclusion, Summit leaders will issue a joint declaration. The Summit will be an opportunity for India to lay the groundwork for hosting the 2021 Summit scheduled in India. The last Summit took place in Goa in 2016. India will also be mindful of the fact that the G20 Summit to be hosted in India will take place in 2022, and this will be an opportunity to synergise the two agendas from New Delhi's lens as well.

Nation

How Supreme Court's Sabarimala Verdict Differs With Ayodhya Order (Prof Faizan Mustafa - Vice-Chancellor Of NALSAR University Of Law, And An Expert Of Constitutional Law)

- In Adelaide Co. of Jehovah's Witnesses Inc. v Commonwealth (1943), Australia's High Court observed: "What is religion to one is superstition to another". The Supreme Court has once again taken up the task of defining "essential religious practices". The Sabarimala review has been referred to a seven-judge Bench of the Supreme Court. The minority judges have correctly quoted the law on the limited scope of review to hold that neither has an error in the 2018 judgment been pointed out, nor has any new fact been discovered after the judgment. Those who are planning to seek a review of the court's Babri judgment (November 9) must read the minority judgment in the Sabarimala review. The two minority judges also disagreed with the Chief Justice of India on clubbing with the Sabarimala review the issues of female genital mutilation among Bohras, entry of women into mosques, and Parsi women married to non-Parsis visiting the Agyari. The minority judges are right — this case was limited to only the review of the Sabarimala judgment, and no arguments were heard on other issues. The law and state cannot and should not tell us what is essential or non-essential in a religion. The judiciary is not supposed to take over the role of the clergy. It was only on Saturday that the court in the Babri judgment observed that it cannot scrutinise anyone's religious beliefs. The Sabarimala reference order is inconsistent with the Babri judgment — the five judges in that case, while accepting the Hindu belief of the birth of Lord Ram at the disputed site, did not ask whether the belief about Lord Ram's birth under the central dome of the Babri mosque was an essential practice of the Hindu religion. No one asked whether one could remain a Hindu despite not having such a belief. The minority of Justices Nariman and Chandrachud, while rejecting the extreme plea of Sabarimala not being a Hindu temple as people of other faiths too worship there, have observed that a church remains a church despite people of different faiths visiting it. The primary reason to deny possession to the Sunni Waqf Board was its failure to prove that Muslims were exclusively praying in the inner courtyard of the Babri Masjid from 1528 to 1856. Going by Thursday's order, even assuming that Muslims were not exclusively praying in the inner courtyard, and that sometimes Hindus too prayed there, ought not to have changed the character of the mosque.

  In the Shirur Mutt (1954) case, the court held that "religion" in Article 25 covers all rituals and practices that are "integral" to a religion. It thus took upon itself the responsibility to determine what is integral or essential; and impliedly rejected the 'assertion test' of the United States under which a plaintiff could just assert that a particular practice was a religious practice, and courts would not probe any further. This test of arriving at the definition of religion was called the essential practices test. But the exercise of determining essential practices of a religion took judges into a domain beyond their expertise. The majority of the CJI and Justices Khanwilkar and Malhotra in the Sabarimala reference has held that the correctness of this approach is to be examined by a larger Bench. However, the majority has also said that it's the duty of the court to decide this issue in view of the obligations imposed upon it by the Constitution. The essentiality test was crystallized in the temple entry case (1958). The court dealt with the question of whether untouchability, manifested in

restrictions on temple entry, was an essential part of the Hindu religion. The court after examining select Hindu texts came to the conclusion that untouchability was not an essential Hindu practice. In the Sabarimala (2018) judgment, Justice Chandrachud said that ban on the entry of women in Sabarimala is a kind of untouchability, and thus violative of Article 17. Indeed, the temple was 'purified' after three women made a symbolic entry last year. Over the years, courts have been inconsistent in their application of the essentiality doctrine. Consider:

- In Gram Sabha Battis Shirala (2014), a particular sect claimed that capturing and worshipping a live cobra on Nag Panchami is an essential part of their religion. They placed reliance on the Shrinath Lilamrut; however, the Bombay High Court relied on the more general Dharmashastra text to reject their contention, without dealing with the question that the specific religious text of the villagers prescribed such a practice. In Sabarimala, the court overlooked the particular practice of Ayyappa devotees and relied on the general Hindu practice, refusing to recognise them as a separate Hindu sect.
- When a Muslim police officer challenged in Kerala High Court a regulation that did not permit him to grow a beard, the court rejected the plea by simply relying on the fact that certain Muslim dignitaries did not sport beards, and that the petitioner did not have a beard in his previous years of service. The court looked at empirical evidence of the practice, rather than at religious texts. However, despite empirical evidence to the contrary, courts have refused protection to animal sacrifice among Hindus, terming the practice as barbaric.
- In the Tandava dance case, the apex court relied on the doctrine of precedent to hold that Tandava dance was not an essential practice of the Ananda Marga faith. It also said that the faith had come into existence in 1955, while the Tandava was adopted only in 1966 — therefore, as the faith had existed without the practice, the practice could not be accepted as an essential feature of the faith. This was a strange argument that suggested that to be essential, religious practices must remain frozen in time, with no evolution.
- In Ismail Faruqui (1994), the Supreme Court dealt with the issue of the state acquiring the land over which the Babri Masjid had stood. Instead of settling the question in favour of the Centre on the principle of eminent domain, the court went into the question of whether praying in a mosque is an essential practice in Islam — and ruled that while praying is an essential practice, the offering of such prayers in a mosque is not, unless the place has a particular religious significance in itself. It is well known that congregational prayer is central to Islam and that mosques are essential means to achieve this objective. In 2018, the court rejected a plea to review this absurd judgment. However, in the case of Sabarimala, it has agreed that the essentiality test does require a review.

The Supreme Court has itself acknowledged that "every person has a fundamental right to entertain such religious beliefs as may be approved by his judgment or conscience". Thus, it is an individual right not a group right. The essential practices test is antithetical to the individualistic conception of rights. Under the test, the court privileges certain religious practices over others, when it does not have the expertise to decide which practice/ritual of a religion is essential/non-essential. These are purely theological questions. The cases above suggest that the judiciary has styled itself as a reformer of religions with its own idea of rationality and morality. The Supreme Court's insistence on applying the essential practices

test strikes at the very foundation of religious freedom in India. Practices of Hinduism (and its denominations) have been targeted by reformist judges who consider them to be based on superstition, while practices central to Islam have been targeted either because of the sentiments of the majority community or due to misplaced understanding of Islamic practices. The concept of providing constitutional protection only to those elements of religion, which courts consider "essential" is problematic. Such an approach assumes that one element or practice of religion is independent of the others; also that while some practices are central to a religion, others are merely incidental.

Sabarimala Dissenting View

- While the 3:2 majority opinion on pleas seeking a review of the Sabarimala judgment referred key issues to a larger Bench, the dissent, authored by Justice R F Nariman on behalf of himself and Justice D Y Chandrachud, simply dismissed the review petitions.

What Does the Dissenting Opinion Say?

Justice Nariman and Justice Chandrachud differed with the majority opinion that certain legal issues needed to be considered by a larger Bench. The judges said there is no occasion for the court to recalibrate judicial decisions on legal issues such as the essential religious practice test. "What this Court has before it is review petitions arising out of this Court's judgment in Indian Young Lawyers Association and Ors v State of Kerala WP (C) No.373 of 2006, which was delivered on 28 September, 2018, with regard to the Sabarimala temple dedicated to Lord Ayyappa. What a future constitution bench or larger bench, if constituted by the learned Chief Justice of India, may or may not do when considering the other issues pending before this Court is, strictly speaking, not before this Court at all," the minority view said. "Consequently, this judgment will dispose of the said review petitions and writ petitions keeping the parameters of judicial intervention in such cases in mind."

Why Did the Minority Opinion Focus Only on Deciding the Sabarimala Review?

A petition filed seeking a review of a judgment is filed under Article 137 of the Constitution, read with Order XLVII of the Supreme Court Rules, 2013. Quoting a previous ruling, the minority judges said: "A review is entertained on narrow grounds when there is a discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him; mistake or error apparent on the face of the record and any other sufficient reason". The minority also said that "a review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error". "The mere possibility of two views on the subject cannot be a ground for review. The error apparent on the face of the record should not be an error which has to be fished out and searched," the minority said, citing a 2013 SC ruling in Union of India v Sandur Manganese & Iron Ores Ltd. The minority opinion referred to the grounds raised by the review petitioners as a mere "rehash of arguments" and "re-argument of the arguments heard and considered earlier" while dismissing them. The dissenting judges said that when the process of adjudicating a case is complete and a decision is pronounced, the decision of the Supreme Court and binds everyone. "Compliance is not a matter of option," the judges said.

What Did the Minority Opinion Say on the 2018 Sabarimala Verdict?

The minority opinion, while concluding that the review petitioners have failed to show an error apparent on the face of law in the 2018 majority opinion, also engaged with several issues that had been raised in Justice Indu Malhotra's lone dissent in the 2018 verdict. Justice Malhotra had held that to entertain a public interest litigation at the behest of persons who are not worshippers at Sabrimala temple would open the floodgates of petitions to be filed questioning the validity of religious beliefs and practices followed by other religious sects. The judges reiterated that the Sabarimala case raises grave issues which relate to "gender bias on account of a physiological or biological function which is common to all women. It is for this reason that a bona fide public interest litigation was entertained by the majority judgment having regard to women's rights, in the context of women worshippers as a class, being excluded on account of such physiological/biological functions for the entirety of the period during which a woman enters puberty until menopause sets in".

- In Thursday's 3:2 Supreme Court ruling on the Sabarimala case, which deferred a decision on reviewing the 2018 verdict until a larger Bench can settle key points of law relating to the right to freedom of religion, the majority verdict was written by Chief Justice of India Ranjan Gogoi for himself and Justices A M Khanwilkar and Indu Malhotra.

What Does the Majority Verdict Say?

The 2018 verdict had held unconstitutional the practice of barring women of menstrual age from entering the temple. Thursday's majority verdict has not decided the petitions seeking a review of that verdict, and has kept these pending until a larger Bench decides on a gamut of issues around religion, essentiality of religious practices, and constitutional provisions relating to freedom of religion. Given the volume of cases that the Supreme Court handles, setting up a Bench of five or more judges is often delayed.

What Issues Were Included for Review?

