



Current Affairs, 17th to 23rd November 2019

International

U.S. Support to Israeli Occupation

- The Trump administration's declaration that the Israeli settlements on the West Bank are not illegal not only challenges international laws and consensus on the issue but also complicates the already-stalled peace process between the Israelis and the Palestinians. To be sure, the decision is in line with President Donald Trump's Israel policy, which has unconditionally favoured the Jewish nation. In December 2017, Mr. Trump announced that the U.S. would recognise Jerusalem, a disputed city, as Israel's capital, breaking with an international consensus that the status of Jerusalem should be settled as part of a peace agreement. In March this year, the administration recognised the Golan Heights, which Israel seized from Syria in the 1967 war and has occupied ever since, as part of Israel. And now, with its de facto recognition of the Jewish settlements on the West Bank, Washington has given a shot in the arm to Israel's religious right, which wants the settlements to be annexed. Before the September election, Prime Minister Benjamin Netanyahu had promised to annex the settlements if voted back. Incidentally, the U.S. decision comes as Israel is inching closer towards another election as neither Mr. Netanyahu nor his rival, Benny Gantz, managed to form a government. The UN General Assembly, the Security Council and the International Court of Justice have all stated that the Israeli settlements on the West Bank are illegal. According to the Fourth Geneva convention, an occupying power "shall not transfer parts of its civilian population into the territory it occupies". But Israel has been doing just that for decades. There are at least 4,00,000 Israeli settlers on the West Bank. The 'security barrier' Israel has built has cut deeper into the West Bank to incorporate some of the settlements, and the check-points Israel has set up across the West Bank restrict the movement of Palestinians. The Palestinians have made it clear that the two-state solution could be implemented only based on the 1967 border, with East Jerusalem as the capital of a future state of Palestine. Israel is already non-committal on Jerusalem. The right of return of the Palestinian refugees forced from their homes during the 1948 war remains a contentious issue. The third one is the border of a future Palestinian state. Israel has already taken effective control of a huge chunk of the West Bank through the settlements. The UN Security Council has asked Israel to stall the settlement activities, but Israel has hardly paid any attention to international opinion. And now, the Trump administration has rewarded the Jewish state, once again. If Israel goes ahead with annexation of the settlements, the call for which is gaining traction in the country, that will be the last nail in the coffin of the two-state solution.

What Are the West Bank Settlements?

The West Bank, a patch of land about one and a half times the size of Goa, was captured by Jordan after the 1948 Arab-Israeli War. Israel snatched it back during the Six Day War of 1967, and has occupied it ever since. It has built some 130 formal settlements in the West Bank, and a similar number of smaller, informal settlements have mushroomed over the last 20-25



years. Over 4 lakh Israeli settlers — many of them religious Zionists who claim a Biblical birth right over this land — now live here, along with some 26 lakh Palestinians.

Are These Israeli Settlements Illegal?

To the vast majority of the world's nations, yes. The United Nations General Assembly, the UN Security Council, and the International Court of Justice have said that the West Bank settlements are violative of the Fourth Geneva Convention. **Under the Fourth Geneva Convention (1949), an occupying power "shall not deport or transfer parts of its own civilian population into the territory it occupies". Under the Rome Statute that set up the International Criminal Court in 1998, such transfers constitute war crimes, as does the "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly". Under the Oslo Accords of the 1990s, both Israel and the Palestinians agreed that the status of settlements would be decided by negotiations.** But the negotiations process has been all but dead for several years now. Israel walked into East Jerusalem in 1967, and subsequently annexed it. For Israel, Jerusalem is non-negotiable. The Palestinians want East Jerusalem as the capital of their future state. Most of the world's nations look at it as occupied territory.

Brexit

Unity of the U.K.

Further complicating matters is the fact that Brexit is increasingly becoming an English obsession that is threatening the unity of the United Kingdom. Scotland and Northern Ireland (the former by a decisive margin) voted to remain in the EU in 2016. Though Wales voted narrowly to leave, the sentiment appears to be shifting with the main Welsh nationalist party, Plaid Cymru, now putting its weight unambiguously behind Remain. Meanwhile, divisions over Brexit have fuelled Scottish nationalism, with the Scottish Nationalist Party demanding another independence referendum. In a 2014 referendum on independence, Scotland had voted 55% to 45% to remain in the U.K., primarily because remaining in the union gave it access to the EU. Against these fissiparous tendencies, the U.K. is gearing up for its second general election since the Brexit referendum. Far from finding any common ground, the tribes of Leavers and Remainers are drawing further apart. Mr. Johnson's attempts to portray that Parliament is stymieing the 'will of the people' by blocking Brexit has vitiated the political atmosphere, with more and more MPs reporting abuse and threats from the public. Neither the Conservatives' glib 'get Brexit done', nor the Labour Party's apparent decision to shift the focus away from Brexit will serve to bridge the widening differences in this country. Yet, opposing Brexit as a smaller party will be challenging: though the Liberal Democrats, Greens and Plaid Cymru have come together in an anti-Brexit pact, they have nothing else in common. It could be that the malaise of Brexit will infect the results of the general election by denying any party a decisive victory. If so, the deadlock over the battle for Britain's future will continue. Rather than looking forward with hope, this appears to be an election that will look back with anger.



The Whiff of a New Arab Spring in West Asia? (Mohammed Ayooob - University Distinguished Professor Emeritus of International Relations, Michigan State University)

- Nationwide protests that broke out over the weekend are the latest challenge to the Iranian regime that's already struggling to fix a battered economy, hostile ties with the U.S. and waning influence in West Asia. The trigger was the government's decision to raise the price of rationed fuel. Thousands of people took to the streets, reminiscent of recent protests in Hong Kong, Chile, Lebanon and neighbouring Iraq. The protesters chanted slogans against the Islamic regime, carried "Death to Khamenei" posters, in a direct challenge to the country's Supreme Leader Ali Khamenei, and burned down banks and stores. Security personnel reportedly unleashed violence on the protesters, while the government shut down the Internet. According to Iranian media, at least 12 people were killed, including security personnel, and some 1,000 protesters were arrested. Both President Hassan Rouhani and Ayatollah Khamenei, the real ruler of Iran, have condemned the protests, while the Islamic Revolutionary Guard Corps, the country's top paramilitary force, has threatened to crack down on the demonstrations, raising the prospects of more violence. Iran still has one of the lowest fuel prices in the world. But the rise was enough for a people reeling under high inflation, joblessness and a collapsing economy to take to the streets. President Donald Trump's decision last year to pull the U.S. out of the 2015 nuclear deal and reimpose sanctions has dealt a blow to Iran's economy. Inflation has risen to 40%. A quarter of Iran's youth are unemployed. And according to the IMF, the country's economy is expected to contract by 9.5% this year, while the currency, the rial, has plunged to record lows against the dollar. It is now evident that the collapse of the nuclear deal has cost the Iranian economy dearly. The economic woes have weakened the delicate balance between the regime and its angry youth. The latest round of protests might die down. But Iran needs a lasting solution to address its revolting underbelly. It can't violently suppress the protesters forever and needs to get the nuclear deal back on track.
- Lebanon and Iraq seem to be on the cusp of far-reaching political change but it is too early to predict the final outcome of the struggles taking place in both countries. The sustained and huge anti-government protests taking place in both countries for the past several weeks send three clear messages. First, the average citizen is fed up with corrupt ruling elites that engage in all sorts of manoeuvres to remain in power.

Sectarian Divisions

Despite the existence of multiple parties in both countries, government formation has become a rotating door process with the same leaders alternating in office. Second, sectarian divisions are breaking down with members of all sects joining hands in challenging established primarily sect-based parties and their leaders. Third, there is revulsion among the Iraqi and Lebanese populations against foreign interference and the outcome of the protest movements could have a major impact on the balance of power in West Asia. This adds to the strategic importance of the Iraqi and Lebanese movements. **The Lebanese polity has been divided on confessional and sectarian lines since the independence of the country in 1943. Government offices as well as representation in Parliament are distributed on the basis of sectarian quotas. This provided confessional-based parties and militias a strong foothold in Lebanese politics. The Hezbollah's dominance of Shia politics is the primary**



example of this phenomenon, but Christian and Druze militias also operate on the same principle. Iraq was under brutal Baathist rule for decades until the American invasion of 2003. The American occupation by destroying the state structure in the country spawned sectarian militia and parties that acted as security providers for their communities thus turning all politics into sectarian politics. The current protest movements in Lebanon and Iraq that cut across sectarian lines indicate that both countries are moving towards transcending sectarian divides and eroding the control of the traditional confession-based leaderships. The most remarkable example of this potential turnaround is the challenge posed to the Hezbollah (which has dominated Shia politics in Lebanon for decades) from within the Shia community itself. But the challenge is not limited to the Hezbollah. The Sunni Prime Minister Saad Hariri has also lost the confidence of his Sunni constituents and has been forced to resign although he continues in a caretaker capacity. The Maronite President Michel Aoun is under pressure from his Christian constituency to do so as well. Similarly, the Shia-dominated government of Iraq is facing the wrath of its erstwhile Shia supporters thus upending sectarian calculations. Even Shia leaders such as Muqtada al-Sadr have called for the resignation of Prime Minister Adil Abdul-Mahdi, who incidentally was the preferred choice of both Iran and the United States after the last Iraqi elections.

International Repercussions

There is a major international angle to these developments as well. If the upheavals in Lebanon and Iraq succeed, the biggest loser will be Iran. What U.S. President Donald Trump's policy of "maximum pressure" on Tehran to curtail its growing regional influence has been unable to achieve, could well be attained by the Iraqi and Lebanese demonstrations against Iran's influence in these countries. The Hezbollah's loss of credibility among its Shia constituents, who form a plurality in Lebanon, is likely to translate into Iran losing much of its influence in Lebanon, which Tehran considers essential both to confront Israel and to provide support to the Assad regime in Syria. Iraq is even more important in strategic terms for Iran. Given its bloody experience of the Iran-Iraq war of 1980-88, Iran cannot afford to have a less than pliant government in power in Baghdad. What has Tehran very worried is that some of the largest and most virulent demonstrations against the Shia-dominated Iraqi government and against Iran itself have taken place in Shia-dominated cities and towns in southern Iraq. It is remarkable that Shia protesters attacked the Iranian Consulate in the holy city of Karbala and attempted to set fire to it. The leading Iraqi Shia cleric Grand Ayatollah Ali al-Sistani's endorsement of the demands of the Iraqi protestors for the resignation of the Iran-backed government in Baghdad has further rattled the Iranian regime. Anti-Iranian demonstrations in Iraq have prompted Iran's Supreme Leader Ayatollah Khamenei to blame "foreign elements", code word for American intelligence agencies, for inciting the protest movements. The Iranian leadership sees them as an attempt to punish Iran for not accepting American diktat on the nuclear and other related issues. Tehran has several instruments it can use to prevent radical change in Iraq including the Shia militias trained by the Islamic Revolutionary Guard Corps. However, the deployment of these militias by the Iraqi government to crush the protest movement has boomeranged and led to the exacerbation of anti-Iranian sentiments that cuts across sectarian lines.



Future of Protest Movements

The question that is very difficult to answer is whether the protest movements in Lebanon and Iraq have the organisation and the staying power to bring down the current regimes. So far, the protests have persisted because of spontaneous action. The experience of the short-lived Arab Spring in 2011 does not provide cause for optimism that such spontaneous action can be sustained over the long term. Even more important, there is no guarantee that the protest movements, given their amorphous and spontaneous nature, can provide viable alternatives in terms of coherent governing structures to either Iraq or Lebanon. If they fail to do so then there is the distinct possibility that one or both of these countries may descend into anarchy once the current power structures crumble and alternative arrangements capable of providing governance and security are not put in place quickly. If the protest movements succeed in providing viable long-term alternatives to the present regimes, they will herald the beginning of a non-sectarian and democratic future for West Asia. If they fail, the Arab world will continue to remain mired in the same dysfunctional mess in which it has been trapped for the past several decades. While one hopes for the former outcome, one cannot rule out the possibility that the latter scenario may come to pass.

Trump's Style of Politics (Sankaran Krishna - Teacher of Politics at The University of Hawaii At Manoa)

- In the weeks after Barack Obama's stunning victory in the presidential elections in November 2008, the Republican leadership was conducting its own post-mortem on John McCain's defeat. Things did not look good at all. Around 60% of Hispanics; 62% of Asians; 95% of African-Americans; and, most significantly, two out of three voters below the age of 30 had voted for Mr. Obama. While he got only 43% of the white votes, Mr. Obama outpolled McCain by a full 10% (54% to 44%) among young white voters. Other than elderly whites and evangelical Christians, the Grand Old Party (GOP) could not count on any constituency as a stronghold. Given the demographic changes under way (the proportion of non-Hispanic whites is projected to drop to below 50% of the U.S. population by the year 2045), the white vote as a share of the overall electorate has dropped in every election since 1992. Quite simply, it was hard to see where the GOP could turn for renewal. Defeat followed again in 2012 as Mr. Obama handily beat Mitt Romney, and pundits were predicting a prolonged presidential drought for the GOP. Sen. Lindsey Graham remarked in 2012, "We're not generating enough angry white guys to stay in business for the long term."