"Concededly, the debate about the constitutional validity of practices entailing into restriction of entry of women generally in the place of worship is not limited to this case, but also arises in respect of entry of Muslim women in a Durgah/Mosque as also in relation to Parsi women married to a non-Parsi into the holy fireplace of an Agyari," the judgment said. "There is yet another seminal issue pending for consideration in this Court regarding the powers of the constitutional courts to tread on question as to whether a particular practice is essential to religion or is an integral of the religion, in respect of female genital mutilation in Dawoodi Bohra community," the court added, saying it is of the "considered view" that issues arising in these cases "may be overlapping and covered by the judgment under review". The CJI has the administrative power to club similar cases together. It is, however, rare for the court to pass a judicial order clubbing cases that are not listed with one it is hearing. The case concerning entry of Muslim women into mosques is listed before a two-judge Bench headed by Justice S A Bobde, while the cases relating to female genital mutilation (Sunita Tiwari v Union of India & Ors) and Parsi women's rights have already been referred to Constitution Benches that are yet to be set up. Additionally, the court framed seven issues that could be considered by the larger Bench. They range from balancing the freedom of religion under Articles 25 and 26 of the Constitution with other fundamental rights, particularly the right to equality, to recalibrating judicial decisions on constitutional morality and essential religious practices.

What Did the Court Say About Recalibrating Such Decisions?

Constitutional Morality: The court said 'morality' or 'constitutional morality' has not been defined in the Constitution. "Is it overarching morality in reference to preamble or limited to religious beliefs or faith? There is need to delineate the contours of that expression, lest it becomes subjective." In the 2018 Sabarimala verdict, the majority opinion authored by then CJI Dipak Misra defined 'morality' in Article 25 to mean constitutional morality. Article 25 reads, "Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion". Referring to Article 25(1), the 2018 judgment said: "We must remember that when there is a violation of the fundamental rights, the term 'morality' naturally implies constitutional morality and any view that is ultimately taken by the Constitutional Courts must be in conformity with the principles and basic tenets of the concept of this constitutional morality..." In the verdict decriminalising homosexuality, also in 2018, Justice Misra gave an expansive definition of constitutional morality: "... The magnitude and sweep of constitutional morality is not confined to the provisions and literal text which a Constitution contains, rather it embraces within itself virtues of a wide magnitude such as that of ushering a pluralistic and inclusive society, while... adhering to the other principles of constitutionalism."

Essential Religious Practices: "The extent to which the court can enquire into the issue of a particular practice is an integral part of the religion or religious practice of a particular religious denomination or should that be left exclusively to be determined by the head of the section of the religious group," is an aspect the court wants a larger Bench to settle. According to the essential religious practices' doctrine evolved by the court in the 1950s, practices and beliefs considered integral by a religious community are to be regarded as "essential", and protected under Article 25. In the 2018 Sabarimala judgment, the majority opinion held that barring certain women from entering the temple owing to the celibate nature of Lord Ayyappa was not an essential religious practice. Justice R F Nariman, in his concurring opinion, had observed that when there is internal dissent on a practice, its essentiality to the religion becomes questionable. For a reconsideration of this doctrine, a long line of case laws will have to be examined. For example, to determine whether the Swami Narayan Satsangis could bar non-Satsangi Harijans from entering their temples, a civil court examined evidence whether the Satsang constituted a religious denomination. In Ismail Faruqui v Union of India (1994), the court determined that offering prayers in a mosque was not an essential religious practice of Islam and upheld the law under which the Centre acquired the disputed land in Ayodhya.

What About Issues Directly Relating to The Sabarimala Case?

One such question is whether the courts can allow public interest litigation "in matters calling into question religious practices of a denomination or a section thereof at the instance of persons who do not belong to such religious denomination?" Justice Malhotra, in her dissent in the 2018 verdict, had questioned the standing of an NGO that filed the PIL. Thursday's majority opinion said it would overlook the preliminary question of locus since the case was already before a Constitution Bench. Another question linked to Sabarimala is whether the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965 governs this temple at all.

What Is the Takeaway from The Verdict?

The court has allowed the 2018 Sabarimala verdict to continue until the larger Bench is set up and decides the case conclusively. Based on what that Bench decides, the review can be dismissed or the 2018 order can be modified. For now, the court has sown the seeds of a complex legal debate.

- Ordinarily, a reference to a seven-judge Bench for an authoritative pronouncement on the entire gamut of issues arising from Article 25 and 26 of the Constitution, which protect the religious freedoms of individuals and denominations, would have been welcome. However, the order of a Constitution Bench in making such a reference, while delivering the verdict on petitions seeking review of last year's judgment allowing women in the 10-50 age group to offer worship at the Sabarimala temple, is problematic. The order, passed by a narrow majority of three judges, with two dissenting, means that the review petition, as well as fresh writ petitions, on the issue will be kept pending until there is clarity on the nature of religious rights. The majority, headed by Chief Justice Ranjan Gogoi, held that the petitions against the 2018 verdict, which laid down that the practice of keeping women of ovulating age out of the shrine is discriminatory and violative of the right to equality, have revived the question whether an individual's right to worship can outweigh a religious group's right to manage the affairs of its religion. An issue resolved by a 4:1 majority is sought to be reconsidered by formulating fresh questions on the interplay between religious freedom and other fundamental rights, especially the right to equality.

  The majority anticipates that similar basic questions on the conflict between individual freedom and constitutionally-protected religious beliefs may arise in other situations too. It cites pending petitions concerning the entry of women into a dargah, the entry of Parsi women married to non-Parsis into an agyari, and the practice of female genital mutilation among Dawoodi Bohras. It is shocking that the Bench includes the abhorrent practice of female genital mutilation in this genre. It is well-established that freedom of religion, under Article 25, is subject to public order, morality and health, and it may not be difficult for any court to test the validity of the practice against the restriction on grounds of a woman's health, and this may not require an exalted panel of seven judges. In keeping the petitions on Sabarimala pending further, the court has displayed a disquieting inability to stand by its previous transformative judgment. Further, it may lead to a repeat of the unsavoury incidents of last year when religious groups and political activists blocked and attacked women devotees. Justices Fali Nariman and D.Y. Chandrachud, in their dissent, rightly call out such transgressions against the rule of law and, while rejecting the need for review, want all authorities to remember their constitutional duty to work in aid of the Supreme Court and the law laid down by it. An omnibus reconsideration of all issues related to religious freedom was not the way out of the serious issues posed by the Sabarimala judgment.

Peace and Justice: On Ayodhya Verdict

- The verdict is out. A five-judge Bench of the Supreme Court has allowed the construction of a temple in the Babri Masjid-Ram Janmabhoomi site in Ayodhya, while ordering the grant of a five-acre plot to the U.P. Central Sunni Wakf Board for the construction of a mosque. Behind this judgment is a 70-year-long litigation, which, in turn, was foreshadowed by a legal dispute, albeit settled quickly, in the 19th century. The legal battle over the possession of a 2.77-acre piece of land is now over. Here is a backgrounder on the suits, issues and developments that led up to the Allahabad High Court verdict of 2010. This judgment by a Full Bench of the Allahabad High Court had ordered a three-way partition of the disputed

area among the deity, Ram Lalla and his 'janmasthan', the Nirmohi Akhara, an old order of Hindu saints that was maintaining a part of the area outside the now-demolished Masjid, and the Muslim parties. However, the Supreme Court on 9th November dismissed the remedy fashioned by the High Court as one that "defied logic".

What Is the Crux of The Dispute?

At the crux of the matter is the belief among sections of Hindus that the Babri Masjid, names after Mughal emperor Babur, was built in Ayodhya after destroying a Ram Temple that marked the birthplace of the deity. The Hindu parties wanted the land to themselves, contending that Lord Ram was born at a spot on which later the central dome of the mosque was built. The Muslim parties, however, contended that the mosque was constructed in 1528 by Mir Baqi, a commander of Babur's army, without demolishing any place of worship and since the land rights had not been transferred to any other party, the space was rightfully theirs.

Who Took the Matter to Court? What Did They Want?

The matter went to court as far back as 1885. Mahant Raghubar Dass filed a suit as "mahant of the janmasthan" for permission to build a temple on a 17 feet x 21 feet Chabutra (platform) outside the mosque. The Sub-Judge, Faizabad, dismissed the suit. On appeal, the District Judge also dismissed it. The dispute did not go to courts for many decades and was continuously in the possession of Muslims. However, a large crowd of Hindus entered the premises on the night of December 22-23, 1949 and planted idols of Ram surreptitiously under the central dome. Six days later, the City Magistrate, Faizabad, attached the premises and handed it over to an official receiver. In January 1950, Gopal Singh Visharad, a local devotee, filed a suit asserting his right to worship at the birthplace of Ram and seeking an injunction against the administration and Muslim residents from interfering with that right. An interim order was passed in his favour against the removal of the idols. This order survives to this day. A similar suit was filed by Ram Chandra Paramahans late in 1950, but it was withdrawn in 1990. The Nirmohi Akhara, said to be an age-old institution of Ramanand Vairagis based in Ayodhya, filed a third suit in 1959, seeking removal of the official receiver and asking for the premises to be handed over to itself and its mahants. Muslim parties entered the picture in December 1961, when the Uttar Pradesh Central Sunni Wakf Board filed a suit, asserting that the mosque was a public wakf for over 400 years and seeking that the premises, including the mosque and a public Muslim graveyard in the vicinity, to be handed over to it. After the 'Ram Janmabhoomi' movement, spearheaded by the Vishwa Hindu Parishad (VHP) and supported by the Bharatiya Janata Party (BJP) gathered momentum in the late 1980s, a fifth suit was filed by the 'deity' itself. Interestingly, there were three plaintiffs, Ram Lalla, the presiding deity, Ram Janmasthan, the birthplace being considered a divinity in itself, and the believer/worshipper who represented the two deities.

What Were the Landmark Events Over the Years?

If the surreptitious planting of the idols in 1949 was the most notable event that revived the dispute in the last century, there were other flashpoints too. On February 1, 1986, a local court ordered that the locks be opened for Hindu worshippers. This order gave a big push to the temple movement. The BJP and the VHP thereafter began mobilising people all over the

country, and repeatedly fixed dates for marching on the disputed site. There were 'shilanyas' processions (to carry consecrated bricks from across the country to be used in the construction) as well as gatherings of 'kar sevaks' (volunteers to build the temple). A belligerent onslaught on a heavily barricaded Ayodhya town resulted in the police opening fire on 'kar sevaks' in 1990. The incident led to the BJP withdrawing support to the V.P. Singh government. In between, the Allahabad High Court passed an order transferring all the suits to itself and ordering a consolidated hearing before a Full Bench of three judges. BJP leader L.K. Advani led a 'rath yatra' across several States, leaving a trail of communal violence. Ultimately, the aggressive mobilisation resulted in the destruction of the masjid on December 6, 1992, despite the assurances given by the BJP government of Kalyan Singh. On January 7, 1993, the Centre issued an ordinance taking over the entire disputed area and the land close to it, and declared that all the suits would abate. This was later replaced by the Ayodhya Acquisition Act, 1993. However, by a verdict on October 10, 1994, the Supreme Court revived the title suits, and modified the acquisition to the effect that the Centre would not be the owner, but the Receiver of the land and would dispose of the land in terms of the final judgment in the suits. From the 'surreptitious' planting of idols of Ram Lalla under the central dome of the Babri Masjid in 1949, the opening of the locks of the mosque in 1986 for Hindu worshippers and the 2010 Allahabad High Court verdict dividing the disputed land among three plaintiffs, the case had several landmark moments. The Mughal-era mosque was demolished by a mob of Hindutva activists on December 6, 1992.

What Do the People of Ayodhya Want?

The people of Ayodhya-Faizabad have been waiting for an end to the dispute. Opinions in the town mirror communal and ideological divisions; but what most residents agree upon is the stagnation or lack of development, despite the town being located just 125 km from the State capital. Lack of jobs and investment, poor infrastructure and an underdeveloped tourism economy have kept Ayodhya far behind other important Hindu religious centres like Mathura and Varanasi. Over the past years, especially since the RSS-VHP led movement swept much of north India, Ayodhya became the centre stage for communal politics and a tool for polarisation before elections. The high-pitched events not only disrupted daily life and business, but also endangered communal harmony in the region.

Was the Possibility of a Settlement Explored?

There were several sustained attempts at talks, including at the highest level of two Prime Ministers Chandra Shekhar and P.V. Narasimha Rao. Religious leaders also came into the picture, but all efforts to bring about an out-of-court settlement failed. In the latest exercise, a mediation panel constituted by the Supreme Court also could not end the stalemate. Given that there were multiple parties on both ends in the legal dispute, including the VHP-RSS led seers, a settlement — apart from the surrender of the disputed land by the Muslim side — has always sounded unimaginable. A group of prominent Muslims led by retired general Zameer Uddin Shah recently advocated that the Muslims give up their claim as a token of goodwill, while arguing that even if the minority community prevails in court, it would be next to impossible for them to re-build a mosque at the site. The All India Muslim Personal Law Board, one of the parties, however, rejected this proposal, saying the status of the land on which the Babri Masjid stood cannot be "altered, changed or transferred in any manner". The Muslim side fears that if the claim is ceded in Ayodhya, it could trigger similar demands

in places such as Varanasi and Mathura. The VHP, on the other hand, had regularly insisted that the entire land be handed over to the Hindus and that a division of the title, such as the one the Allahabad High Court ordered, was not desirable.

Peace Bought by An Unequal Compromise (Suhrith Parthasarathy - Advocate Practising at The Madras High Court; Gautam Bhatia - Delhi-Based Lawyer)

- Legal scholar Upendra Baxi called it a "miracle" of "complete justice." Justice (Retd.) Santosh Hegde said the judgment "is in the larger interest of the nation and peace in society." Encomiums such as this — focussing not on legal analysis but on 'statesmanship' — have come thick and fast. But it is important to take a step back and ask: what does this really mean? There are two possible ways in which, despite the law, the Supreme Court's judgment may be defended for its 'statesmanship.' One may argue that the court used its powers under Article 142 of the Constitution to deliver "complete justice", without being shackled by the chains of civil law. Or, one may claim that the court acted "pragmatically" to bring about closure to a festering dispute in a manner that would allow the country to move on. The first justification is flawed. Basic principles of restitution demand that parties be restored to their original positions, where possible. If the court believed that the Muslims had been wronged in 1949 and 1992, it could quite easily have ordered a reinstitution of the status quo that prevailed before those events. As it stands, the court's direction has an air of condescension to it — not justice.

Favouring the Strong

But it is the second justification — one that hails the judgment as an exercise of "pragmatism" in order to ensure peace — that is disturbing. There is a crucial distinction between resolving a dispute on the basis of principle, and achieving "peace" simply by endorsing the existing balance of power — or by not provoking the strong. The Greek historian Thucydides recalled how the conquering Athenians told the rulers of Melos: "right... is only in question between equals in power, while the strong do what they can and the weak suffer what they must." The rule of law exists to save society from such a permanent state of Matsya Nyaya, and the judiciary exists to enforce that rule of law. And it is the commitment to the rule of law that defines the distinction between a just peace, and peace bought by an unequal compromise. There is another important reason why such considerations should play no part in judicial rulings. And that is that judges — like the rest of us — are neither savants nor seers. The consequences of judgments, in the medium and long-term future, are impossible to predict. Perhaps peace will last; but perhaps, as experience tells us, wounds that are papered over only fester further. Therefore, we must be particularly wary of verdicts that align cleanly with what appears to be the dominant public sentiment at a given time, on the apparent basis that the strict application of law and justice must give way, temporarily, to the interests of peace; because history tells us that the "temporary" can slip all too easily into the permanent. It was reported that at a recent gathering, one of the judges of the Supreme Court, highlighting the unanimity of the decision, compared it with the famous U.S. Supreme Court verdict in Brown v Board of Education, which ordered American schools to be desegregated. Unanimity aside, Brown v Board of Education is, however, a case that is defined by the opposite logic. In Brown, the U.S. Supreme Court went against the dominant opinion, which was strongly in favour of keeping black and white schoolchildren "separate

but equal." The Court went against it because, quite simply, it was the right thing to do. The status quo was disrupted. There were demonstrations and protests. But under immense pressure, the Court held firm. And the schools were desegregated. In Ayodhya, on the other hand, the final verdict appears to strike an uneasy detente with a pernicious political ideology that resists substantive justice, reparations for past wrongs, and mutual tolerance. What else is the final relief — of giving the Muslim parties some land at another site to make it up to them for the destruction of the mosque — but only another way of telling them, "you are equal, but must be separate"?

Several Positives for The Muslim Plaintiffs (Faizan Mustafa - Vice-Chancellor, NALSAR University of Law, Aymen Mohammed - Research Scholar)

- The judgment in the hotly contested property dispute of Ayodhya has finally been delivered by a five-judge Supreme Court Bench. Though our judges do take an oath to decide on cases without fear or favour, in what looks to be an unprecedented act, the judge who authored this verdict preferred not to reveal his name. Even the author of the 116-page addendum has strangely kept his name secret. Though the apex court accepted that a wrong had been done when the Babri Masjid was desecrated in 1949 through installation of idols and also held that the demolition of the mosque in 1992 was illegal, in the final order, it had to give the entire disputed site to the Hindu plaintiffs though law of equity says that one who seeks equity must come with clean hands.

Peace and Tranquillity

In paragraph 799, the court explicitly said that "even as a matter of maintaining public peace and tranquillity, the solution which commended itself to the [Allahabad] High Court [division of the property into three parts] is not feasible. The disputed site measures all of 1500 square yards. Dividing the land will not sub-serve the interest of either of the parties or secure a lasting sense of peace and tranquillity." This was, thus, the central concern of the court in this historic dispute. The defenders of the rule of law, minority rights and secularism in general and Muslims in particular need not feel disappointed with this judgment though it is true that the court, after correctly spelling out the law, wrongly applied them to facts. Here, we will examine the several positive findings and observations of the court that must be welcomed and appreciated, which will help us retain our otherwise shaken confidence in the majesty of law. Since there is worry about the Vishwa Hindu Parishad (VHP)'s claim in respect of 3,000 other mosques, the court yet again reiterated that secularism is part of the basic structure of the Constitution and that the Places of Worship Act, 1991, protects and secures fundamental values of the Constitution. It went on to say that, "The Places of Worship Act imposes a non-derogable obligation towards enforcing our commitment to secularism under Indian Constitution… [the Act] is thus a legislative intervention which preserves non-retrogression as an essential feature of our secular values." This assurance by the court must put all apprehensions to rest. Second, on the topic of freedom of religion under Article 25, the court categorically made a highly appreciable observation that "we must firmly reject any attempt to lead the court to interpret religious doctrine in an absolute and extreme form and question the faith of worshippers. Nothing would be as destructive of the values underlying Article 25…" Accordingly, the argument put forward by some Hindus that the Babri Masjid as per Islamic theology was not a legitimate mosque was rejected. "Faith is a matter for the individual believer," said the court. Third, the court accepted the Sunni Waqf Board's plea

that the place of Lord Ram's birth is not in itself a juristic person. This is a major setback to the Ram Lalla suit and will, in fact, avoid several future religious conflicts. The court said that conferral of such a right will impinge on the rights of people of other faiths. In Para 201, the court observed that "the purpose for which juristic personality is conferred cannot be evolved into a Trojan horse that permits, on the basis of religious faith and belief, the extinguishing of all competing proprietary claims over property…" It said that a method of offering worship unique to one religion cannot result in conferral of an absolute title. In other words, the court made it clear that it could not accord primacy of one faith over others. This should really be music to the ears of proponents of multiculturalism who are every day feeling the heat of aggressive majoritarianism. Fourth, the court categorically accepted the central argument of the Muslim plaintiffs that the mosque was not constructed after the demolition of a Ram temple. The court has also said that the Archaeological Survey of India (ASI)'s report had not found any evidence of demolition of a temple to construct the mosque. It pointed out that the ASI's findings had an intervening gap of four centuries. Thus, the Hindu right's primary narrative has been clearly rejected.