Angry White Voters

Seven years later, Sen. Graham need have no worries about the supply of angry white guys in the U.S. And in Donald Trump, they have 'one of their very own' ensconced in the White House. The unabashed appeal to the idea of a white America, alongside the impediments to minority voting; the gerrymandering of districts; and a politics of constant spectacle centring on issues such as race, abortion, 'Christian values', immigration, crime, gun control, and anti-elitism, has kept the GOP from the obsolescence it feared. **While Mr. Trump is the latest manifestation of this trend within the Republicans, there is abundant evidence that at least since Richard Nixon's "war on crime" (read "on minorities") in the name of a "silent majority" (read "whites"), the politics of race-baiting, minority voter suppression, and pandering to the fears of whites has long been a core strategy.** So much of the focus on the 45th President of



the U.S. is trained on him being an 'exception'. It is fair to say that no previous President has ever combined mendacity, ignorance, arrogance, bigotry, and vulgarity in the way that he has. And yet, in contrast to this narrative of Mr. Trump being an 'egregious exception', it is time to regard him as the harbinger of the new normal. For all his distastefulness, Mr. Trump is the logical end product of a 50-year-long Republican strategy of **winning elections through appeal to the worst fears and instincts of the whites**, especially those at the lower end of the educational ladder, whose greatest fear is losing their status vis-à-vis blacks and other coloured minorities. White supremacy has always been barely concealed throughout the history of the U.S., and events on the ground are making it increasingly likely that the open bigotry espoused by Mr. Trump may not just disappear when he is done being President. Consider this: about 41% of Americans approve of the job Mr. Trump is doing as President (almost the same as Mr. Obama's approval rating three years into his first term). However, not one Senator or Congressman from one of the world's oldest political parties has broken ranks with him; and his approval rating among Republican voters runs around 90%, as it does amongst all those who voted for him in 2016. In early November, a New York Times/Siena College poll and analysis found that only Joe Biden bested Mr. Trump in a head-to-head contest (but by a margin of less than 2%) in six key States (Michigan, Pennsylvania, Florida, Wisconsin, Arizona and North Carolina). Mr. Trump was even with Bernie Sanders and clearly bested Elizabeth Warren in these States. The piece concluded that if present trends continued, there is a good possibility that Mr. Trump may lose the popular vote by a larger margin than the three million by which Hillary Clinton beat him in 2016 — but that he might win the Electoral College by an even wider margin than he did last time. These facts are the background against which the Democratic move to impeach the President is unfolding. That Mr. Trump's conduct clearly exceeds the bar set for bringing charges of impeachment ("The President... shall be removed from Office... for treason, bribery, or other high crimes and misdemeanours" as per the Constitution) is beyond doubt to anyone except the wilfully blind. Yet, the chances of impeachment resulting in Mr. Trump's ouster or resignation are practically zero. **Even if the House votes to impeach him (quite likely given the evidence and the Democratic majority in that chamber), the next step is for the Senate (where the Republicans have 53 of the 100 seats) to agree to first hold a trial, and then, by a two-third majority, vote to convict the President.** The GOP's unanimity that Mr. Trump has done nothing impeachable rivals that of the Politburo under Joseph Stalin, so that possibility can be ruled out.

Impeachment Hearings

The first week of televised impeachment hearings before the House committee has confirmed that Speaker Nancy Pelosi's initial hesitation in embarking on impeachment was well-founded. Despite testimony that unequivocally indicates that President Trump personally vetted a policy of withholding already approved foreign aid to Ukraine until it agreed to dig up some dirt on the Biden's; that he had the U.S. Ambassador to Ukraine fired because she would not play along with such extortion; and that he has since lied about all of this, Mr. Trump's popularity within his own base is unaffected. If anything, the longer the impeachment hearings play out, the more credible his claim — this is all a diversionary witch-hunt — will seem to the faithful. Despite the endless deployment of phrases such as "smoking guns," and "this time he's gone too far," the truth is that most Americans, but especially those predisposed to like the President, now live in discrete media silos: they hear and see only what they already agree with. The idea that these impeachment hearings could



uncover something that would result in a significant number of people changing their minds about him seems unlikely. At the same time, the sheer outrageousness of what the whistleblower revealed about the quid pro quo sought to be exacted from Ukraine left Ms. Pelosi with no choice but to proceed with impeachment. Though it might play into Mr. Trump's hands, it was still the right thing to do. In the meantime, the already unwieldy list of Democratic contenders for the nomination just increased, bringing the scrum up to 19. With none of them able to establish a clear frontrunner status, Mr. Trump can focus on what he does best: be the ringmaster of a media circus that energises his core constituencies and mocks the rest. Whether or not Mr. Trump wins re-election, it is clear that one of the two parties in the U.S. has decided to throw away dog whistles and openly champion the politics of racial majoritarianism. How the Democrats respond to that challenge could well be the question of the next decade. Mr. Trump's reign will end, but the GOP's swing to the hard right may be hard to reverse. In this, the U.S. is in line with developments in Britain and all across Europe, and when one considers Turkey, Brazil, the Philippines, India, and Sri Lanka, in sync with the world. Much as one might like to think Mr. Trump is an aberration or a one-off, I fear it's more probable that the content and style of his politics is here to stay, in the U.S. and elsewhere.

When Longevity Is the Biggest Achievement (Pallavi Aiyar - Writer and Journalist Based in Tokyo)

- On November 20, Shinzo Abe will become the longest-serving Prime Minister of Japan, overtaking Taro Katsura's record of 2,886 days in office. Mr. Abe has been in power for two different spells: a short-lived one, between July 2006 and September 2007, and the current stretch since 2012. Over the last seven years, he has brought stability to a political landscape that had been fractured, honing the image of a strong, conservative leader readying Japan for a newly muscular role in a shifting geopolitical landscape. Mr. Abe has steered the economy out of deflation and decline, if not into growth. He has presided over a significant increase in the country's military capabilities and attempted to expand Japan's strategic options beyond its traditional reliance on the United States.

The TINA Factors

And yet, his legacy might not be as long-lasting as his time in office. Critics say the only reason Mr. Abe is still in power is because of a weak and uninspiring Opposition. In other words, the TINA (there is no alternative) factor that voters around the world are all too familiar with. When Mr. Abe returned to power in 2012, Japan had been through five Prime Ministers in as many years. His immediate order of business was implementing a set of economic reforms to stimulate the economy, popularly dubbed **Abenomics**. The three pillars of this stimulus included monetary easing, fiscal spending and deregulation to promote private investment. He also vowed to bring more women into the workforce, an attempt nicknamed "**women omics**". More recently, Mr. Abe has reinvented Japan, from a recalcitrant participant in trade liberalisation to a leader of the **Trans-Pacific Partnership** bloc, after the U.S. withdrew from it in 2017. Under him, **Japan has boosted defence spending and enhanced its ability to project power outside of its borders**. In a historic shift in 2014, Mr. Abe's government reinterpreted (without amending) the Constitution to permit **Japanese troops to fight overseas for the first time since the Second World War**. A five-year defence programme announced in 2018 allocated 25.5 trillion yen (\$233.7 billion) in spending, a 6.4% rise over the previous five years.



On the diplomatic front, Mr. Abe has reached out to traditional partners like the U.S. (he was the first foreign leader to meet with Donald Trump after the President's election), while keeping ties with rival China on an even keel. Mr. Abe made an official visit to Beijing last October (the first such visit in nearly seven years) and President Xi Jinping is expected in Japan next year. For Japan, it has been a difficult balancing act, to avoid excessive dependence on the U.S., while anticipating the dangers associated with a more assertive China. Mr. Abe has demonstrated considerable tactical pragmatism in walking this tightrope. **Mr. Abe has also reached out to strengthen alliances with regional powers like India and floated the idea of a Free and Open Indo-Pacific for which he has gained the backing, to varying degrees, of the U.S., Australia and India.** But, despite this smorgasbord of initiatives, Mr. Abe's tenure has not been entirely rosy. The Japanese economy remains limp and Japanese corporations have so far proved unable to transform themselves into 21st century technology leaders. Though, during his tenure, Japan has benefited from periods of economic growth and low unemployment, the country remains mired in a slow-growth, high-debt deflationary trap. The government recently downgraded its 2019 growth forecast to 0.9% from an earlier prediction of 1.3%.

Moving Away from Pacifism

Domestically, Mr. Abe's vision of a less pacifist Japan remains deeply contested. **His most cherished policy goal is the amendment of Article 9 in the Constitution: the clause that restricts Japan's ability to maintain a military deterrent.** But it is looking no closer to fulfilment than it did at the beginning of his reign. **The Prime Minister wants to write the existence of Japan's Self-Defence Forces, as the military is known, into Article 9, giving constitutional standing to de facto reality.** However, a survey conducted by the Asahi Shimbun newspaper earlier this year showed that 64% of respondents opposed even this modest revision. While Mr. Abe continues to reiterate his pledge to push through the revision by 2020, it is looking increasingly unlikely that he will prove successful. It is also not clear how effectively, or if at all, Japan can meet the challenge of China's increasing heft. Relations with neighbour and potential ally, South Korea, are worse than ever. Under Mr. Abe, Japan has made little progress in facing up to its historical responsibility for the widespread atrocities of the Japanese Imperial Army in the Second World War. **The recent deterioration in relations with Seoul were prompted by unresolved grievances involving Koreans who were forced to work in Japan's mines and factories during the war, as well as "comfort women" who were made to service the military's brothels.** Far from helping heal the historical wounds inflicted by Japan, Mr. Abe's nationalistic stance is seen as unrepentant at best and provocative at worst. Finally, for all his cosyng up to the U.S. President, Mr. Abe has failed to insulate Japan from Mr. Trump's transactional approach to international relations. **The U.S. administration has recently asked Tokyo to pay roughly four times as much as it currently does to offset the costs of stationing American troops in Japan. The White House also threatened Japan with punitive tariffs on Japanese vehicles even as it was negotiating a bilateral trade deal with Tokyo. The administration had earlier raised tariffs on Japanese steel and aluminium.** Barring any major upheavals, Mr. Abe's long reign will come to an end in September 2021 when his term as leader of the Liberal Democratic Party finishes. At the current juncture it looks as though he will get a pass in the history books, though not with distinction. 'A' for longevity, but a 'B,' at most, for everything else.



Foreign Affairs

Why A Small Area in India Map Bothers Nepal?

- The new political map of India, recently released by the government to account for the bifurcation of Jammu and Kashmir, has triggered fresh protests over an old issue in Kathmandu. **Mapped within Uttarakhand is a 372-sq km area called Kalapani, bordering far-west Nepal and Tibet.** While the Nepal government and political parties have protested, India has said the new map does not revise the existing boundary with Nepal. Following reports about the publication of the map, youths and students of the ruling Nepal Communist Party and the opposition Nepali Congress came on the streets. The Nepal government described India's decision as "unilateral" and claimed that it will "defend its international border". In India, Ministry of External Affairs spokesperson Raveesh Kumar told journalists that the map "accurately depicts the sovereign territory of India". At an all-party meeting, leaders of various parties urged Nepal Prime Minister K P Singh Oli to take up the matter urgently with Indian Prime Minister Narendra Modi.

Defining the Boundaries

Nepal's western boundary with India was marked out in the Treaty of Sugauli between the East India Company and Nepal in 1816. Nepali authorities claim that people living in the low-density area were included in the Census of Nepal until 58 years ago. Five years ago, Foreign Minister Mahendra Bahadur Pande claimed that the late King Mahendra had "handed over the territory to India". By some accounts in Nepal, this allegedly took place in the wake of India-China War of 1962. A committee formed by the Nepal government to study this claim submitted a report to Prime Minister Oli during his first tenure. It claimed that India had "occupied" an additional 62 sq. km land.