No Evidence on Pillars

Fifth, the court also said that as per the ASI report, remnants of a pre-existing structure were not used for the construction of the mosque. Interestingly, even about the black kasauti stone pillars, the court held that ASI in fact found no evidence to show that the pillars were relatable to the underlying pillar bases found during the excavation. Sixth, the argument of the Muslim plaintiffs that a title cannot be decided solely on the basis of faith or archaeological findings too has been accepted and this is not a small victory and will be of great use in future disputes. Seventh, the Muslim plaintiffs' argument that title of property cannot be decided on the basis of travellers' accounts was also accepted and the court rightly said that some portions of these accounts, including one by the 18th-century Austrian missionary, Joseph Tieffenthaler, were based on hearsay. Ideally, the court should have totally rejected Tieffenthaler's writings, which have many inaccurate descriptions. Even about the Babri mosque, he said that Aurangzeb constructed it. Eighth, the court also accepted that there is no historical record prior to the 18th century that talked of the demolition of a Ram temple prior to the construction of the Babri mosque. The court noted the evidence of Hindu witnesses who testified that there is no mention of Ram's birthplace either in Valmiki's Ramayana or Tulsidas's Ramcharitmanas. This seems to be the most controversial part of the verdict as the court used freedom of religious faith to uphold the Hindu case when it said that "whether a belief is justified lies beyond [the] ken of judicial scrutiny." It went on to hold that "once the witnesses have deposed to the basis of the belief and there is nothing to doubt its genuineness, it is not open to the court to question the basis of belief. Scriptural interpretations are susceptible to a multitude of inferences. The court would do well not to step into the pulpit by adjudging which, if any, of competing interpretations should be accepted." But did not this very court interpret Koran on maintenance in the Shah Bano case (1985) and on triple divorce in the Shayara Bano case (2017)? Did it not reject the Hanafi interpretation? Finally, since the Muslim plaintiffs did not claim title in this case, they should be not mind the final outcome. The relief sought by them was just about the "delivery of possession". Since the court did accept that they were wrongly deprived of their possession in 1949, ideally, they should have been given possession of the inner courtyard rather than five acres of land elsewhere. Thereafter, the court would have

been justified in invoking Article 142 to give the site to Hindus or it may have asked Muslims to give up this land.

What Bringing the CJI's Office Under RTI Means

- The Supreme Court ruled that the office of the Chief Justice of India (CJI) is a public authority under the Right to Information (RTI) Act. A five-judge Constitution Bench headed by Chief Justice Ranjan Gogoi, and including Justices N V Ramana, D Y Chandrachud, Deepak Gupta, and Sanjiv Khanna, upheld a Delhi High Court ruling of 2010, and dismissed three appeals filed by the Secretary General and the Central Public Information Officer (CPIO) of the Supreme Court.

The Issue Before the Court

The judgment pertained to three cases based on requests for information filed by Delhi-based RTI activist Subhash Agarwal, all of which eventually reached the Supreme Court. In one of these, Agarwal had asked whether all Supreme Court judges had declared their assets and liabilities to the CJI following a resolution passed in 1997. He had not requested for copies of the declarations. While the CPIO of the Supreme Court said the office of the CJI was not a public authority under the RTI Act, the matter reached the Chief Information Commissioner (CIC) where a full Bench, headed by then CIC Wajahat Habibullah, on January 6, 2009 directed disclosure of information. The Supreme Court approached the Delhi High Court against the CIC order. High Court Justice Ravindra Bhatt (who was later elevated as a Supreme Court judge) held on September 2, 2009 that "the office of the Chief Justice of India is a public authority under the RTI Act and is covered by its provisions". The Supreme Court then approached a larger Bench comprising then Chief Justice of Delhi High Court Ajit Prakash Shah, Justice Vikramjit Sen, and Justice S Muralidhar, which passed its judgment on January 13, 2010 holding that the judgment of Justice Bhatt was "both proper and valid and needs no interference".

SC Plea To SC, About SC

The Supreme Court in 2010 petitioned itself challenging the Delhi High Court order. The matter was placed before a Division Bench, which decided that it should be heard by a Constitution Bench. As the setting up of the Constitution Bench remained pending, Agarwal filed another RTI application. The Supreme Court told him on June 2, 2011 that orders for constituting the Bench "are awaited". The Constitution Bench remained pending across the tenures of Chief Justices K G Balakrishnan, S H Kapadia, Altamas Kabir, P Sathasivam, R M Lodha, H L Dattu, T S Thakur, J S Khehar and Dipak Misra. CJI Gogoi last year constituted the Bench, which reserved its judgment on April 4 this year, and pronounced it on Wednesday. While ruling that the office of the CJI is a public authority, the Supreme Court held that RTI cannot be used as a tool of surveillance and that judicial independence has to be kept in mind while dealing with transparency. While CJI Gogoi, Justice Gupta and Justice Khanna wrote one judgment, Justices Ramana and Chandrachud wrote separate verdicts. Justice Ramana noted that Right to Privacy is an important aspect and has to be balanced with transparency while deciding to give out information from the office of the Chief Justice of India. Justice Chandrachud wrote in his separate judgment that the judiciary cannot function in total insulation as judges enjoy a constitutional post and discharge public duty.

Two Other Matters

Of the other two RTIs filed by Agarwal, one was to request the Supreme Court for "copies of complete correspondence exchanged between concerned constitutional authorities with file notings relating to appointment of Justice H L Dattu, A K Ganguly and R M Lodha superseding seniority of Justice P Shah". The other request was for documents relating to a "revelation by Justice R Raghupati of Madras HC about some Union minister having approached him in some matter pending before the honourable judge in his court". These issues were stuck down; the matter the Supreme Court wanted to address was the question whether or not the office of the CJI is under the RTI Act.

What the Order Means

The outcome is that the office of the CJI will now entertain RTI applications. Under Section 2(f) of the RTI Act, information means "any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force". Whether a public authority discloses the information sought or not, however, is a different matter. Offices such as those of the Prime Minister and the President too are public authorities under the RTI Act. But public authorities have often denied information quoting separate observations by the Supreme Court itself in 2011: "Officials need to furnish only such information which already exists and is held by the public authority and not collate or create information"; and, "the nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties". On December 16, 2015 (RBI versus Jayantilal N Mistry and Others), the Supreme Court noted: "It had long since come to our attention that the Public Information Officers under the guise of one of the exceptions given under Section 8 of RTI Act, have evaded the general public from getting their hands on the rightful information that they are entitled to."

CBI is Still Out of RTI

While the office of the CJI is now under the RTI's ambit, the CBI is exempt. When the UPA government brought the RTI law on October 12, 2005, the CBI was under it. The agency later moved for exemption, and this file was endorsed by Law Minister M Veerappa Moily of the UPA government itself. Incidentally, the Administrative Reforms Commission chaired by Moily had earlier recommended exemption of the armed forces from the RTI Act, but had not made such a recommendation for the CBI. While the CBI demanded exemption only for units in intelligence gathering, exemption was granted in 2011 to the agency as a whole. The CBI, which is an agency that is often engaged in investigation of corruption cases, is today included in a list of exempted organisations in which most of the others are engaged in intelligence gathering. Litigation challenging the decision to exempt the CBI is pending with the Supreme Court; the next date of hearing, however, has not been fixed.

- While laying out the importance of the assessment of public interest in any RTI query besides bringing the office of the CJI under the purview of the Act, the decision has gone on to uphold the Delhi High Court verdict in 2010. The RTI Act is a strong weapon that enhances accountability, citizen activism and, consequently, participative democracy, even if its implementation has come under strain in recent years due mainly to the Central government's

apathy and disregard for the nuts and bolts of the Act. Yet, despite this, the Supreme Court judgment paves the way for greater transparency and could now impinge upon issues such as disclosure, under the RTI Act, by other institutions such as registered political parties. This is vital as political party financing is a murky area today, marked by opacity and exacerbated by the issue of electoral bonds, precluding citizens from being fully informed on sources of party incomes.

A Balancing Act (Anil K. Antony - Technology And Social Entrepreneur And The Convener Of INC-Kerala Digital Media)

- The Supreme Court has decided to transfer to itself from several High Courts all the cases concerning the decryption of WhatsApp messages and the tracing of their original senders, along with the cases demanding the linkage of Aadhaar and social media profiles. The court acted on the plea of Facebook, the parent company of WhatsApp, that different High Courts could have contrarian views and therefore the Supreme Court should hear the cases. Facebook also argued that only the apex court could exercise jurisdiction with credibility on issues that may have a global impact.

Regulating Intermediaries

Meanwhile, the government has notified the Supreme Court that it plans to finalise by January 2020 laws regulating social media. These laws are expected to include provisions that would require intermediaries, i.e., the entities that store or transmit data on behalf of other persons, to deploy automated tools and make their platforms subject to observation of various probe agencies to ensure that any unlawful content can be identified and removed, and the original source of such content duly recognised. Privacy advocates believe that these steps would be the harbinger of a surveillance state. Nonetheless, the encryption features and the right to privacy are not intended to be shields for unlawful agents ranging from terrorists and drug peddlers to the propagators of fake news, slander and child pornography to enable them to act with impunity in the digital space. It is worth remembering that more than half of India's electorate received some variant of misinformation via social media outlets in the month leading to the 2019 general election. There have been incidents of mob violence resulting from the spread on WhatsApp of digital disinformation on issues such as cattle smuggling and child abduction. Facebook still opposes the government's demands with the view that the compliance requires it to make significant and expensive alteration of its product from a technology standpoint. It also fears that the decryption of WhatsApp's secure messaging service would make it a less trusted source of communication and argues that the steps compromise on the safety and privacy of users. This could dent its bottom line, Facebook argues. The linkage of Aadhaar to social media profiles is expected to be challenged, especially because the current Aadhaar Act only allows unique personal identification for schemes and subsidies funded out of the Consolidated Fund of India. Along with this, the Supreme Court in 2018 had allowed the mandatory usage of Aadhar only for verifying PAN numbers and Income Tax returns. The government can overcome these legal hiccups with minor amendments. Nevertheless, it should not be overlooked that all the popular social media platforms including Facebook, WhatsApp, Instagram, Twitter, and Tik Tok are foreign-owned. These technology giants with an international market spread cannot be expected to prioritise India's security or privacy concerns.

No Purpose

The government has aggressively tried to make Aadhaar mandatory wherever it is possible. But the linkage of hundreds of millions of the unique 12-digit numbers to social media accounts serves no useful purpose. Attempting to do that in the absence of operational data protection and localisation laws would be counterproductive, and will only create newer avenues for data security breaches. The government should not shy away from its responsibilities and should bring in the proposed intermediary guidelines. Meanwhile, any thoughts on linking these intermediary accounts to Aadhaar or any other government ID should be discarded. This is to ensure that the mass communication and social media apps operating within India facilitate information flow, without compromising civil and privacy rights or national security.

No More Pro-India Voices in The Valley

- It is the separatists who have won the current propaganda war in Kashmir. Right from denigrating Sheikh Abdullah for going with India and, later, settling with Indira Gandhi in 1975, the separatists have always warned that New Delhi is not to be trusted. The erosion of autonomy has hugely boosted their agenda. It also holds out enormous potential for jihadi outfits to use in their pernicious plans to obtain new recruits. "Article 370 was only skin with no flesh. Now, even the skin has been taken away from us," rued a veteran journalist. "We have always spoken for India in Kashmir. Now, the very basis of our conversation has been snatched away." Nearly everyone I spoke to was clear on one point: the people were in command. No one had given the call for a hartal on the days members of the European Parliament were flown in by the government to Srinagar — these things happened spontaneously.

Command Over Territory

There is no doubt now that India is in command of territory in Kashmir. Thirty years since the first bullet was fired by militant elements in the Valley, the counterinsurgency grid has been perfected by the state. True, the BJP government's decision to end Kashmir's special status was an ideological one, something that the Rashtriya Swayamsevak Sangh had promised to the people of India. But this ideology and a pre-determined approach didn't seem to have factored in the response of the Kashmiri people — other than denying them the tools to communicate and protest. There is little doubt that most among the current crop of international leaders have little to say on the question of democratic rights, which is something that the BJP government has used to its advantage. Hence, German Chancellor Angela Merkel's comments during a visit to Delhi should make the government sit up. "The situation now for the people [in Kashmir] is not good and not sustainable. This has to be improved for sure," she said. It's quite possible that in the weeks and months ahead, some of the restrictions imposed on the Kashmiris may be relaxed. But the government is in no rush. Time is on its side, something that the Kashmiris too have figured out. The core issue, really, is what kind of democracy India has become. Kashmir for India was always special, once a beacon for pluralism and accommodation in a diverse country. That plural approach now lies in tatters. The territory is 'ours', but the people are bitter, angry and alienated. Even words that can heal are missing from our lexicon. And the Kashmiris are smart; they know this.

Renovate, Not Rebuild (Rajmohan Unnithan - Member of Parliament)

- The Central government is considering either redeveloping Parliament House or building a new structure. Prime Minister Narendra Modi has said that the government is considering suggestions to build a new Parliament House or renovate the existing one with improved facilities by 2022, just in time to celebrate 75 years of Independence. Against this backdrop, a serious deliberation on the details of the proposed renovation or reconstruction plan is required.

History and Architecture

Parliament House was designed by the British architects Sir Edwin Lutyens and Sir Herbert Baker in 1912-1913. Construction of the building began in 1921 and was completed in 1927. It is popularly believed that the circular structure of the 11th-century Chausath Yogini Temple in Morena district of Madhya Pradesh may have inspired the design of Parliament House. The Chausath Yogini Temple, also known as the Ekattarso Mahadeva Temple, is one of the few such Yogini temples in the country which is in good condition. This fact defies the popular misconception that Parliament House is colonial in nature. There are 30 statues and busts in the Parliament House precincts including the sculptures of Chandragupta Maurya, Motilal Nehru, and Indira Gandhi. There are more than 20 portraits. Thus, the building represents the composite culture and social pluralism of India. Inscriptions from the Upanishadas, Mahabharata, Manu Smriti and other texts are indicative of the spirit with which parliamentarians should conduct business. A dome over the passage to the Central Hall also has a Quranic inscription which says, “God will not change the condition of the people unless they bring about a change themselves.” These features demonstrate the secular nature of the Republic of which the Parliament House is the nucleus. The Parliament House has a hybrid architectural style. It has Hindu, Saracenic and Roman features. It drew stylistic and decorative elements from native Indo-Islamic architecture, especially Mughal architecture, which the British regarded as the classic Indian style, and less often, Hindu temple architecture. This nature of architectural pluralism should be maintained while constructing a new Parliament House or renovating the existing structure.

Demands of Space and Security

The buildings constructed over 100 years ago such as the North and South blocks are not earthquake-resistant. There is a shortage of working and parking space, amenities and services. The building no longer supports added demands of space and security. There are no chambers for MPs. The situation will further worsen if there is an increase in the number of seats. Therefore, there should be enough space for MPs, their staff and media in the new or renovated building. Separate chambers should be conceived for individual MPs. The Parliament House building has remarkable symbolic value. It embodies the spirit of Indian democracy. Hence, it would be advisable to maintain and renovate the present building rather than build a new one. The Capitol Building of the U.S., built in 1800, was subsequently expanded. A massive dome and more chambers for the House of Representatives and the Senate were added. But during expansion, the original plan was maintained despite the tumultuous passing of two centuries. This approach of maintaining and renovating the existing Parliament House building would be a wiser option. Let us reshape the Parliament building by imbibing the composite culture and rich architectural legacy of India. Such a

majestic edifice may inspire us to reshape India as an effectively secular, pluralistic and inclusive republic.

Study Moots Lowering the Age of Consent

- A new study calls for a need to distinguish between self-arranged marriages among older adolescents and forced child marriages to protect teens from social stigma, parental backlash and punitive action. The report titled "Why Girls Run Away to Marry — Adolescent Realities and Socio-Legal Responses in India" is based on a qualitative study of 15 girls aged 15-20 years from Jaipur, Delhi and Mumbai who had been in a consensual romantic relationship, some of which resulted in self-arranged marriages. The participants included those who entered a romantic relationship when they were aged 12-19 years. These case studies involved intra and inter caste and interfaith relationships with boyfriends who were older and younger than 18. These cases were from between 2010 and 2016 to assess the impact of the Protection of Children from Sexual Offences Act 2012. The study — authored by Madhu Mehra and Amrita Nandy and published by Partners for Law in Development — makes a case for an age of consent that is lower than the age of marriage to decriminalise sex among consenting older adolescents to protect them from the misuse of law for enforcing parental and caste controls over daughters. In most of these cases, a couple elopes fearing opposition from parents resulting in a situation where families approach the police, who then book the boy for rape under POCSO and abduction with the intent to marry under IPC or the Prohibition of Child Marriages Act. In one case a couple was terrorised by the spectre of caste violence. In at least three cases, the girl gets married but her parents refuse to accept it. There were also three cases where the boy abandons the girl fearing punitive action following a police complaint by the girl's parents. The study also records that while girls face restrictions on their mobility, premarital relations and sexuality, the same was not true for boys of the same social milieu who enjoyed greater freedom. The study also assumes significance when the government has been discussing amending the PCMA to declare all child marriages null and void ab initio, while in its current form the law only permits one of the consenting parties to seek annulment of their marriage as children until two years after they turn adults (in case of minors, their parents can seek annulment).

The Politics of Sequestration (Mohammed Ayoob - University Distinguished Professor Emeritus of International Relations, Michigan State University)

- The Shiv Sena's decision to sequester a majority of its newly elected MLAs along with eight independent supporters in a hotel in Madh Island in northern Mumbai to "protect" them from being poached, presumably by its erstwhile ally, the BJP, is the latest example of the politics of sequestration. The Congress has done the same by shifting its legislators to a resort in Jaipur. This became imperative as several Congress MLAs are keen to join a Shiv Sena-led government in Maharashtra despite the party high command's reservations. This trend can be traced to the 'Aaya Ram, Gaya Ram' phenomenon following the hung elections of 1967 in Haryana. Elected legislators changed their political affiliations with abandon in search of political perks and financial benefits. A law was passed to curb this behaviour but has been largely ineffective. Sequestration has become the current instrument to forcibly prevent such party hopping. In recent years Karnataka has become the prime example of such practice. After the 2018 Assembly elections, all three parties — BJP, Congress and JD(S) — engaged in desperate attempts at political sequestration to keep their respective flocks

from going astray. Unfortunately for the Congress-JD(S) coalition, this attempt failed to prevent the government it had cobbled together from eventual collapse.

Power for Its Own Sake

The politics of sequestration symbolises the rot that has come to bedevil the Indian political system. People in all countries enter politics in pursuit of power. However, in mature democracies most politicians do so to attain certain cherished social and political goals. In India most politicians pursue power for its own sake and for the financial and political perks that come with it. Politics has become big business with most politicians spending lavishly, far beyond what electoral laws permit, in order to win elections. They do so to attain social status and gain financial rewards that far exceed the large amounts they spend on campaigns. Being on the winning side, therefore, becomes the most important goal. Ideology and social objectives are either considered secondary or irrelevant to the pursuit of power. Changing parties in order to further personal gain becomes the rule rather than the exception. This is particularly true of those elected members who are aspirants for ministerial berths but are denied them. Opposing parties are usually willing to entice them with the prospect of ministerial positions if, by changing their party affiliation, they help them to come to power. Therefore, confining MLAs in hotels and resorts, which party "bouncers" prevent them from leaving, is seen as the sole way of enforcing party discipline. Discipline by coercion may help a party to stay in power or attain office but such victories are often short-lived because of the lack of commitment to party or ideology on the part of the legislators concerned. Similarly, attaining power by enticing political opponents with the offer of offices and perks normally turns out to be a pyrrhic victory. This is the case because today's 'Aaya Ram' can as easily turn into tomorrow's 'Gaya Ram'.

Political Immorality

Both imposing discipline by coercion and enticement by offering personal gain are recipes for political instability. Furthermore, they inculcate a strong sense of political immorality that is harmful to society in the long run. Above all, they detract from the very basis of democracy by inculcating lack of accountability to the electorate. This is bound to lead to a high degree of voter disillusionment not only with elected representatives but with a political system that peddles itself as democratic. This disillusionment is very dangerous because it inevitably leads to the search for the 'man on horseback' who can stem the political rot attributed to democracy. The political class in India must learn this lesson before it is too late.

They Save People from Cyclones, But Who Is Saving Them?

- On November 9, 2019, when the very severe cyclone Bulbul made landfall at Sagar island in the Indian Sundarbans, a group of tourists found themselves stranded near the Kalash island in the violently inclement weather. They got out of their boat and took shelter in mangrove creeks, and escaped unhurt. The cyclone was so powerful that it overturned a large fishing trawler near Sagar; people in that vessel are still missing. From environmental experts to the State's Chief Minister, everyone has said that the mangroves had saved the Sundarbans from the gusty winds blowing at between 110 kmph to 135 kmph. In fact, CM Mamata Banerjee, while touring the affected regions of the State, noted that the State will plant more mangroves. Despite this, scientists and wildlife experts and local NGOs have been highlighting the constant degradation of the mangrove forest in the Sundarbans, particularly

in areas that are inhabited. The Indian Sundarbans, considered to be an area south of the Dampier Hodges line, is spread over 9,630 sq. km., of which the mangrove forests are spread over 4,263 sq. km. The latest example of an assault on mangrove forests came to light in an order of the National Green Tribunal (NGT) dated September 23, when it directed a committee to inspect allegations levelled by environmental activist Subhas Datta that the State had allocated houses under the 'Banglar Abas' scheme by clearing acres of mangrove forest on Sagar island. "The committee inspected and found the allegations to be true. For years, the State government has been felling mangrove trees in the name of development," Mr. Datta said, highlighting how Ms. Banerjee invited industrialists to the Sundarbans a few years ago and urged them to invest in eco-tourism. When Mr. Datta moved the NGT in 2014, a satellite image from the Indian Space Research Organisation pointed to a loss of 3.71% mangrove and non-mangrove forest cover along with massive erosion of the archipelago's landmass. The analysis, based on satellite data of February 2003 and February 2014, shows that while a 9,990-hectare landmass has been eroded, there has been an accretion (addition) of 216-hectare landmass in the Sundarbans during the period. Tuhin Ghosh, Professor, School of Oceanographic Studies, Jadavpur University, said that mangroves have been cut not only for aquaculture, but also for building embankments and for human settlements. He explained that because of dense foliage and the close proximity of trees, the roots hold soil and mangrove vegetation become shields from cyclones. Pranabesh Maity, a resident of Sagar who has planted over 30,000 mangrove saplings this year, agreed that there have been numerous instances in which mangroves are being cut for making roads, building embankments, and for fisheries.