Bilateral Talks

The Prime Ministers of the two countries discussed the issue in 2000, with Atal Bihari Vajpayee assuring Nepal that India would not occupy even an inch of Nepal. Five years ago, the matter was referred to a new mechanism comprising foreign secretaries of both sides. "There had been some sincere efforts made soon after Vajpayee's assurance," a former diplomat in Nepal said. Then National Security Adviser Brajesh Mishra and Indian Ambassador to Nepal K V Rajan had gone for an aerial survey, but the matter did not move further, the diplomat added. In New Delhi, Raveesh Kumar said: "The boundary delineation exercise with Nepal is ongoing under the existing mechanism. We reiterate our commitment to find a solution through dialogue in the spirit of our close and friendly bilateral relations." At least two former Foreign Ministers of Nepal — Upendra Yadav (now Deputy Prime Minister) and Sujata Koirala — had said that 98 per cent of border-related matters had been settled with India. **Apart from Kalapani, another unresolved issue involves a vast area along the Nepal-Uttar Pradesh border. During his visit to Nepal in 2014, Prime Minister Modi had said that the Susta and Kalapani issues would be sorted out.**



Once 'King' Of Karachi, Now Wants Asylum in India

- A typical Muttahida Qaumi Movement (MQM) rally in Karachi in its heyday would be like this: party members and activists, both men and women, seated in disciplined rows awaiting the main speaker, the party leader, a balding, bespectacled man; his image emblazoned on banners on the stage and at other vantage points; the entire Rabita Committee (the MQM's central committee) lined up respectfully on stage next to a telephone. At the appointed minute, one of the men on the stage would lift the receiver reverentially, and the voice of Altaf Hussain would crackle over the public address system from his home in Mill Hill, London, where he fled in 1992 after a violent internal feud in the party, and pre-empting a huge crackdown by the Pakistani military. **Hussain's appeal Sunday to Prime Minister Narendra Modi to give him and his colleagues asylum, makes him perhaps the first British citizen to seek refuge in India. Hussain is seeking to flee a country that acted blind to his presence for over two decades.** But now he is due to stand trial under British anti-terrorism laws, for inciting largescale violence in Karachi on August 22, 2016, through one of his telephone speeches.

What Happened That Day

Two media houses were vandalised, and there was fighting and arson on the streets of Karachi that left one person dead and several injured. The MQM leader had addressed his workers who had just ended a hunger strike to protest alleged disappearances of their colleagues in an operation by the Pakistan Rangers since 2013. It was an "anti-crime" operation — a veiled reference to the much feared MQM, with its thuggish street presence and mafia-like operations. Hussain described Pakistan as a "cancer for the entire world", a "headache for the entire world". Pakistan, he said, "is the epicentre of terrorism for the entire world. Who says long live Pakistan... it's down with Pakistan?" He then suggested that the protesters move on to two media houses. "So, you are moving to ARY and Samaa [TV channels] from here... right?" he asked. "So, you go to Samaa and ARY today and then refresh [yourselves] tomorrow for the Rangers place. And tomorrow we will lock down the Sindh government building which is called Sindh Secretariat." The violence brought the full force of the Pakistani state crashing on the MQM's head. The dreaded party office, Nine Zero, which was at one time rumoured to have underground torture chambers, was shut down by the Rangers. It was the beginning of the end of MQM, and of Hussain's four-decade-long political career. The following day, the entire Karachi-based leadership of the MQM distanced itself from the words of the leader. But the party never recovered, and on the eve of the 2018 elections, a breakaway faction called Pakistan Sarzameen Party (PSP) put up its own candidates. Its ties to the Army were apparent. The MQM won just seven seats, a historic low. It had won 18 seats in 2013, and 25 in 2008. The PSP did not win any seats. Meanwhile, acting on a complaint from the Pakistani government, Scotland Yard charged Hussain under British anti-terror laws for "encouraging terrorism" through the 2016 speech. He was arrested in June this year, and is currently out on bail.

The Man and His Party

Hussain entered Pakistan's political scene as a student leader heading the All Pakistan Mohajir Students' Organisation in the mid-1970s. At a time when all democratic forces were rallying against the military dictatorship of Zia ul-Haq and behind the Pakistan People's Party, the APMSO grew rapidly to challenge the PPP's hold in Karachi, and other cities in Sindh



province. Among the APMSO's demands were that Karachi should be carved out of Sindh into a Mohajir subah. Mohajir is the term for Muslim migrants to Pakistan from UP, Delhi, and other parts of India. The MQM was in the beginning called the Mohajir Qaumi Movement. Even though the MQM started out as a creature of the establishment, its independent-minded leadership, and the party's popularity among Karachi's Urdu-speaking middle class and youth, set alarm bells ringing in the military establishment and political parties. The PPP and MQM fought each other on the streets of Karachi. Through the 1990s, the MQM was targeted by the military, leading to violent crackdowns and bloodbaths. During this period, the MQM was accused of being secessionist, and conspiring to break Karachi away from Pakistan at the behest of India's Research & Analysis Wing. The "Indian" ethnicity of MQM members and followers was used to taint them. Adding to the suspicion, some of its leaders had escaped to India during the military operations, and were suspected to have been in touch with the Indian intelligence agency. The party's fortunes, however, changed dramatically in 1999 when General Pervez Musharraf, an Urdu speaker and Mohajir from Delhi, took power through a coup against Nawaz Sharif. Its elected representatives were key to Musharraf's plans. The party came out strongly against the lawyers' movement in 2007. Over 20 people were killed in clashes in Karachi after MQM cadres prevented the Chief Justice of Pakistan deposed by Musharraf from entering the city to address a meeting of the bar association. It was during this time that the MQM fashioned itself as Pakistan's only secular party, and came out strongly against the "Talibanization" of Karachi, which has a huge Pashtun population. Altaf Hussain travelled to Delhi for the first time, and was feted as an emissary of India-Pakistan peace. Syed Mustafa Kamal, an MQM politician and the youngest mayor of Karachi, won praise in the West for his attempts to improve the city.

Luck Over, Clutching at Straws

The MQM's fall began in 2010, two years after Musharraf's ignominious exit from the Pakistani political scene. Imran Farooq, a senior party leader, was killed outside his home in London. The investigation into the murder led British authorities to a huge stash of currency at Hussain's home and office, which set off a money laundering investigation. The BBC aired fresh allegations of Hussain's links with R&AW. In Karachi, the Rangers, Army, and Pakistani intelligence agencies began another "anti-crime" operation, which the MQM alleged was intended to split the party and end its political dominance over the city. The party did split many times over. Hussain mistakenly believed that he would be able to regain control, and the 2016 speech inciting violence was part of the plan. Since then, Hussain's health is said to have deteriorated, and absent the control over Karachi, he and the MQM have run out of funding. He is desperate to avoid the UK trial. This is not the first time he has appealed to Modi. In 2015, as his troubles mounted in the UK, and the Karachi crackdown entered its third year, he had asked Modi to speak up for Muhajirs. But even if India did find him useful at one time, it is unlikely that is still the case.

The New President Rajapaksa

- Gotabaya Rajapaksa, who took oath as Sri Lanka's President on Monday, will be closely watched by the international community, including India. He has the reputation of being the man who crushed the Tamil Tigers when he was Defence Secretary during his brother Mahinda Rajapaksa's presidency (2005-15), a period that also saw reports about brutalities



on surrendered militants and civilians. India, in particular, will be watching Gotabaya for the way he shapes Sri Lanka's relations with China.

The Brothers Rajapaksa

Gotabaya, 70, is one of the four Rajapaksa brothers in active politics in Sri Lanka, hailing from the south of the country. Besides Mahinda and Gotabaya, the other brothers are Basil Rajapaksa, who served as an adviser to President Mahinda and was an MP between 2007 and 2015; and Chamal Rajapaksa, who was Parliament Speaker (2010-15) and is no longer in active politics. Basil told The Indian Express last week that politics was in Gotabaya's blood; their father too was a parliamentarian and a minister.

Gotabaya's Legacy

A former lieutenant colonel who served two decades in the Sri Lankan Army, Gotabaya later worked as a technocrat in the US from 1992 to 2005, before returning home to take charge as Defence Secretary. In a country that had been in the grip of civil war and ethnic clashes for nearly three decades, **Gotabaya's decisive moves with the help of Indian and US intelligence agencies helped Sri Lanka finish the war against the LTTE in 2009. In the final stages of the war, over 40,000 civilians and a number of Army personnel were killed, while several hundred civilians and LTTE cadres disappeared. This led to reports of "white flag incidents" in which surrendered LTTE men were allegedly killed by the Army, and "white van incidents" in which Tamils and those who opposed the war were allegedly abducted by government-backed private militia.** This reputation also won Gotabaya widespread support from the majority Sinhalese Buddhists as well as all as others who opposed the LTTE. Gotabaya is also credited with measures relating to urban development and beautification of Colombo, until his brother lost the presidency.

His Stated Priorities

In his speech while being sworn in, Gotabaya said: "I consider the foremost responsibility of my government is to ensure the national security of my country. We will rebuild the state security machineries to secure the country from terrorism, underworld activities, robbers, extortionists." The victory came in the aftermath of terrorist attacks on hotels and churches in April, in which more than 250 people were killed. The Islamic State claimed responsibility.

What It Means for India

During the Mahinda regime (and Gotabaya's tenure as Defence Secretary), Sri Lanka's pro-China stance had caused concerns to India, particularly when Chinese submarines and warships made repeated undeclared visits to the port of Colombo. China had got huge concessions then, and extended loans worth billions of dollars, which, while helping build ports and highways in Sri Lanka, put the country deep in debt. In his 2018 interview with The Indian Express, Gotabaya said the Mahinda government had never allowed Sri Lankan soil to be used by any foreign country against India. Now, an adviser in his camp said Gotabaya will have a special interest in strengthening a healthy relationship with India while exploring more trade partnerships with China and potential investors. Critics see Gotabaya as being obliged to the United States, where he had citizenship before he relinquished it ahead of the



elections. The Opposition has raised allegations about dual citizenship, which Gotabaya's camp denies.

- The appointment of Mahinda Rajapaksa as Sri Lanka's Prime Minister consolidates the hold of the Rajapaksa family on power. The change was entirely on expected lines, after his younger brother, Gotabaya Rajapaksa, won decisively in the presidential election. Outgoing Prime Minister Ranil Wickremesinghe, whose party's candidate lost the election, submitted his resignation, thus enabling the newly-elected President to appoint a new Prime Minister. Under the country's constitutional scheme, the President is directly elected, and heads the Cabinet, even while the Prime Minister he appoints ought to be one who commands a majority in Parliament. Even though the Sri Lanka Podujana Peramuna, the party of the Rajapaksa's, does not have the requisite numbers, it is unlikely to be an issue, as it is expected to be only a caretaker regime until the next parliamentary elections, due in late 2020. Under the 19th Amendment to the Constitution introduced in 2015, the President may dissolve the House six months prior to the end of its term, which effectively means it could be dissolved any time after March. Mahinda Rajapaksa has emerged as Sri Lanka's most popular leader today. Few will doubt that his acumen and personal charisma were crucial to his brother's victory. His presence in an official role in the corridors of power will be vital in the way the President runs the country and handles external relations. However, the prospect of the country's two most powerful offices being vested in a single family does raise concerns. **The 2015 mandate against Mahinda Rajapaksa was one for reform and change. It led to the 19th amendment, which curbed the President's powers, especially the power to dismiss the Prime Minister and his Cabinet at will, and the two-term limit on contesting for President.** The question now is whether the gains it brought about for democracy will last. Mahinda Rajapaksa's reaction to the election result contained a specific reference to the "complications" in governance caused by the amendment, and promised a "programme of action". It would be a retrograde step, if they embark on any move to overturn the gains of the legislation. A return to ancien régime was undoubtedly one of the concerns of the minorities when they voted against Gotabaya Rajapaksa. India's move in sending External Affairs Minister S. Jaishankar to call on the new President has signalled an eagerness to preserve its traditional ties with Sri Lanka as well as its interests. It is particularly welcome that India has conveyed its expectations that the process of national reconciliation would be taken forward by the new regime, with a solution for the Tamil population based on equality, justice, peace and dignity at the core of it.
- For many in South Block, the election in Sri Lanka will bring relations around full circle from five years ago. In October 2014, during Gotabaya Rajapaksa's visit to New Delhi, when he was Defence Secretary to his brother, President Mahinda Rajapaksa, both the Ministry of External Affairs and the National Security Advisor Ajit Doval delivered him a tough message: that the Modi government took a stern view of Sri Lanka allowing Chinese naval warships into Colombo harbour. The message clearly didn't go down well with Mr. Gotabaya, and a week later, the PLA-Navy's submarine Changzheng-2 and the warship Chang Xing Dao arrived at Colombo on a five-day visit anyway. Sri Lanka insisted it had informed Indian officials about the plan in advance, and that the docking was routine, but the event put the Rajapaksa regime and the Modi government on collision course. Matters came to a head shortly after, when an Indian diplomat based in Colombo was accused of conspiring with the opposition leaders to defeat President Rajapaksa, and subsequently returned to Delhi. In the elections that followed, Mahinda Rajapaksa lost to Maithripala Sirisena, who was warmly welcomed by the Modi government. A lot has changed between the government and the Rajapaksas since



that fraught period five years ago. The Rajapaksas are now back in power, although it is Mr. Gotabaya who is President, not Mr. Mahinda, because of two-term limits on the presidency. For its part, New Delhi has worked on building ties on both sides of the political aisles, and carefully sidestepped situations where it was expected to take sides, including during the short period last year when Mahinda was sworn in as Prime Minister. In September 2018, Mr. Mahinda told The Hindu in an interview during a visit to Delhi that it was “time to move on” from the misunderstandings of the past. Nonetheless, with Mr. Gotabaya now in charge, New Delhi will have several apprehensions. While his brother, a life-long politician has been able to make his peace with New Delhi, the question remains about whether Gotabaya, a more stentorian military man, has done the same. Speaking to journalists in 2017, Gotabaya accused the Indian government of having affected “regime change” because it had a “bee in its bonnet” about China. In an interview in 2018, he repeated that charge, and also said that the Indian government had shunned his party, and had refused to engage with the Sri Lankan opposition.

At a rally last month, Gotabaya said that his government’s foreign policy would be “neutral” and stay out of “regional power struggles”. However, many worry that a tilt towards China will be inevitable, given the Rajapaksa’s past preferences as well as Gotabaya’s acrimonious relationship with the United States, which has often raised Gotabaya’s role as defence chief during the war against the LTTE in 2009 amidst allegations of human rights violations. Sri Lanka’s debt situation will also mean a greater role for China, which is the island’s biggest investor and creditor. “Even the Sirisena government was unable to keep Chinese influence at bay, despite some efforts. Under Gotabaya, that influence is expected to be much more evident,” says former diplomat in the Indian High Commission in Colombo and now Executive Director of the South Asian Institute of Strategic Affairs (SISA) Prabha Rao. The most sensitive issue for New Delhi in dealing with Gotabaya will be dealing with the Tamil-speaking areas of Sri Lanka’s North and Muslim-dominated East, that Tamil Nadu has the closest links with. Gotabaya, who is unpopular for his role in the war against LTTE in these areas, was defeated in all of the Northern Province’s five districts and in three districts in the Eastern Province in Sunday’s election. “Given his polarised mandate, Gotabaya should actually want India’s friendship in resolving tensions with the North and East region, and India should move in quickly to ensure more development projects in those areas,” advised Ms. Rao. Government officials say that contrary to public perception, however, local diplomats have been meeting with both Mahinda and Gotabaya Rajapaksa in the recent past, and they expect to build on traditional ties between New Delhi and Colombo and bonhomie between Narendra Modi-Gotabaya Rajapaksa. A first step was made with PM Modi’s early tweet congratulating President-elect Rajapaksa, and Mr. Rajapaksa’s quick reply thanking him, they add.

[BRICS On the Ball? \(Rajiv Bhatia - A Former High Commissioner to South Africa, Is Distinguished Fellow, Gateway House\)](#)

- The 11th summit of the BRICS grouping comprising Brazil, Russia, India, China and South Africa was held in Brasilia last week. Pitted as a counterweight to G7, the combine of developed economies, BRICS represents the world’s top emerging economies and claims to serve as a bridge between the developed and developing world. What are its current concerns and priorities? Questions are also being raised about its efficacy and impact.



Brasilia Outcome

With Brazil's President Jair Bolsonaro as the chair, BRICS was supposed to go into a slow mode. Instead, it hosted 116 meetings of leaders, ministers and others. During Brazil's chairship, the grouping reported 30 new outcomes, initiatives and documents. The latest summit needed a 73 para-long Brasilia Declaration to spell out the leaders' shared worldview and spectrum of their work. However, it is difficult to identify new elements in the BRICS's endeavour to strengthen and reform the multilateral system. **The "urgent need" to reform the UN, the World Trade Organization, the International Monetary Fund and other international organisations was stressed once again, even as little progress has occurred on this score. Interest in open and free trade was reiterated, despite growing protectionist tendencies.** On expansion of the UN Security Council, BRICS exposed its disunity yet again by sticking to the formulation that refuses to go beyond China and Russia supporting the "aspiration" of Brazil, India and South Africa "to play a greater role in the UN". Much to India's satisfaction, the commitment of BRICS to counterterrorism seems to be getting strengthened. Its working group on countering terrorism has expanded its activities through five thematic subgroups that deal with **terrorist financing, use of Internet for terrorist purposes, countering radicalisation, issue of foreign terrorist fighters, and capacity building.** If these exertions make India more secure, they will be most welcome. Where the BRICS shows signs of advancing is in the economic domain. Here, five facets need to be highlighted. First, the New Development Bank (NDB), the grouping's flagship achievement, has 44 projects with its lending touching \$12.4 billion, in just five years. This is not a small gain, but the bank needs to grow as "a global development finance institution". A move is now afoot to open its membership selectively. The summit leaders are understood to have agreed on the criteria and probably on a list of nations as possible new members, although a formal decision has been left to the bank's board of governors. **NDB has opened its regional centres in South Africa and Brazil, and will do so in Russia and India in 2020.** Second, with a successful **Contingent Reserve Arrangement** in the bag, BRICS governments are set to establish a **local currency Bond Fund**. But the **earlier proposal to launch a credit rating agency** remains shelved due to internal differences. Third, business promotion among member-states has been accorded a new salience. The BRICS Business Council held a substantive dialogue to foster cooperation in areas ranging from infrastructure and energy to financial services, regional aviation and digital economy. Its cooperation with the NDB is being encouraged. The national trade promotion agencies signed an MoU on cooperation among themselves. A BRICS Women Business Alliance was created, both as a women empowerment measure and as a tool to bring "a distinctive perspective on issues of interest for the business community." Fourth, following up on the decisions taken at the previous summit, operationalisation of the **Partnership on New Industrial Revolution** is underway. It is focused on cooperation in digitalisation, industrialisation, innovation, inclusiveness and investment. This partnership will be concretised by establishing industrial and science parks, innovation centres and business incubators. Fifth, the stress on developing people-to-people interaction remains unchanged, with each chair-country drawing up a calendar of activities to strengthen links of culture, arts, sports, media and academic exchange.

To What Avail?

The contribution of BRICS to project the perspectives of developing economies is laudable. However, by hosting outreach meetings with countries in its neighbouring (or broader)



region, each chair (with Brazil's exception) gave the impression that BRICS would do more for them. But the NDB has been lagging behind on this score. It needs to start extending loans for projects in non-BRICS countries to create a solid constituency of supporters. Also, is such a plethora of meetings really essential? Do the results justify the expenditure? India's representatives should ask, do they help the poor and vulnerable sections of the BRICS community? Finally, BRICS should ponder if in the short term it needs to focus on fulfilling existing commitments instead of taking on new ones.

Nation

A Blow Against Punitive Constitutionalism (Gautam Bhatia - Delhi-Based Lawyer)

- Two centuries of colonial rule visited many cruelties upon Indians. One form that this took was the criminalisation and stigmatisation of entire populations that did not "fit in" to a certain, narrow way of life. Through laws such as the Criminal Tribes Act, for example, indigenous peoples were deemed criminals by birth and herded into concentration camps, where families were separated and forced labour was the norm. While Independence and the Constitution were supposed to herald a new dawn, the reality turned out to be different. The post-colonial Indian state replicated many of the worst excesses of the British regime. One glaring example of this is the "beggary law", which was enacted in Bombay in 1958, and later extended to many States and Union Territories. These draconian laws criminalise itinerant and nomadic communities, i.e., effectively anyone who does not fit the state's definition of a "normal" citizen. And in establishing a system of "certified institutions" that are little better than detention centres, they facilitate the continued stigmatisation and incarceration of some of the most vulnerable and marginalised segments of society. Last month, however, in a landmark verdict, the Jammu and Kashmir High Court struck down that state's iteration of the Beggary Act. In a detailed judgment, its Chief Justice Gita Mittal identified the colonial origins of the law and found it to be a gross violation of human dignity, equality, and freedom. The Chief Justice's reasoning serves as a powerful reminder of the colonial vestiges that remain with us, seven decades after the birth of the constitutional republic. And, more importantly, it shows us a path to reach that 'something of freedom that is yet to come'.

The Beggary Laws

What do India's beggary laws say? The first striking thing is how broad the definition of "begging" is. Among other things, "begging" is defined as "having no visible means of subsistence and wandering about or remaining in any public place... in such condition or manner, as makes it likely that the person doing so exists by soliciting or receiving alms". Thus, beggary laws go substantially beyond criminalising the act of begging; rather, they criminalise people who are "wandering about" and who look like they might need to beg at some point. It is evident that the purpose of such provisions is not to protect public peace or prevent crimes, but to effectively "cleanse" these spaces of individuals who appear poor or destitute. It is the legislative equivalent of shops putting up "spikes" outside their doors and windows to prevent rough sleeping. The substance of these laws is worsened by the process. People found "begging" can be arrested without a warrant, and after a summary procedure, thrown into "Beggars' Homes" for anything between a year and three years. Upon a "second

Shatabdi Tower, Sakchi, Jamshedpur



offence”, the punishment could extend up to seven years. More specifically, the Jammu and Kashmir Prevention of Beggary Rules, framed under J&K’s version of the Act, **authorised forced medical examinations of “beggars” taken in police custody, “shaving” of hair and “removal of clothing” in order to undertake the euphemistically-phrased “cleansing” of the body.** The petitioner before the High Court, Suhail Rashid Bhat, challenged the Beggary Law, on the grounds discussed above. The government, on the other hand, defended the law on the ground that it was necessary to make “good citizens” out of “beggars”, and that it was necessary to maintain public order. The government also argued that “beggars” caused annoyance to tourists, and that it was essential to crack down on “organised begging.”

The Court’s Analysis

In a careful and detailed judgment, the court responded to each of these contentions. The Chief Justice began by discussing the origins of beggary statutes in England. Under the belief that people without settled — and visible — means of sustenance were a threat to society, a number of “vagrancy statutes” were enacted and served as precursors to the beggary laws. In India, begging was first criminalised in the 1920s, as part of a colonial logic that sought to “subjugate certain communities by imputing criminality to them.” The High Court then made the crucial observation that “begging and homelessness are indicators of abject, chronic poverty.” And poverty, the court noted further, had social causes: “Beggary is a manifestation of the fact that the person has fallen through the socially created net. It is evidence of the fact that the State has failed to ensure that all citizens have even the basic essential facilities.” **The court, therefore, rejected the pernicious world view according to which poverty is a consequence of individual failings, and recognised that the primary failing was that of the state.** Having established this, the court then addressed the question of fundamental rights. **As “begging” was a peaceful method by which a person sought to communicate their situation to another, and solicit their assistance, it was protected under Article 19(1)(a)’s freedom of speech guarantee.** The government’s stated justification for criminalising “begging” — that of turning people into “good citizens” — was vague and undefined; nor was it demonstrated how incarcerating “beggars” into homes would transform them into “good citizens”. The constitutional violation, thus, could not be justified. The court also noted that by criminalising “wandering about” in public spaces, the law effectively attempted to exclude the poor and the marginalised from places that, by definition, were meant “for the enjoyment of every member of the public without exception.” Thus, **the law also violated the constitutional guarantee of the freedom of movement.** Additionally, the court noted that there existed a large number of itinerant communities such as the **Gujjars and the Bakarwals, whose very nature of existence — moving from place to place, and displaying none of the “conventional means of subsistence” — would bring them within the ambit of the beggary law.** As the court pointedly asked: “Does ‘visible means of subsistence’ envisage waving your economic prosperity in public spaces? Or is it sufficient to have a hefty bank balance?” And finally, the Chief Justice observed that by effectively criminalising poverty, the beggary law violated basic human dignity. The legislation, it noted, was “steeped in prejudice against poverty and premised on an absolute presumption of potential criminality of those faced with choice lessness, necessity and undeserved want of those who have no support at all, institutional or otherwise and are bereft of resources of any kind”. This, coupled with the draconian processes under the Act, **violated the right to life and personal liberty under Article 21 of the Constitution.**



Submerging Individual Rights

Recent years have seen the rise of a phenomenon that can best be described as “punitive constitutionalism”. Punitive constitutionalism seeks to submerge individual rights to a grand yet often undefined national project by holding that an individual may be stripped of their rights if they do not do their bit to contribute to this project. **For example, laws barring political participation to those who have more than two children (thus submerging the right to participate to the imperatives of population control), or who lack formal education, effectively make freedom and equality conditional upon the state’s vision of what a “good citizen” should be like.** Rights, then, are no longer about being human, but about earning the right to be treated as a human. The beggary laws belong within this same family of punitive constitutionalism. The Jammu and Kashmir High Court’s judgment, therefore — which is explicitly premised upon the unconstitutionality of “invisiblising” a social problem by criminalising it (as though it is a matter of individual fault) — shows us the exact way in which our Constitution rejects this harsh world view. For that, it must be applauded.