India's Requests for Facebook User Data Rising Sharply

- The Indian government's requests for user data from Facebook increased nearly 37% in the first half of 2019, and at 22,684 queries, was the second highest globally, according to the Transparency Report of the U.S.-based social networking site. In comparison, Facebook received 16,580 requests in the January-June 2018 period and 20,805 requests during July-December that year. Of the 22,684 data requests, Facebook said it had produced some data in 54% of cases. "Facebook responds to government requests for data in accordance with applicable law and our terms of service. Each and every request we receive is carefully reviewed for legal sufficiency and we may reject or require greater specificity on requests that appear overly broad or vague," the company said. Globally, it received 1,28,617 such requests from governments. Of these, Facebook produced some data for 73.6% of cases. The US government submitted the maximum number of 50,714 requests for details of 82,461 Facebook users/accounts during the first half of the current year. The US was followed by India, whose 22,684 requests were for 33,324 users/accounts, the UK (7,721 requests for 10,550 user/accounts), Germany (7,302 requests on 9,800 users/accounts) and France (5,782 requests for 6,961 users/accounts). The report showed that during January-June 2019, Facebook had nearly 70 internet disruptions that affected its products in about 17 countries. India topped the list with 40 disruptions. However, as far as total duration of disruptions was concerned, India came in at number two with eight weeks, 2 days and 22 hours. During the period reviewed, the social media giant also restricted access to 1,233 items of content, including 1,211 posts, two profiles, 19 pages and groups and one comment.

'Suranga Bawadi' Enters World Monument Watch List

- Suranga Bawadi, an integral part of the ancient Karez system of supplying water through subterranean tunnels built during Adil Shahi era in Vijayapura, is now set to get funding for restoration. A New York-based non-governmental organisation has included it in the World Monument Watch list for 2020 along with 24 other monuments from across the world. The monument has been selected under the 'Ancient Water System of the Deccan Plateau' by World Monuments Fund [the NGO], which monitors restoration of ancient monuments across the globe. With this, the Suranga Bawadi is expected to get funds for restoration within the next two years. The NGO would also coordinate with the authorities concerned for restoration and create public awareness on its importance. Though the Karez system was built in the 16th century by Ali Adil Shah–I, his successor, Ibrahim Adil Shah–II, brought in several changes by adding more structures to strengthen it. According to historians, the Adil Shahis built the magnificent underground system to supply water to the city, which had a population of nearly 12 lakhs then.

Odisha Hit by Over Nine Lakh Lightning Strikes This Year

- Five States accounted for half of the lightning strikes in India in 2019, led by Odisha with 9,37,462 or about 16% of the cloud-to-ground strikes. This is among the findings of an analysis of lightning strikes in India — the most widespread killer among natural calamities — from January to August by the private weather agency Skymet. There were 20 million lightning strikes in that period, with 72% of them being instances of 'in-cloud' lightning. In-cloud strikes result from a friction in a cloud, whereas the cloud-to-ground ones, which are responsible for deaths, happen when electric charges travel to the ground. Odisha account for nearly 7,00,000 more total lightning strikes than the second placed West Bengal, though it had only 3,50,000 more of the cloud-to-ground strikes. Jharkhand, Andhra Pradesh and Madhya Pradesh accounted for the rest. June saw the most lightning flashes — 56,04,214 — during the first eight months of 2019, which is when the monsoon sets in. Temperatures are extremely hot during June, ranging from 32 degrees Celsius to 40 degrees Celsius. A rise in lightning activity begins in May, peaks in June and tapers by August. Skymet makes its assessment based on 1,700 sensors spread across the country and claims to send alerts 45 minutes before "dangerous lightning" strikes an area. According to the National Crime Records Bureau, there were 8,684 deaths in the country due to causes "attributable to forces of nature" during 2016. Of them, 38.2% deaths were due to "lightning", 15.4% to "heat and sun stroke" and 8.9% due to "floods". A more recent report from the Climate Resilient Observing Systems Promotion Council (CROPC) that relies on the India Meteorological Department's lightning forecasts analysed lightning patterns and deaths this year from April 1 to July 31. Uttar Pradesh registered the maximum number of deaths, 224, followed by Bihar, 170, Odisha, 129, and Jharkhand, 118. Varied coping mechanisms and grades of infrastructure determine the level of casualty from lightning in the States. For instance, the CROPC report says, Odisha had the highest number of strikes, 9 lakh-plus, and 129 deaths. But Uttar Pradesh had 300 strikes and 200 deaths.

Anaemia Among Men; How It Varies Among Age Groups, States

- A recent study published in The Lancet Global Health, which looked at anaemia among men in India, found that nearly a quarter of them (23.2% in a sample of 1 lakh men) in the age group 15-54 had some form of anaemia. The study also covered 6 lakh women. Cases among

men ranged from moderate or severe (5.1%) to severe anaemia (0.5%). Among age groups, men in the group 20-34 years had the lowest probability of having anaemia, while actual prevalence was lowest in the age group 50-54, at 7.8%. The prevalence was higher for younger age groups. Among men with anaemia, 21.7% had moderate or severe anaemia; among women with anaemia, 53.2% had moderate or severe anaemia. Among the states, the highest prevalence of any anaemia was in Bihar, with 32.9% of the men reporting it. This is followed by West Bengal (30.46%), Jharkhand (30.3%), Meghalaya (29.13%) and Odisha (28.45%). The lowest prevalence among men was in Manipur (9.19%), followed by Mizoram (9.78%), Nagaland (10.23%), Goa (10.68%) and Kerala (11.77%). The World Health Organization defines anaemia as a condition in which the number of red blood cells or their oxygen-carrying capacity is insufficient to meet physiological needs. Anaemia in men can cause fatigue, lethargy, creates difficulty in concentrating, thereby reducing the quality of life and decreasing economic productivity. An estimated 1.9 billion people had anaemia in 2013, which is 27% of the world's population, and 93% of these cases occur in low- and middle-income countries. Factors such as consuming smokeless tobacco, being underweight, level of urbanisation and household wealth are associated with a higher probability of developing the disease.

Treating Education as A Public Good (Amitabh Mattoo - Professor at The Jawaharlal Nehru University)

- It is not surprising that Jiddu Krishnamurti, arguably the greatest Indian thinker on education in the 20th century, does not find a mention in the most recent iteration of the New Education Policy (NEP) 2019. Krishnamurthi's ideas on education and freedom — learning in a non-competitive and non-hierarchical ecosystem and discovering one's true passion without any sense of fear — may have been too heterodox for a government report. Nonetheless, there are elements of contemporary global thinking that do inform the NEP en passant — the emphasis on creativity and critical thinking and the ability to communicate and collaborate across cultural differences, which are part of the global common sense. The near-final NEP, despite its lacunae, is a vast improvement over its earlier, almost-unreadable avatar. The report's 55-page brevity is matched by a reader-friendly organisational structure: four chapters focussing on school education; higher education; other key areas like adult education, technology and promotion of arts and culture; and a section on making it happen by establishing an apex body and the financial aspects to make quality education affordable for all. While the commitment to double the government expenditure on education from about 10% to 20% over a 10-year period is still insufficient, given the enormity of the challenge, it is an unprecedented commitment to the sector. Education, for most of us, is a necessary public good central to the task of nation building and, like fresh air, is necessary to make our communities come alive; it should not be driven solely by market demand for certain skills, or be distracted by the admittedly disruptive impact, for instance, of Artificial Intelligence. This form of education should be unshackled from the chains of deprivation, and "affordable" education, for instance in JNU, is vital to ensure access to even the most marginalised sections of our country. Education policy, in essence, must aim to produce sensitive, creative and upright citizens who are willing to take the less-travelled path and whose professional "skills" will endure revolutions in thinking and technology.

Education Is Not A Commodity

A menu of choices provided by the private sector, which reduces education to the status of a commodity and views our youthful demography as human capital, is being doled out as panacea by instant India specialists to our educational challenges. This is a fallacy. We have to be conscious and deeply aware that there is no developed country where the public sector was not in the vanguard of school and higher education expansion, in ensuring its inclusiveness, and in setting standards. Even the sui generis Ivy League universities, created because of generous philanthropic endowments, function more like public institutions today. It was, therefore, essential for the government to produce a blueprint for reforms after widespread consultation; whether the present NEP report can deliver on this challenge is debatable. NEP's stated goal is to "reinstate" teachers as the "most respected members of our society." Empowerment of teachers remains a key mantra of the policy, and it is understood that this can only be achieved by ensuring their "livelihood, respect, dignity and autonomy", while ensuring quality and accountability. If the NEP stems the rot in most institutions of learning — which leads to the erosion of autonomy of teachers even on academic forums — it would have achieved a major breakthrough. Indeed, such is the intolerant dictatorial attitude of many of our current university leaders that the act of intervening in academic debates itself seems like treason. Equally laudable is the emphasis on early childhood care and schooling more generally. The anganwadis remain the backbone of an early childhood care system but have suffered on multiple grounds, including lack of facilities and proper training. This, as the report recognises, needs to change; but the incremental and rather ad hoc changes proposed (in stand-alone anganwadis, or anganwadis co-located with primary schools, etc.) may not deliver. The idea of volunteer teachers, peer tutoring, rationalisation of the system of schools and sharing of resources does sound ominous. It is also not clear what strategies will be adopted, nor what resources will be committed, to strengthen the public sector, including the Kendriya Vidyalaya's, the State government-run institutions and the municipal schools. Much has to be learnt here from examples even in the non-commercial private sector. Mirambika is a free-progress, experimental school inspired by the writings of the Mother and Sri Aurobindo. The NEP wisely recognises that a comprehensive liberal arts education will help to "develop all capacities of human beings — intellectual, aesthetic, social, physical, emotional, and moral — in an integrated manner." India's past, and its unique, culturally diverse matrix provide a rich framework, but delivering on a holistic liberal education programme requires much more than just proclamations. The proposal to establish a National Research Foundation, with an "overarching goal... to enable a culture of research to permeate through our universities" needs to be applauded and widely supported. But the creation of a National Testing Agency (NTA) has understandably generated scepticism. While, on paper, the NTA "will serve as a premier, expert, autonomous testing organisation to conduct entrance examinations for admissions and fellowships in higher educational institutions," in reality, universities and departments may lose autonomy over admissions, even of research students. This is not an empty fear; the initial signs of this change are already visible in universities.