What Does the Places of Worship Act Protect?

- When the Babri Masjid-Ram Janmabhoomi dispute was at its height, in the early 1990s, the Vishwa Hindu Parishad (VHP) and other Hindu organisations also laid claim to two other mosques — the Gyanvapi mosque in Varanasi and the Shahi Idgah in Mathura. Although the radicals in the Hindu camp often spoke of reclaiming 3,000 mosques across the country, they threatened to start agitations only in respect to these two places of worship. In this backdrop, the **P.V. Narasimha Rao government enacted, in September 1991, a special law to freeze the status of places of worship as they were on August 15, 1947.** The law kept the disputed structure at Ayodhya out of its purview, mainly because it was the subject of prolonged litigation. It was also aimed at providing scope for a possible negotiated settlement.

What Is the Objective of The Act?

The aim of the Act was to freeze the status of any place of worship as it existed on August 15, 1947. It was also to provide for the maintenance of the religious character of such a place of worship as on that day. It was intended to pre-empt new claims by any group about the past status of any place of worship and attempts to reclaim the structures or the land on which they stood. It was hoped that the legislation would help the preservation of communal harmony in the long run. The Congress had promised such legislation in its manifesto for the 1991 Lok Sabha election. The President’s address to Parliament also contained a reference to it.

What Are Its Main Features?

The Act declares that the religious character of a place of worship shall continue to be the same as it was on August 15, 1947. It says no person shall convert any place of worship of any religious denomination into one of a different denomination or section. It declares that all suits, appeals or any other proceedings regarding converting the character of a place of worship, which are pending before any court or authority on August 15, 1947, will abate as soon as the law comes into force. No further legal proceedings can be instituted. However, there is an exception to the bar on instituting fresh proceedings with regard to suits that related to conversion of status that happened after August 15, 1947. This saves legal proceedings, suits and appeals regarding change of status that took place after the cut-off



date. These provisions will not apply to ancient and historical monuments and archaeological sites and remains that are covered by the Ancient Monuments and Archaeological Sites and Remains Act, 1958; a suit that has been finally settled or disposed of; and any dispute that has been settled by the parties or conversion of any place that took place by acquiescence before the Act commenced. **The Act does not apply to the place of worship commonly referred to as Ram Janmabhoomi-Babri Masjid in Ayodhya.** This law will have overriding effect over any other law in force, it said.

Is There Any Penal Provision in The Act?

Anyone who defies the bar on conversion of the status of a place of worship is liable to be prosecuted. The Act provides for imprisonment up to three years and a fine for anyone contravening the prohibition. Those abetting or participating in a criminal conspiracy to commit this offence will also be punished to the same extent, even if the offence is not committed in consequence of such abetment or as part of the conspiracy.

How Did the Opposition React to The Law Then?

The Bharatiya Janata Party (BJP) registered its strong opposition to the enactment. The BJP leadership denounced the Bill as another example of the “pseudo-secularism” being practised in the country. It saw in it an intention to appease the minorities. In Parliament, the BJP also questioned Parliament’s legislative competence to enact the law as it pertained to places of pilgrimages or burial grounds, which were under the State List. However, the Union government said it could make use of its residuary power under Entry 97 of the Union List to enact this law.

Did the Supreme Court Refer to This Act in Its Ayodhya Judgment?

In its verdict, the Supreme Court commended the enactment as one that preserved the constitutional value of secularism by not permitting the status of a place of worship to be changed. The state has, by enacting the law, enforced a constitutional commitment and operationalised its constitutional obligations to uphold the equality of all religions and secularism, which is a part of the basic features of the Constitution. It said the Places of Worship Act “imposes a non-derogable obligation towards enforcing our commitment to secularism.” The court observed that “non-retrogression is a foundational feature of the fundamental constitutional principles, of which secularism is a core component.” It took note of attempts to change the character of places of worship by people taking law into their own hands, citing historical events. “Historical wrongs cannot be remedied by the people taking the law in their own hands. In preserving the character of places of public worship, Parliament has mandated in no uncertain terms that history and its wrongs shall not be used as instruments to oppress the present and the future,” it observed.

What Is the Present Status Of Gyanvapi And Eidgah?

A district court in Varanasi had entertained a civil suit by a temple trust claiming the site of the **Gyanvapi Mosque in the holy city**, but the order has been challenged in the Allahabad High Court, citing the statutory bar on such suits that seek to alter the places of worship. The matter is still pending. **The Shahi Eidgah in proximity to the Krishna temple in Mathura** is the subject of an agreement between the Krishna Janmabhoomi Sanstha and the Eidgah



Committee, under which the land belongs to the former and the management is with the latter.

Secularism in The Time of Security (Manuraj Shunmugasundaram - An Advocate of At the Madras High Court and Spokesperson, DMK)

- After the verdicts on Ayodhya and Sabarimala, the focus will now shift from the Supreme Court to Parliament. There is a compelling case to suggest that the BJP has begun executing its ideological agenda through the arms of the Union government. With Amit Shah straddling two key positions as Union Minister for Home Affairs and national president of the BJP, the co-ordination and coherence in policymaking and political manoeuvring are palpable. The party's 2019 election manifesto spoke about providing citizenship to minorities escaping persecution from neighbouring countries. The execution of this promise has come in the form of renewed vigour to enact the Citizenship (Amendment) Bill in the winter session of Parliament. If Parliament legislates the changes proposed to the Citizenship Act, this would mark an irrevocable shift away from India's secular credentials. Speaking at a seminar in Kolkata last month, Mr. Shah emphasised that "all Hindu, Buddhist, Sikh, Jain refugees" will not be "driven out". He further announced that by bringing the Citizenship (Amendment) Bill into force, the Union government would ensure that "all the rights of an Indian national" would be extended to this cohort. It is trite observation that the definition of refugee, under the present government, contains conspicuous omissions.

A Trojan Horse

Though the discourse is structured around persecution and refugees, there is little doubt that these actions, if carried through, would effectively mutate India into a "Hindu Rashtra" or a Hindu nation. Therefore, concern for refugees is nothing more than a Trojan to build a monoreligious country which will serve as a promised land for people belonging to the Hindu and other "Indic faiths". Naturally, this will alter the secular fundamentals underpinning the country and its Constitution. Not long ago, a Minister of the Union government waded into trouble by talking about removing the word 'secular' from the Preamble to the Constitution. There is no doubt that this demand is in line with the long-held Hindutva agenda. However, it is equally obvious that the constitutional courts may view any such amendment to the Constitution as a direct threat to its basic structure, as laid down under various judgments. **Most notably, in Kesavananda Bharati v. State of Kerala (1973), the Supreme Court held that secularism was part of the basic structure of the Constitution and further, that the basic structure could not be abrogated.** As such, it follows that the state must be secular and actions by the state shall not impinge on the secular fabric of the country. A further legal impediment would arise on the basis of **international law and humanitarian principles which prohibit the discrimination of refugees on the basis of religion.** Recently, Indian courts have read international obligations under the Universal Declaration of Human Rights relating to stateless persons in consonance with Article 51(C) of the Constitution to endow them with force of law. In P. Ulaganathan v. Government of India (2019), the Madras High Court utilised the expansive powers under Article 21 of the Constitution to provide partial relief to refugees and stateless persons.



Security and State

In recent times, Turkey has seen its secular foundations being reshaped under President Recep Tayyip Erdogan, as has been pointed out by Amitav Ghosh and Shashi Tharoor. However, whether this model can be executed in India would depend on how the judiciary perceives this challenge to secularism. Perhaps anticipating such judicial resistance, recently Mr. Shah spoke extensively on “national security”. He emphasised that no country “can run smoothly with the weight of so many intruders”. It is to be seen whether the bogey of security will allow the BJP to circumvent constitutional strictures and convert India to a Hindu nation.

The Release of Killers of Melavalavu

- The release of 13 life convicts responsible for the massacre of six Dalit men in Tamil Nadu in 1997 has caused understandable disquiet among activists and members of the Scheduled Castes. The Madras High Court has voiced its displeasure over the release of the convicts, on grounds of ‘good conduct’ in prison, and asked the State government to produce the relevant orders. The murder of Murugesan, who was elected president of the Melavalavu panchayat in Madurai district, along with five others, by members of a dominant caste, who resented the local body’s leadership being reserved for Scheduled Castes, had created a sensation then. That was an era in which there was considerable communal tension between Dalits and intermediate castes. In the Melavalavu case, the Sessions Court and the High Court had sentenced 17 men to life terms. The Supreme Court confirmed the convictions in 2009. Three convicts in the Melavalavu case were released in 2008 by the DMK regime. Now, the AIADMK government has courted controversy by freeing the remaining 13 (one is no more). Last year, it convinced the Governor to agree to the release of three men found guilty of burning alive three students when they set fire to a bus in Dharmapuri during a protest in 2000. The Supreme Court had initially upheld the death penalty for the three, but, on a review petition, commuted it to life, citing their lack of intention to kill members of the public and that they had been gripped by “mob frenzy”. The Supreme Court has repeatedly clarified that ‘life sentence’ means imprisonment till the end of one’s natural life. However, the law also provides for remission of sentences, including life terms. **Under Section 433A of the Code of Criminal Procedure, a convict sentenced to life for an offence that also attracts the death penalty, or has had his death sentence reduced to life, can be considered for release only after completing 14 years in jail.** Last year, the AIADMK government released hundreds of prisoners to mark the centenary of late party founder M.G. Ramachandran. While decongesting prisons by freeing inmates, especially for good conduct, and after they have served specified years, is permissible in law, there will be a question mark over mass release without regard to the nature of the crimes committed. Guidelines for remission do exclude those in prison for specified crimes such as terrorism, rape and economic offences. But when those guilty of a caste atrocity such as the Melavalavu massacre are released, it is certain to send out an undesirable message. Ideally, mass release of prisoners should be avoided, and the desirability of freeing each one of them should be separately considered. The Advisory Board that recommends such release should have the benefit of a social impact report as well as the opinion of the trial court.

Detention of Elected Representatives

- More than 1,300 people who were detained around the Centre’s abrupt move on August 5 that downgraded and bifurcated Jammu and Kashmir (J&K) continue to be so 15 weeks later.



In detention are dozens of elected representatives including a member of the Lok Sabha, Farooq Abdullah, who also happens to be a former Chief Minister. Senior functionaries of the government have repeatedly said the situation is normal in J&K, but indefinite preventive detention of people is difficult to justify under any circumstances. With continuing restrictions on communication, gauging the mood of the people may be tricky, but some signs of normalcy are visible as more businesses open and vehicular traffic increases in the Valley. Now that the first Lieutenant Governor has also taken charge in J&K, immediate steps must be taken to open up political and civil society space. Instead of trying to hard sell an improbable portrait to the outside world, the Centre would do well by engaging with those most affected by its decisions — the people of J&K. The government cannot possibly see merit in undermining mainstream political leaders in J&K. The paradox of continuing detentions and restrictions in J&K was stark when Prime Minister Narendra Modi spoke about the forthcoming Constitution Day and the role of the Rajya Sabha in sustaining India's federal structure on the first day of the winter session of Parliament. As the PM rightly indicated, Parliament is for giving meaningful voice to the people, not to make disruptive noise. But those prevented from attending the House are denied the right to speak for the people they are elected to represent. The PM's call for frank discussions and dialogues in the current session would ring hollow when some of them remain in detention. The government has refused to make any commitment on Mr. Abdullah's release, while a member of Rajya Sabha, Congress leader P. Chidambaram remains in judicial custody as government agencies and law officers show an alacrity that they reserve exclusively for pursuing Opposition leaders. The PM's appreciation of the Rajya Sabha's role in the hollowing out of Article 370 through a hurried resolution in the last session was disingenuous. The non-deliberative manner in which a full-fledged State was reduced into two UTs in one stroke was an unprecedented assault on federalism. **Disruption by the Opposition is a marginal challenge to the role of Parliament at present. The real and graver trial of the legislature is the executive's refusal to be scrutinised by it.** By undermining parliamentary committees and brazenly labelling any Bill as a money Bill in order to bypass the Rajya Sabha, the government has shown scant regard for parliamentary precedents and processes. A course correction is in order.

Revoking Citizenship

- The BJP said in its 2014 manifesto that "NRIs, PIOs and professionals settled abroad [need to be harnessed] for strengthening Brand India". However, by revoking the Overseas Citizen of India (OCI) card of writer Aatish Taseer, the BJP-led government has shown that the promise was not serious. **Mr. Taseer's card was cancelled, the government claimed, as he had attempted to "conceal information" that his father, Salman Taseer, was of Pakistani origin.** The spokesperson of the External Affairs Ministry said that if any OCI holder was "no longer eligible and if it fits into a certain criterion of that cancellation of an OCI card then the OCI card will be cancelled". **The government used Section 7D of the Citizenship (Amendment) Act of 2005 to cancel Mr. Taseer's card.** The rules prohibit any person with Pakistani or Bangladeshi lineage from obtaining this status. **Launched in 2005, the OCI card was conceptualised to give a foreign citizen of Indian origin almost a citizen-like status. It enables the OCI card holder to visit India multiple times for multiple purposes. He or she is exempted from reporting to police authorities for any length of stay in India and enjoys all financial, recreational and other facilities that are available to NRIs. The card is particularly useful for professionals, businesspersons, and even politicians of Indian origin who live in the U.S., the Caribbeans, Europe, Southeast Asia, Africa, Canada, Latin America and the Pacific Islands.**



Except for acquisition of agricultural and plantation properties, the OCI card helps the owner in most day-to-day economic and social activities while in India. The card strengthens the bond that the holder feels for India.

A Problematic Decision

Mr. Taseer responded to the government's move in an article. He wrote that he is a British citizen; was not in contact with his father, who was born in British India and became Pakistani only when the country was created, till he was 21 years old; and was brought up by his mother in India. To deny Mr. Taseer the OCI card using Section 7D of the Citizenship Act is problematic. One, it opens up the possibility of similar treatment being meted out to orphans, adopted children, and children born to single mothers. The same clause of the Act could also be used against a OCI card holder who might have a child out of wedlock with a partner from a country that the Indian state does not have good relations with. Will the state then punish the infant too? And what if the OCI card holder has a parent or grandparent or some ancestry in Pakistan or Bangladesh or a country that the government suddenly decides to add to the list? Would his or her status also be in jeopardy? Two, the government could have chosen to examine Mr. Taseer's maternal links instead of accusing him of wilfully hiding the identity of his father, especially as former External Affairs Minister Sushma Swaraj had argued in 2016 that the consular process should be made favourable for single mothers. Mr. Taseer pointed out that he was given only a day to respond to the notice informing him that the government was revoking his card. But there was sufficient ground to avoid even that. Swaraj had said in 2018, "As per amended rules, a single parent can apply for a Passport for the child". If the state can grant a passport to a child based on a single mother's application, why were Mr. Taseer's maternal links with India not taken into consideration?

Burden of Proof

In the case of the National Register of Citizens too, the burden was on the people to prove their citizenship. Neither the OCI card nor citizenship status, premised on entitlement of individuals from their states, can be so easily revoked especially when provisions exist to help them. It would be wise for the government to consider changing the rules of the antiquated law and also not attract attention to itself in such an unfavourable manner given the odd timing of the case — just months after **Mr. Taseer wrote a critical article about the Modi regime in TIME magazine.**

Why Govt Has Stripped Telangana MLA Of His Indian Citizenship

- The Ministry of Home Affairs (MHA) cancelled the citizenship of TRS MLA from Vemulawada in north Telangana Chennamaneni Ramesh. A son of freedom fighter parents, Ramesh has been a citizen of Germany in the past, and had acquired Indian citizenship in 2009. Since then, he has been politically active and won all elections he has contested. He started his political career with the TDP in 2009, but moved to the TRS in 2010 at the height of Telangana agitation. The MHA has cancelled his citizenship on the ground of misrepresentation of facts at the time of applying for citizenship in 2008.

Why Ministry Acted

Ramesh, who had been living in Germany since 1993, applied for Indian citizenship on March 31, 2008 and was granted the same on February 4, 2009. On June 15, 2009, Congress leader

Shatabdi Tower, Sakchi, Jamshedpur



from Karimnagar Adi Srinivas filed a revision application, raising objection to the grant of citizenship to Ramesh. Srinivas pointed out that Ramesh had retained his German citizenship, and had travelled to Germany in the year preceding the date of his application for Indian citizenship, which was in violation of The Citizenship Act, 1955. Based on this, the MHA formed a committee, which investigated the matter for nine years before submitting in its report in March 2017 that Ramesh had indeed, obtained citizenship fraudulently. The MHA cancelled Ramesh's citizenship in August that year. Ramesh filed a review plea, which was rejected that December, following which the MLA went to the High Court. The court granted him relief in July 2019, and asked the Home Ministry to reconsider its decision. In an order served to Ramesh on November 20, the MHA has said that **in his application for citizenship filed on March 31, 2008, he did not disclose that he had not lived in India for 12 months before the date of the application, even though he had made multiple trips to Germany during this period. This, the MHA has said, was in violation of The Citizenship Act, 1955, and the Rules under it.** The MHA has said that when a clarification was sought from Ramesh in November 2008 about his foreign visits, he had maintained that he had not made any visits abroad. "Thus, he obtained registration of citizenship under section 5(1)(f) by means of fraud, false representation and concealment of facts and his action attracts provisions of section 10(2) of the Act. This makes him liable to be deprived of his Indian citizenship," the MHA order said.

Sections 5(1)(f) And 10(2)

These sections deal with grant of citizenship and the authority of the government to cancel the same. According to Section 5(1)(f), "...the Central Government may, on an application made in this behalf, register as a citizen of India any person ...if a person of full age and capacity who, or either of his parents, was earlier citizen of independent India, and has been residing in India for one year immediately before making an application for registration." Section 10(2) says: "Subject to the provisions of this section, the Central Government may, by order, deprive any such citizen of Indian citizenship, if it is satisfied that the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact." The law, however, also provides for checks to ensure that citizenship is not cancelled arbitrarily. Section 10(3) of the Act says, "The Central Government shall not deprive a person of citizenship under this section unless it is satisfied that it is not conducive to the public good that person should continue to be a citizen of India."

Ramesh's Defence

Ramesh has maintained innocence on the ground that at the time of application, the law did not specifically require him to "continuously" stay in India for 12 months prior to the date of application. He has also said that since he was a German citizen prior to getting Indian citizenship, he did not consider going to Germany a trip "abroad", and therefore maintained that he had not made any trips abroad. He has also argued that Srinivas's revision petition was time barred — the law requires the objection to be raised within 30 days and, in case the government allows it beyond that period, it must be satisfied that the petitioner was prevented for making the application in time. He said: "Dr Ramesh Chennamaneni is a sitting MLA and does not have any criminal background. Hence section 10(3) of the Act is not satisfied. ...He was elected 4 times by the people of his constituency, being satisfied by his performance and development activity being carried out by him. He has not involved in



terrorism, espionage, serious organized crime, war crime or unacceptable behaviour. On the contrary, he has been doing lot of public good.”

Ministry's Response

The Ministry has noted that even the High Court had agreed that Ramesh had withheld information about his travel to Germany and, if at all he felt it was not a foreign country for him, he should have mentioned it to the Ministry and let the authorities decide. “As a public representative, greater responsibility is thrust on Dr Ramesh Chennamaneni to be fair in making his submissions. His conduct shall stand as an example to the people whom he represents. ...It is a well-known canon of law that ‘Caesar’s wife should be above suspicion’.” According to the MHA, “The absence of criminal charge doesn’t mean that person having inclination to misrepresent would be doing good. In fact, there is a very large area of activity open to public representatives, where such economy of truth can seriously endanger public good.” It has also said that it has taken the decision so as to not set a precedent.

Ramesh's Options

Ramesh can go back to the High Court and challenge the decision. Thereafter, he can go to the Supreme Court. However, unless a stay order is granted on the MHA’s decision, he is sure to lose his membership of the Telangana Assembly. In case he does not get relief from the court, he will have the option of going through the whole process again, following which it would be the government’s discretion to grant him citizenship, if he satisfies all conditions.

Disqualified, Yet Qualified

- It is not often that an adverse order brings relief along with it. Even while upholding the Karnataka Speaker’s orders disqualifying 17 defectors this year, the Supreme Court has allowed the former legislators to contest the December 5 by-elections to 15 Assembly seats. The former Janata Dal (S) and Congress MLAs are now free not only to contest the polls, but may reap the benefits of their amoral crossover by getting a ticket from the ruling BJP. Most of them had tried to resign from their respective parties in July, but the move was seen as a transparent ploy to bring down the JD(S)-Congress regime of H.D. Kumaraswamy. The suspicion, not unfounded, was that they would get ministerial positions as soon as BJP leader B.S. Yeddyurappa formed a BJP government. **The then Speaker, K.R. Ramesh Kumar, kept them at bay for days by refusing to act on their resignations. Ultimately, he disqualified all of them in orders passed on July 25 and 28 and said the disqualification would go on till 2023 — the end of the current Assembly’s term.** The Speaker’s stance was quite controversial as it appeared to create a conflict between resignation and disqualification. **He now stands partially vindicated as his argument that resignation could not be a ruse to evade an impending disqualification has been accepted.** The Speaker was also hoping to keep the defectors out of any alternative regime as members disqualified for defection are barred from becoming ministers until they get re-elected. The court’s exposition of the law relating to the interplay between resignation and defection is quite welcome. On the one hand, resignation does not take away the effect of a prior act that amounts to disqualification. On the other, Speakers are not given a free pass to sit on resignation letters indefinitely. Under Article 190(3), a provision under which the Speaker has to ascertain the “voluntary” and “genuine” nature of a resignation before accepting it, the court is clear that it is a limited inquiry, only to see if the letter is authentic and if the intent to quit is based on free will. “Once



it is demonstrated that a member is willing to resign out of his free will, the Speaker has no option but to accept the resignation," the court has said. This effectively ends the argument that the Speaker is empowered to consider the motives and circumstances whenever a resignation is submitted. The verdict bemoans the fact that Speakers sometimes tend not to be neutral, and that change of loyalty for the lure of office continues despite the anti-defection law. Identifying its weak aspects and strengthening the law may be the answer.

The Opacity Around Electoral Bonds (Trilochan Sastry - Professor, IIM Bangalore, And Founder Chairman, Association for Democratic Reforms)

- The recent disclosures that the Election Commission (EC) and the Reserve Bank of India (RBI) had expressed reservations about the Electoral Bonds scheme highlight the importance of this issue. In 2017, the then **RBI Governor wrote to the then Finance Minister that "allowing any entity other than the central bank to issue bearer bonds, which are currency-like instruments, is fraught with considerable risk and unprecedented even with conditions applicable to electoral bonds."** The EC warned that this would allow illegal foreign funds to be routed to political parties. Objections were overruled and the scheme was passed in the Lok Sabha as part of the Finance Bill so that it would not have to go through the Rajya Sabha where the then-government lacked a majority. There is no other country in the world where such a scheme exists.

Need for Funds

The main reason is that in the 21st century, money plays an increasingly larger role in elections. This was not so about 50 years ago. **Today, India spends more on elections than the U.S. with a per capita GDP that is 3% of the U.S.** Today, having more money does not guarantee success, but, at the other extreme, having no money certainly guarantees defeat. Some party may win a one-off election by spending very little, but sustaining victory over several elections requires funds. To reach voters, candidates and parties use hoardings and advertisements on printed, electronic and social media. They hold election rallies. They travel and have to pay party workers. In India, there is the added expenditure of **buying votes through distribution of gifts, money, liquor** and so on. Given that money is required, a central issue is whether a winning candidate or party will work for the public or for those who have funded them. So, some countries have public funding of elections. Campaign funding laws and reforms are a constantly evolving subject internationally. They focus on public funding, limits on expenditure, limits on donations, transparency in funding and penalties for non-compliance. We need to look at the issue of electoral bonds in this context — the importance and need for funding, and proper laws. Even a glance at the best international laws and rules shows that we in India are lagging far behind. **The gaps between the stated purpose of the electoral bonds scheme and the letter of law are glaring**, and several articles in the media have pointed them out. The voter does not know who is funding whom through electoral bonds. This is supposed to protect the donors from harassment from the authorities. However, such harassment is always by the party in power through law enforcement agencies — police, the Central Bureau of Investigation, the Intelligence Bureau, the Enforcement Directorate and so on. The simple remedy is to stop such motivated actions. However, the bank knows the purchaser of the bonds as well as the party that cashed it. The law agencies can obtain this information whenever they want. **Can the ruling party use this to demand donations for itself, prevent donations to others, and use the law enforcement**



agencies to harass those who donate to rival parties? There is nothing in the electoral bonds scheme or existing laws to prevent this from happening. Equally troublesome, **donation limits have been removed**. In theory, a large corporate could buy the government using electoral bonds. This would not be possible in any other country. India continues to have spending limits but, as everyone knows, hardly any winning candidate sticks to it. It is true that black money cannot be used to buy electoral bonds. However, black money can be used outside the scheme during elections. **The reduction in cash donations from ₹20,000 to ₹2,000 is not good enough**. There are parties with hundreds of crores of declared income who claim that all the funds were received from small cash donations of ₹100 or less. This cannot be prevented by merely reducing the cash limits. Meanwhile, we see reports that the ₹2,000 notes printed after demonetisation are being hoarded. Whether this will be used as black money and in elections is unknown. In short, electoral bonds cannot eliminate black money. There are other provisions in the electoral bonds scheme and the amended Finance Act, 2017. All of them were there earlier as well. No doubt, there have been protests from the Opposition parties and from civil society. Political parties are sometimes seen as lacking credibility as they protest when they don't get money but keep quiet when they get funds. Civil society is seen as anti-establishment. In India it is possible for those in power to ignore all this. However, we are missing the elephant in the room. We don't need an incentive to be transparent and honest. Any political party can voluntarily choose to disclose its funds and sources. There is no law that prevents them from doing so. They can also state publicly that they will henceforth not use black money. No party has done this. Perhaps there are some compulsions under which they function — whether as the ruling party or as the Opposition.