Concern About Categorisation

Equally serious is the concern about the division between research-intensive 'premier' universities; teaching universities; and colleges. The NEP suggests, "three 'types' of institutions are not in any natural way a sharp, exclusionary categorisation, but are along a

continuum". But the advantage of these divisions, per se, is neither intuitively nor analytically clear, given that high quality teaching and cutting-edge research comfortably coexist in most universities of excellence. The NEP draft will now be placed before the Cabinet; one hopes that many of the concerns raised are addressed before an official policy is finally announced, recognising also the enormous pressure from global educational "service providers" to capture the Indian education market.

Business & Economics

How Global Credit Ratings Work

- This time, Moody's has lowered India's credit rating outlook from stable to negative because of what it has assessed as risks to economic growth, prospects of a more entrenched slowdown, weak job creation, and a credit squeeze being faced by Non-Banking Finance Companies. With growth slowing to 5% in the quarter to June this fiscal, and hardly any green shoots visible, most analysts may find it difficult to fault this assessment.

What Do These Ratings Mean?

Credit ratings agencies rate on a scale the financials and business models of companies, as well as economic management by sovereign governments, after analysing official and other data and interacting with government officials, business leaders, and economists. These agencies then rate instruments such as bonds, debentures, commercial papers, deposits, and other debt offerings of companies or governments to help investors make informed decisions. From a company's or a government's perspective, a better rating helps raise funds at a cheaper rate. The agencies do this on a continuous basis, either upgrading or downgrading the instrument based on performance, prospects, or events likely to have an impact on the balance sheet of a company or on the fiscal position of a government or a sub-sovereign entity. Political uncertainty can trigger a sovereign rating downgrade. In August 2011, S&P cut the highest rating (AAA) of the US citing rising debt levels and political risks. This provoked a government official to comment that "this was a 'facts be damned' decision". Within the two categories of investment grade, which is for good-quality firms and speculative, there are several notches for companies whose financials pose a risk of defaulting on payments. India's sovereign credit rating from Moody's is now Baa2, with the outlook cut from 'stable' to 'negative'. This could potentially have an impact on companies planning to borrow overseas through bonds or foreign loans, for investors or banks abroad may well seek higher interest rates because of weak prospects. This usually weighs on institutional investors such as pension funds, endowment funds of overseas universities, or sovereign wealth funds that manage the wealth of rich countries. They have to rejig their investments when there is a lowering of ratings. Firms and many governments that borrow from the international markets too are mindful of rating downgrades. In India, the concern could be that after Moody's upgraded its rating two years ago, when the economy grew two percentage points faster than now, the lowering could signal that a change upwards could be a long way off. As the agency put it, compared with two years ago (when it upgraded India's rating to Baa2 from Baa3), the probability of sustained real GDP growth at or above 8% has significantly diminished. It explained that the decision to lower the rating was based

on increasing risks that growth will remain materially lower than in the past, leading to a gradual rise in the debt burden from already high levels.

Does A Downgrade Really Matter?

That depends on how and where governments borrow. Many countries tap the global debt or credit markets to raise money. Global banks or their investment banks often claim that it is important to diversify their investor base, be it companies or governments, to lower the risk of a narrow set buying into such borrowing programmes and posing a risk of selling or pulling out. India has been an outlier on this count. It has not issued a bond or raised money directly in the international market so far, which means that to a good extent, a downgrade has limited impact. Rather, the impact is felt almost fully by private firms or state-owned companies which raise foreign currency funds. In this year's Budget, the government announced its intention to go in for a sovereign bond, but hasn't moved on it yet in the backdrop of criticism and caution by the RBI. In the past, Indian policymakers with long memories had stymied attempts to issue a sovereign bond or borrow from the international market directly. And one of the reasons for that has been what they perceive as the alleged bias of credit ratings agencies. Consider this. In the run-up to India's balance-of-payments crisis in 1991, the agencies swiftly downgraded the sovereign rating, thus reducing the country's ability to raise money abroad through public sector oil companies or banks for short periods to buy oil or to pay for imports. In 1998, when India announced that it had carried out nuclear tests in Pokhran, the ratings agencies were quick to react again, impacting borrowings. The government and the RBI then decided to ignore these agencies and raised billions in foreign exchange through bonds issued by the SBI in two tranches. It helped that the government did not have foreign borrowings. And for long, the Indian government did not engage much with credit ratings agencies in trying to change perceptions. This was until after 2004-05 or so onwards, with the growth uptick that lasted for well over six years.

How Credible Are the Agencies?

Credit ratings agencies have taken a knock after the global financial crisis of 2008, when they were exposed after the collapse of highly rated banks and other institutions. Since then, they have come under attack in India too, and also faced regulatory action, besides a probe by central investigating agencies after they had assigned top ratings to borrowings by firms that were part of the IL&FS group last year. Just a year before the last sovereign rating upgrade by Moody's in 2017, Shashikant Das, who was the Secretary, Economic Affairs then and is now the RBI Governor, had written to the agency raising questions on its methodology and making out a case for revisiting it. The Finance Ministry's point then was that India's debt levels had declined, and that it ought to reflect in the ratings metric. Often, the government has also complained that countries with higher levels of debt and a weak fiscal have managed better ratings. This time, the government has responded to the change in outlook by saying that India's fundamentals are robust and that other macroeconomic indicators such as inflation are still low, which is reflected in low bond yields, with growth prospects strong both in the near and long terms. Essentially, it has indicated that it does not agree with the assessment of the agency. Whether the financial markets share a similar assessment, is what needs to be seen over the next few weeks. India's policymakers have often grumbled about the "moody" nature of credit rating agencies and their seemingly differential standards. But

it is useful to keep in mind the fact that despite the sovereign ratings being what they have been for a long time, India has attracted plenty of portfolio and flows into both government and corporate debt, besides Foreign Direct Investment. A rational approach should help.

Report on Household Spending Put on Hold

- The government has decided not to release the household consumer expenditure survey results of 2017-18 due to data quality issues, it announced. The Ministry of Statistics and Programme Implementation said in a statement that it is "planning the next consumer expenditure survey in 2021-22 after data quality refinement in the survey process." The Ministry said the report that was cited in the media was a draft and should not be considered final, a defence it has employed earlier when unpleasant data has been leaked. "The Ministry has seen media reports of consumer expenditure survey by NSS (National Sample Survey) stating that index is falling and report is withheld due to adverse findings," it said. "The Ministry states that there is a rigorous procedure for vetting of data and reports produced through surveys. All such submissions that come to Ministry are draft in nature and cannot be deemed to be final report."

ArcelorMittal's Takeover of Essar cleared by SC

- The Supreme Court accepted ArcelorMittal's offer to pay an aggregate ₹42,000 crore as an upfront amount to the secured financial creditors of bankrupt Essar Steel. This paves the way for ArcelorMittal to take over Essar and enter the world's second biggest steel market. A three-judge Bench, led by Justice Rohinton F. Nariman, upheld the "commercial wisdom" of the Committee of Creditors (CoC) to accept Arcelor's offer and set the ball rolling for the takeover.

NCLAT Ruling Set Aside

The court set aside a judgment of the National Company Law Appellate Tribunal (NCLAT), which held that the amount ought to be shared equally between financial creditors and operational creditors. "The equality principle cannot be stretched to treating unequals equally. That will destroy the very objective of the Insolvency and Bankruptcy Code (IBC) — to resolve stressed assets. Equitable treatment is to be accorded to each creditor depending upon the class to which it belongs: secured or unsecured, financial or operational," Justice Nariman wrote in his 164-page judgment. Explaining why financial creditors are favoured over operational creditors of a bankrupt company in a corporate resolution process, Justice Nariman said financial creditors were capital providers for companies, who in turn were able to purchase assets and provide a working capital to enable such companies to run their business operation. Operational creditors, on the other hand, were beneficiaries of amounts lent by financial creditors. "If an 'equality-for-all' approach, recognising the rights of different classes of creditors as part of an insolvency resolution process is adopted, secured financial creditors will, in many cases, be incentivised to vote for liquidation rather than resolution... This would defeat the entire objective of the IBC," Justice Nariman observed. The NCLAT tried to substitute its wisdom for the commercial wisdom of the CoC, he said. "Corporate resolution is ultimately in the hands of the majority vote of the CoC," the court clarified. "So long as the provisions of the Code and the Regulations have been met, it is the commercial wisdom of the requisite majority of the CoC which is to negotiate and accept a resolution plan, which may involve differential payment to different classes of creditors,

together with negotiating with a prospective resolution applicant for better or different terms which may also involve differences in distribution of amounts between different classes of creditors… All decisions by the CoC can be taken by a 51% majority vote," Justice Nariman noted. Tribunals have no "residual equity jurisdiction" to interfere in the merits of a business decision taken by the requisite majority of the CoC in conformity with the law, the court held. In short, tribunals cannot "trespass" into the turf of the CoC. The scope of judicial review over a CoC decision is certainly limited.

- In a judgment significant for India's fledgling corporate resolution process under the Insolvency and Bankruptcy Code, the Supreme Court increased the time limit for corporate resolution to extend beyond the mandated 330 days. As of now, the time limit for resolution process is mandatorily 330 days in all cases. If debts are not resolved and the bankrupt firm cannot be brought back to its feet within this time-frame, the only option left is liquidation of its assets to pay creditors. A Bench led by Justice Nariman, in the ArcelorMittal judgment, observed that many litigants suffer the prospect of liquidation for no fault of theirs. Delay in legal proceedings leads to the resolution process being dragged beyond the 330-day mark. The court said the 330-day time limit was no longer mandatory. Justice Nariman said it would be arbitrary to let litigants suffer liquidation unnecessarily. The court held the mandatory nature of the 330-day mark as a violation of Article 14 (right to equal treatment) of the Constitution and an "excessive and unreasonable restriction on the litigant's right to carry on business under Article 19(1)(g) of the Constitution". The court mellowed the provision saying the 330-day mark should be followed in the 'ordinary course'. Extension of time should be granted by the NCLT if parties are able to prove there is very little time left in the resolution process and the delay has been caused by 'tardy' legal proceedings.