Setback to Democracy

Before we move to possible remedies, let us clearly look at the effect of the electoral bonds scheme and possible long-term implications. The ruling party gets nearly all the funds. It, along with the enforcement agencies, knows who has given how much money to whom. The public does not have this information. How can we have good democracy in secrecy? The real danger, however, is long-term. If big money entirely funds elections in an opaque way, democracy as we know it will not exist. Meanwhile, registrations are cancelled for NGOs but not for political parties. What is democracy without free speech and dissent, especially against the powerful? Various commissions, including the Election Commission, have given detailed recommendations on suitable remedies. But, to date, no government has acted on them. We also need to benchmark ourselves against the best international practices and laws on campaign funding. Details are many, but there are a few simple principles for such remedies. First is complete transparency in all funding. Second, political parties need to be under the Right to Information Act. The Central Information Commission ruled that they were, but the parties refuse to follow its directions. There must be spending limits as well as donation limits, especially in a highly unequal society like ours, and strict penalties for flouting rules and the law. Public funding needs to be examined and introduced with proper checks and balances. Voters need to demand changes and we need voter awareness campaigns. The simple message from voters to political parties could be “we like you, not your big money. If you want, we will all pitch in and give small individual donations.” If voters reject candidates and parties that overspend or bribe them, we would have moved democracy one level higher. Most important, the electoral bonds scheme needs to be scrapped. The Supreme Court is hearing a petition on this issue. Let us hope Indian democracy survives without going through another crisis.



Electoral Bonds: CEC Objected to 1% Vote Share Norm

- In the process of vetting the electoral bonds scheme in December 2017, the Law Ministry repeatedly objected to the Finance Ministry's stipulation that political parties must have a 1% vote share in the Lok Sabha or State Assembly elections in order to be eligible for the scheme, documents obtained through an RTI query by activist Anjali Bhardwaj show. The documents, which were viewed by The Hindu, show that the Law Ministry recommended the imposition of a 6% vote share requirement (similar to the requirement for recognised State, national parties) or the removal of the vote share requirement entirely. The Chief Election Commissioner (CEC) also objected to the vote share requirement as discriminatory, while political parties themselves were not consulted. However, the Finance Ministry chose to ignore these concerns and insisted that only registered political parties which had "secured not less than one percent of votes polled in the last general election to the House of the People or the Legislative Assembly, as the case may be, shall be eligible to receive the bond." According to the latest data from the Election Commission of India, there are eight recognised national political parties, 52 recognised State parties and 2,487 unrecognised parties registered with the Commission. A 6% vote share is one condition for recognised parties. It is not clear how many of the unrecognised parties have a 1% vote share. In May 2017, the Finance Ministry wrote to all State and national parties asking for their comments on the electoral bond scheme. Only four parties — the Congress, the Bahujan Samaj Party, the Communist Party of India and the Shiromani Akali Dal — responded, with most asking for a draft of the scheme. The documents obtained through Ms. Bhardwaj's RTI application show that in June, some early drafts of the scheme only referenced "registered political parties" as eligible to receive the bond, while another said the party would need to be a national/State political party.

No Public Comment

On August 5, a draft incorporated the 1% vote share stipulation for the first time. On August 21, the draft was presented to Prime Minister Narendra Modi. After that meeting, a proposal to circulate the draft to all national and State parties or to open it for public comment was scrapped. On September 22, in a meeting with the Economic Affairs Secretary, CEC A.K. Joti raised concerns that individual candidates and new political parties would not be able to receive donations under the scheme and cautioned that the "somewhat discriminatory" provision might be challenged in the courts. When the draft went for vetting in December, the Law Ministry recommended an amendment to a 6% vote share requirement, saying that the scheme should be aligned with the RPI Act. In response, the Economic Affairs Secretary replied: "we have to retain the formulation of 1% votes".

How and Why Uniforms of Rajya Sabha Marshals Changed

- Rajya Sabha marshals appeared in a dark-coloured suit and a peak cap. Amid the criticism that followed from former Army officers and Opposition leaders, Rajya Sabha Chairman M Venkaiah Naidu ordered a review of the new uniform.

What was Changed: So far, Rajya Sabha marshals were wearing white safari suits with a white turban. Former MPs said this had not changed since at least 1965 — which suggests that this had been the uniform for over 50 years. The new dark suit and cap appeared on

Shatabdi Tower, Sakchi, Jamshedpur



Monday, and was unveiled for the first time in a meeting that Naidu had with RS MPs the previous day. About half a dozen marshals assist the Presiding Officers — the Chairman, Deputy Chairman and Vice Chairmen — in conducting the proceedings of the House. The Chairman is the authority for their appointment and service conditions.

Why the Change: Rajya Sabha sources told The Indian Express that the marshals themselves had sought a change to a uniform that would be user-friendly, and have a modern look. There was unhappiness, according to the sources, among marshals as their existing uniform was the same as that of chamber attendants who are junior to them and assist MPs in the House. Also, many described the turban as “cumbersome headgear that took very long to wear.” Subsequently, senior officers of the Secretariat including the security officers held several rounds of discussions before designing the new dress. Instead of hiring an outside expert, the designing, sources said, was done in-house.

Why the Outrage: The new uniform resembles that worn by Army officers. Former Chief of the Army Staff Gen V P Malik tweeted: “Copying and wearing of military uniforms by non-military personnel is illegal and a security hazard. I hope @VPSecretariat, @RajyaSabha & @rajnathsingh ji will take early action.”

Proposed Nationwide NRC

- Home Minister Amit Shah’s announcement of a proposal for a nationwide National Register of Citizens (NRC) is worrisome on several counts, not the least of which is the apparent inability to learn from the experience of carrying out the humongous exercise in Assam. The government, he said, would also re-introduce the Citizenship Amendment Bill (CAB) in Parliament that envisages the grant of Indian citizenship to all refugees from minority communities in Bangladesh, Pakistan and Afghanistan. In all three nations Muslims are in a majority, and therefore, the Bill effectively denies benefit to Muslim minorities from other neighbouring countries, including Myanmar where Rohingya Muslims face persecution. Along with the promised combination of the NRC and CAB, the Home Minister announced that the NRC process would “naturally” be conducted in Assam again with the rest of the country. Interestingly, this comes just days after Ranjan Gogoi, who supervised the NRC process, demitted office as Chief Justice of India. Clearly, the Assam proposal will be in defiance of the Supreme Court, which directed the entire NRC registration specific to Assam through all its tortuous details. There is still no clarity on what the end results mean for the 19 lakhs plus people who find themselves outside the NRC, potentially stateless and at risk of “deportation” to Bangladesh, which refuses to acknowledge, let alone accept, them. Given that the NRC process in Assam was rooted in the specificities of the 1985 Assam Accord, and as the government never tires of saying, a court-mandated process, extending it to the entire country is both illogical and bizarre. Flawed it might have been, but the NRC exercise, overseen by the Supreme Court, involved the active participation of the Central and State governments. **For the government to repeat the exercise merely because the numbers thrown up are politically inconvenient for the ruling BJP, makes no sense at all.** If there is a lesson from Assam, it is that there is no right way of going through a process such as the NRC. Like the CAB, which pointedly discriminates against Muslims, and is loaded against the right to equality and equal protection before the law as enshrined in Article 14 of the Constitution, there are genuine fears that a nationwide NRC will target Muslims. Details of

Shatabdi Tower, Sakchi, Jamshedpur



how such an exercise will be carried out are, of course, not yet known. In the case of Assam, there was a cut-off date — March 25, 1971 — after which all foreigners as per the Assam Accord were to be “detected, deleted and expelled in accordance with law”. Presumably, the Centre will come out with a cut-off for the nationwide NRC, but it will be an arbitrary one. Given the dangers that lurk within such exercises, the government would do well to abandon the nationwide NRC-CAB combination. Indians can certainly be spared this pain.

An Inexplicable Withdrawal (M.P. Nathanael - Inspector General of Police (Retd), CRPF)

- The withdrawal of the Special Protection Group (SPG) from the security grid of Sonia Gandhi, Rahul Gandhi and Priyanka Gandhi-Vadra has led to furore in political circles. People from the Congress Party call it “vendetta politics” and say it would endanger the lives of the Gandhi family’s members. Earlier, SPG cover was withdrawn for ex-Prime Minister, Dr. Manmohan Singh. The fact that both Indira Gandhi and Rajiv Gandhi, grandmother and father respectively of Rahul and Priyanka, were assassinated for decisions taken by them as Prime Ministers seems to have been ignored in arriving on a decision to divest the Gandhis of the SPG security. In June this year and even as late as in the last week of August, intelligence agencies had alerted Mr. Gandhi of imminent threat to him from several militant groups. It is unclear what changed in two months to warrant a downgrade in threat perception. Contrast this with the fact that former Prime Minister Atal Bihari Vajpayee, who was politically inactive and lay bedridden for a few years before his death, continued to enjoy SPG cover.

For PMs, and Former PMs

Initially raised in March 1985, on the recommendations of the Birbal Nath Committee, as Special Protection Unit, with just 819 personnel, the SPG was transformed into an Armed Force of the union in 1988, through an act of Parliament. While initially stipulating the provision of “proximate security of the Prime Minister of India and for matters therewith,” the SPG Act’s ambit was extended in 1991, following Rajiv Gandhi’s assassination, to include former Prime Ministers as well as their families for 10 years. A review by the Vajpayee government in 1999 cut down the period from 10 years to one year, with provision for annual review. It is under this provision that a review was recently undertaken and the decision taken to replace the SPG security cover with that of the Central Reserve Police Force (CRPF). It is mind-boggling to imagine that following the withdrawal, **the elite group with an effective strength of about 3,000 personnel will now be protecting only one person, the Prime Minister.** In addition to these personnel, the Prime Minister has access to the Special Duty Group of CRPF, which secures the outer cordon of his residence on Race Course Road and office in the North Block. However, one consolation here is most of the 50 CRPF personnel who will guard the four protectees are either former SPG commandos or former commandos of the National Security Guards. Some of them served for over a decade in these elite organisations and are experts in VIP security. Incidentally, the CRPF has four battalions of highly trained and motivated commandos exclusively for VIP security. The Gandhis’ security cover will be on par with that of Union Home Minister Amit Shah. News reports indicate that one of the reasons for downgrading the security cover is the fact that on several occasions, all three members of Gandhi family often moved around, in and out of the country, without the SPG cover and even without SPG-approved vehicles. The accusation here is that they (the Gandhis) failed “to cooperate with the protocol” and “impeded the smooth functioning of the SPG”.



Government sources have doled out figures to indicate the number of times they eschewed the cover. However, this certainly does not justify the withdrawal move. In national interest, the government should provide security on par with SPG protection to the members of the Gandhi family.

A Lost Opportunity in 1971 (Uday Balakrishnan - Teacher at IISc, Bengaluru)

- November 19, 2019 marked the 102nd birth anniversary of former Prime Minister Indira Gandhi. Thirty-five years after her death, she continues to be regarded as the most courageous and decisive leader India has had. Her time in office was marked by epoch-making achievements, including the swift and successful prosecution of the war with Pakistan in 1971. But there were also serious lapses of judgment, including the 1975-1977 Emergency and the storming of the Golden Temple in Amritsar in 1984, an ill-advised move that cost the Prime Minister her life.