Rules Notified to Bring Financial Firms Under IBC

- The Centre issued rules that provide a framework for bringing 'systemically important financial service providers' under the purview of the Insolvency and Bankruptcy Code (IBC). "Section 227 of the [Insolvency and Bankruptcy] Code enables the Central government to notify, in consultation with the financial sector regulators, financial service providers (FSPs) or categories of FSPs for the purpose of insolvency and liquidation proceedings, in such manner as may be prescribed," it said in a release. "Accordingly, the Ministry of Corporate Affairs has notified the Insolvency and Bankruptcy (Insolvency and Liquidation Proceedings of Financial Service Providers and Application to Adjudicating Authority) Rules, 2019 today to provide a generic framework for insolvency and liquidation proceedings of systemically important FSPs other than banks." Finance Minister Nirmala Sitharaman said the notification was necessitated because there was no system like the IBC that was designed exclusively for financial institutions. "This notification was brought out in an environment where it might be necessary to invoke an IBC-like proceeding on a financial institution, but where there is no exclusive arrangement for financial institutions," she told reporters on Friday. The Minister added that it was up to the Reserve Bank of India to now decide which financial companies would be taken up under these rules. However, she did add that the government was looking to bring out a set of rules exclusively for financial companies as well. "We want to bring in an IBC equivalent for financial companies." "The introduction of an interim framework for resolution of financial service providers under the IBC is a timely and important step for resolution of financial service providers permitting an interplay between regulators, creditors and the NCLT (National Company Law Tribunal) for appropriate actions," L. Viswanathan, partner, Cyril Amarchand Mangaldas said.

Life & Science

Back from The Brink

- On October 3, 2019, the U.S. just about managed to retain its measles elimination status declared nearly 20 years ago. A month earlier, New York State declared the end of a measles outbreak, which began on October 1, 2018 and continued for almost a year, bringing the country very close to losing the status. The last case of measles in New York State occurred on August 19 and completed 42 days (two incubation periods for measles) after the onset of rash. It ended just a couple of days before the duration of the outbreak could cross the one-year mark. This was crucial as a country loses the measles elimination status if a chain of transmission from a given outbreak is sustained for more than 12 months. An outbreak in New York City, which began on September 30, 2018, led to more than 600 confirmed cases. The outbreak in nearby Rockland County, New York, started the next day and led to more than 300 cases. While 29 other States in the U.S. reported outbreaks in the past year, these did not last long. The reason why they were both limited in size and short-lived was mainly because the vaccination coverage was high leading to high immunity protection in the population.

Reasons for Outbreak

The nearly year-long transmission in New York highlights the possibility of a sustained spread of measles in small pockets of an under-immunised community even when vaccine coverage with two doses nationally is high. Inequities in vaccine coverage, or gaps in vaccine coverage between communities, age groups and geographic areas in countries with high coverage at the national level, provide a fertile ground for outbreaks and for prolonged spread in such under-immunised groups. Gaps and disparities in vaccine coverage between communities was the reason why the two outbreaks among the children of New York lasted for almost a year. Vaccine coverage among children belonging to the ultra-Orthodox Jewish community was not high; measles vaccination coverage in schools in the outbreak area was only 77%. In addition, there was also a delay in vaccination. The reason? Parents had refused to vaccinate their children fearing that the vaccine might cause autism. Low protection in children of this community meant that they ran a high risk of getting infected by unvaccinated people returning from countries with ongoing measles transmission. While 1,249 cases of measles were laboratory-confirmed in 2019 from 22 outbreaks in 31 States, 75% of the cases were restricted to the Orthodox Jewish community in New York.

Problem in India

These details are important for India, which has a twin problem. The first is that it has huge pockets of under-immunised children. Second, the immunisation coverage with two doses at the national level is far below the World Health Organization level of 95% needed for protection and elimination. Intensified efforts to increase immunisation coverage in recent years have led to a sharp drop in the number of measles cases annually in India. Yet, in the October 2018-2019 period, India reported 71,834 cases, the third highest number in the world, according to the WHO. While India intends to eliminate measles by 2020, the vaccination coverage has nowhere reached the 95% threshold for two doses. According to the June 2019 WHO and UNICEF estimate for national immunisation coverage, measles

vaccine coverage in India in 2018 for the first dose was 90%. It was 80% for the second dose. But the reported coverage levels are "likely an overestimation", the report cautions, based on a coverage evaluation survey. Protection offered by maternal antibodies last for only four-five months, while the first dose of measles immunisation is at nine-12 months of age. Thus there is a huge window during which infants are vulnerable to measles infection. Also, about 15% of children in India fail to develop immunity from the first dose of measles vaccine. Till such time older children are fully protected with two doses, infants will remain vulnerable.

WHO Initiative to Boost Insulin Access

- Ahead of the World Diabetes Day on November 14, the World Health Organisation (WHO) is launching an initiative to expand access to affordable insulin. Stating that more than 420 million people worldwide, mostly in low- and middle-income countries, live with diabetes, the WHO noted that many who require insulin do not have access to it, often due to high costs. The global report on diabetes shows that essential medicines and technologies, including insulin, are generally available in only 1 in 3 of the poorest countries. According to the International Diabetes Federation Diabetes Atlas (7th Edition), China had the largest number of patients (11.43 cr.) followed by India (7.29 cr.) in 2017. As per the National Family Health Survey 2015-16, 5.8% women and 8.0% men in India are having blood sugar level above 140 mg/dl, in the age group of 15-49 years. "The Health Ministry is focused on creating awareness for behaviour and life-style changes, screening and early diagnosis of persons with high level of risk factors and their treatment and referral (if required) to higher facilities for appropriate management for Non-Communicable Diseases (NCDs), including diabetes,'' noted a senior health official.

Plant That Repels Herbivores Found to Have Medicinal Uses

- Chemicals in certain plants of the northeast are bad for herbivores but could be good for humans, says a new botanical study. The "volatile chemicals" were found in the leaves of six species of Garcinia that were studied for the first time. These species are Garcinia assamica, Garcinia dulcis, Garcinia lanceifolia, Garcinia morella, Garcinia pedunculata and Garcinia xanthochymus. The genus Garcinia with some 250 species of trees and shrubs is distributed in southeast Asia, the Indian subcontinent and tropical Africa. The Indian subcontinent has 44 of this species, with the northeast hosting 19 of them. Of these, Garcinia assamica is a newly discovered species. Only a few trees were recorded from areas near western Assam's Manas National Park. The major compounds were (E)-caryophyllene, a-copaene and b-selinene. The compositions of North East Garcinia species were compared with those of the Western Ghats species. The former was found to have (E)-caryophyllene as the major chemical compound found to retard the growth of other plants in the vicinity and repulse herbivore attacks. "This compound possesses anti-inflammatory, anti-carcinogenic, anti-fibrotic, anxiolytic, anaesthetic, anti-cancer, antioxidant, antimicrobial and other biological activities that can be studied further for medicinal use,". Earlier studies across the world had established the genus Garcinia as a source of therapeutically active substances and possessing essential oils exhibiting antioxidant and anti-inflammatory properties. Oils rich in a-copaene compounds from the north-eastern Garcinia species were also found to have human-friendly properties similar to (E)-caryophyllene. "Given their tremendous health benefits, nurseries are now raising different species of Garcinia as a commercial crop. The

fruit of this plant has been used traditionally in Assam for controlling dysentery and diarrhoea. It has the potential for marketing as an anti-obesity agent," Mr. Sarma said.

Unchecked Warming Will Raise Mortality Levels

- A rise in average temperatures across India would increase death rates by 10%, translating into an extra million and a half deaths by the end of the century, says a report by researchers based at The Climate Impact Lab, a collaboration of researchers from multiple U.S. universities and organisations. This level of mortality would result if greenhouse gas emissions continue to rise in the way they do today. The analysis studies trends in mortality with the rise in temperatures in a range of countries and adjusts for future scenarios of more people getting richer and being able to adapt better to warming. The researchers collected statistics on causes of death in 40 countries, including India, the United States, China, the European Union, Mexico, Brazil, Chile and Japan. This was to cover a range of climate and economic conditions, and compute the extent to which exposure to increased heat would increase death. These deaths could be the result of exposure to heat strokes or increased cardiovascular risk. If greenhouse gas emissions continue unabated, the average temperature in India is expected to increase from 24°Celsius today to 28°C by 2100. Days with temperatures above 35°C are expected to triple from the current average of 5.1 to 15.8 by 2050 and 42.8 by 2100. Punjab has the highest annual average temperatures in India and the analysis finds that where current temperature trends to continue, 16 States are projected to be hotter than what Punjab is today. Odisha is expected to have the highest increase in the number of extremely hot days, rising from 1.6 in 2010 to 48.05 by 2100. Uttar Pradesh, Bihar, Rajasthan, Andhra Pradesh, Madhya Pradesh and Maharashtra are estimated to contribute 64% of the total excess deaths. If steps are taken to cut emissions such that they peak by 2040 to prevent temperature rise exceeding 2°C over pre-industrial levels, the excess death rates due to heat could drop to 10 per 1,00,000, a nearly 80% decline from what India is currently heading towards.

Activists Call for Action to Curb Avian Deaths

- After the death of hundreds of migratory birds in the marshland of Rajasthan's Sambhar Salt Lake, environmentalists here have called for urgent action to find out what is causing the loss of avian lives. The decomposed carcasses of birds have indicated that the deaths had occurred over the last one week. The dead birds belonged to about 10 species, which migrate annually to water bodies in India from the cold northern regions of Central Asia. The Sambhar Salt Lake, situated 80 km south-west of Jaipur, is the country's largest inland saline water body which attracts thousands of migratory birds every year. Though the Forest Department has sent viscera for investigation, there was no arrangement for on-the-spot dissection of carcasses by veterinarians. While water contamination or algae poisoning were described in some quarters as the possible reasons for the birds' deaths, Mr. Vardhan said only a strict monitoring by the Forest Department could prevent such incidents. Birdwatcher Sudhir Garg called for immediate steps to prevent the deaths as the migratory season is expected to last the winter. Sanjay Kaushik, Assistant Conservator of Forests, Dudu, said the water samples from the lake had been collected for examination, while the investigation had focused on the presence of some pollutant in the lake or infection among some birds that could have spread.

DreamIAS