A Disadvantageous Peace

Among her failures, the least talked about was also her worst. Until all official records related to the Shimla Agreement signed on July 2, 1972 are made public, we will never know what led Indira Gandhi to conclude such a disadvantageous peace with Pakistan following the 1971 war. The Shimla Agreement, and the subsequent Delhi Agreement, gave Pakistan everything it wanted: the territory it lost to India in the war and the safe return of all its soldiers without one of them being held responsible for the genocidal campaign unleashed in what is now Bangladesh. The Shimla Agreement reads more like a communiqué than a peace agreement with a country that had waged war on India. Nothing in the Agreement pinned Pakistan down to future good behaviour. It also included some laughable expectations, such as the clause requiring both governments “to take all steps within their power to prevent hostile propaganda directed against each other”. Hardly had the Agreement been signed when the Pakistani Prime Minister Zulfikar Ali Bhutto, who had never hidden his intention to make Pakistan a nuclear power, began disparaging India. Indira Gandhi ought to have taken note. Writing in the Foreign Affairs magazine in April 1973, Bhutto disingenuously observed that “Pakistan had been the victim of unabashed aggression: her eastern part seized by Indian forces. It was this fact that made it difficult for our people to be reconciled to the fait accompli, more so because the invasion was not an isolated phenomenon. On the contrary, it was but the climax of a long series of hostile and aggressive acts by India against Pakistan since the establishment of the two as sovereign and independent states”. What the Simla agreement failed to achieve for India could well have been obtained through the 1973 Delhi Agreement signed by India, Pakistan and Bangladesh.

An Inflection Point

If ever there was an inflection point in India’s relations with Pakistan, it was the moment when India had Pakistan on its knees, holding over 15,000 square kilometres of its territory and 93,000 its soldiers — nearly a quarter of its army — as prisoners of war. It is mystifying why India so easily returned both. A former Indian diplomat, Sashanka Banerjee, provided an explanation, when he said that the decision to repatriate Pakistani prisoners of war “was taken to get Sheikh Mujibur Rahman back to his country alive and well”. But that doesn’t sound right. The repatriation of Pakistani prisoners of war occurred after the signing of the Delhi Agreement, long after Sheikh Mujibur Rahman had returned to Bangladesh in January



1972. India ought to have rightly insisted that an international tribunal try those prisoners of war who had contributed to the well-documented genocide in Bangladesh. This would have also eroded the credibility of the Pakistani Army, eliminated it as a political force and led to a more enduring peace in the region. Indira Gandhi's inexplicable failure to convert India's victory in the 1971 war into a durable peace will remain a blot on her record. We will continue to bear its consequences, one of them being confronting a nuclear Pakistan.

The Threat to The Idea of A Public University (Avijit Pathak - Professor Of Sociology At Jawaharlal Nehru University, New Delhi)

- Even though Jawaharlal Nehru University, where I teach, is in turmoil because of an incompetent administration incapable of communicating with the students and teachers, the larger crisis confronting the idea of a public university needs to be understood. From Jamia Millia Islamia to Jadavpur University, from Visva-Bharati University to Aligarh Muslim University, and from the University of Hyderabad to Delhi University, we are witnessing an organised attack on the fundamentals of a creative centre of learning: critical pedagogy with deep politico-ethical sensibilities; epistemological pluralism; and a minimalist and enabling administration nurturing a transparent and democratic milieu for students, researchers and teachers to flourish as active participants in the cultivation and dissemination of foundational knowledge traditions. With politically appointed vice chancellors, philosophically impoverished techno-managers, new technologies of surveillance, and the militaristic notion of discipline and punishment, it seems some of our finest universities are dying.

The Purpose of Education

To begin with, it is important to realise that if public universities with good quality, affordable education begin to crumble, the spirit of egalitarian democracy will be in danger. In times characterised by the market-driven principle, where there is commodification of education and reduction of higher education into market-friendly technical skills; where there are fancy private universities and all sorts of institutes of technology and management; and where teachers are seen as mere 'service providers' and students as 'consumers', education becomes a mere utilitarian/instrumental transaction. And this sort of education can by no means be emancipatory; it is inherently non-democratic, conservative and status quoist. If, as a nation, we are really eager to resist the process of asymmetrical distribution of cultural capital, and the resultant reproduction of social inequality, we have to nurture creative, sensitive citizens through an environment of life-affirming teaching and an egalitarian practice of socialisation. And for this, we have to keep the dream of a public university alive. As I look at JNU, I feel that its promise was essentially the fulfilment of this dream — possibly, some sort of a Nehruvian dream of a welfarist state. With an innovative admission policy; heightened sensitivity to heterogeneity; a blend of critically nuanced social sciences, cultural studies and foundational sciences; and a reasonable degree of autonomy regarding teaching, research and evaluation, the university made its presence felt as a liberating site. It embraced all: a tribal girl from Manipur, a Dalit boy from Maharashtra, a young leftist from Kerala, a radical feminist from Delhi, an Ambedkarite from the hinterland of Uttar Pradesh, and a young wanderer from Germany or Sri Lanka. JNU aroused hope about the possibility of excellence with social justice and equity. It is sad that the present administration is preparing the ground for the death of this grand dream.



Repression of Alternative Voices

A deeper understanding of the crisis would enable us to see the changing nature of politics — the Machiavellian play of the ruling regime. As the doctrine of hyper-masculine religious nationalism tends to become hegemonic, we see the repression of what I would regard as alternative voices — or a different reading of nation, culture and identity. It is obvious that young minds and researchers who have seen beyond placement and salary packages, and have engaged with Marx and Ambedkar, Gandhi and Tagore, and Foucault and Butler, would interrogate the dominant ideology of nationalism — its patriarchy, its hierarchy, its aggression and its indifference to cultural pluralism. This is why JNU has been castigated as “anti-national”, this is why a bunch of zealots seek to invade Jadavpur University, and this is why the curriculum of Delhi University is under scrutiny.

A New Politics of Knowledge

Furthermore, because of a mix of technocratic rationality and right-wing nationalism, a new politics of knowledge begins to emerge. It suspects the criticality of social sciences or reflexivity of liberal arts and quite often, the young minds pursuing research in these disciplines are seen as a ‘burden’ — something that, as noisy television channels propagate, taxpayers cannot afford. For instance, when one sees the enthusiasm of the JNU administration to remove aesthetically and politically enriched posters from the walls of the university, and their urge to introduce schools of engineering and management, the message, I believe, becomes obvious. Yes, students are angry, restless, and unhappy. However, what is really pathetic is that the administration sees it merely as a ‘law and order’ problem. Instead of reflecting on the roots of the crisis, and engaging meaningfully with students and teachers, the administration relies heavily on all sorts of coercive measures. The JNU administration is known for issuing show-cause notices and charge sheets to its students and teachers. With a non-dialogic administration, the presence of police and paramilitary forces, and surveillance, the culture of learning has been severely damaged. Is it the assertion of the profane, and the death of the sacred? As a teacher with a keen interest in culture and pedagogy, I believe that the larger society has to come forward to save our public universities, particularly at a time when the corporate elite or the market-driven aspiring class refuses to see the significance of any shared, egalitarian public domain, and the dominant political force fears creative and critical ideas. For instance, when JNU students protest against the hostel fee hike, they are essentially reminding us of the need for the state to fund public universities so that higher education becomes accessible to all. The message is that education is our right, not a privilege reserved for the select elite. Or when the students of the University of Hyderabad expressed their concern over the suicide of Rohith Vemula, it was an attempt to remind us of the danger of violence — physical as well as psychic — that stigmatised students from marginalised sections are often subject to. Students and teachers have to be immensely careful and alert. Never should they allow their struggle and resistance to degenerate into a reactive violent act. And the university should not be seen as a war zone. It is really sad to see the administrators asking the police to give a ‘tough’ lesson to the students. We need a spirit of communion and dialogue. However, what is worrying is that it is not easy to educate our vice chancellors and other academic bureaucrats. Quite often, because of their obsessive indulgence with power and psychic insecurity, they miss what characterises a mentor: the art of listening, the skill of persuasion and the ethics of care.



What Are the Surveillance Laws in India?

- On October 30, many publications reported that phones of several dozen Indian journalists, lawyers and human rights activists had been compromised using an invasive Israeli-developed malware called Pegasus. Messaging platform WhatsApp, through which the malware was disseminated, has reported that 121 individuals were targeted in India alone. A lawsuit was filed against Israeli cyberintelligence firm NSO by WhatsApp and its parent company Facebook in a U.S. court in California on October 29, accusing it of using their messaging platform to despatch Pegasus for surveillance to approximately 1,400 mobile phones and devices worldwide. The NSO claims that it only sells the software to governments but the Indian government has denied purchasing it and has asked WhatsApp to explain the security breach.

Is Surveillance of This Kind Illegal in India?

Yes. First, it's important to explain that there are legal routes to surveillance that can be conducted by the government. The laws governing this are the **Indian Telegraph Act, 1885**, which deals with interception of calls, and the **Information Technology (IT) Act, 2000**, which deals with interception of data. Under both laws, only the government, under certain circumstances, is permitted to conduct surveillance, and not private actors. Moreover, **hacking is expressly prohibited under the IT Act**. Section 43 and Section 66 of the IT Act cover the civil and criminal offences of data theft and hacking respectively. Section 66B covers punishment for dishonestly receiving stolen computer resource or communication. The punishment includes imprisonment for a term which may extend to three years.

How Broad Are the Laws Regarding Legal Surveillance?

The framework for understanding the checks and balances built into these laws dates back to 1996. In 1996, the Supreme Court noted that there was a lack of procedural safeguards in the Indian Telegraph Act. It laid down some guidelines that were later codified into rules in 2007. **This included a specific rule that orders on interceptions of communication should only be issued by the Secretary in the Ministry of Home Affairs**. These rules were partly reflected in the IT (Procedures and Safeguards for Interception, Monitoring and Decryption of Information) Rules framed in 2009 under the IT Act. The rules state that only the competent authority can issue an order for the interception, monitoring or decryption of any information generated, transmitted, received or stored in any computer resource (mobile phones would count). The competent authority is once again the Union Home Secretary or State Secretaries in charge of the Home Departments. In December 2018, the Central government created a furore when it authorised 10 Central agencies to conduct surveillance — the Intelligence Bureau, the Central Bureau of Investigation, the National Investigation Agency, the Research & Analysis Wing, the Directorate of Signal Intelligence, the Narcotics Control Bureau, the Enforcement Directorate, the Central Board of Direct Taxes, the Directorate of Revenue Intelligence and the Delhi Police Commissioner. In the face of criticism that it was building a 'surveillance state', the government countered that it was building upon the rules laid down in 2009 and the agencies would still need approval from a competent authority, usually the Union Home Secretary. The 2018 action of the Union government has been challenged in the Supreme Court.



What About the Supreme Court Verdict on Privacy?

The Supreme Court in a landmark decision in August, 2017 (Justice K. S. Puttaswamy (Retd.) and Anr. vs Union Of India And Others) unanimously upheld right to privacy as a fundamental right under Articles 14, 19 and 21 of the Constitution. It is a building block and an important component of the legal battles that are to come over the state's ability to conduct surveillance. But as yet a grey area remains between privacy and the state's requirements for security. In the same year, the government also constituted a Data Protection Committee under retired Justice B.N. Srikrishna. It held public hearings across India and submitted a draft data protection law in 2018 which Parliament is yet to enact. Experts have pointed out, however, that the draft law does not deal adequately with surveillance reform.

Do Other Countries Have Stricter Laws Against Surveillance?

This continues to be a grey area around the world. Take the U.S. for example. Electronic surveillance is considered a search under the Fourth Amendment which protects individuals from unreasonable search and seizure. Thus, the government has to obtain a warrant from a court in each case and crucially, establish probable cause to believe a search is justified. It also has to provide a specific time period under which the surveillance is to be conducted and to describe in particularity the conversation that is to be intercepted. There are very few exceptions, or exigent circumstances under which the government may proceed without a warrant. After the 9/11 attacks in 2001, the **USA PATRIOT (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) Act** was passed. Under certain provisions in this Act, the U.S. government used phone companies to collect information on millions of citizens and these were part of revelations made by the whistle-blower Edward Snowden in 2013. Many aspects of the PATRIOT Act, particularly those involving surveillance, were to lapse after a certain time period but they were re-authorized by Congress. It's an issue the U.S. still struggles with and several rights groups argue that the Act violates the Constitution. In October 2019, the U.K.-based security firm Comparitech did a survey of 47 countries to see where governments are failing to protect privacy or are creating surveillance states. They found that only five countries had "adequate safeguards" and most are actively conducting surveillance on citizens and sharing information about them. China and Russia featured as the top two worst offenders on the list. Number three on the list? India, primarily the report says, because its data protection Bill is yet to take effect and there isn't a data protection authority in place.

Casting the Net Wide

- ➔ If things go as per plan, Kerala could have near-universal Internet access in a little over a year's time. Last week's nod by the State Cabinet for the Kerala Fibre Optic Network project clears the path for a Kerala-wide optical fibre network by December 2020. At ₹1,548 crore, it is, without doubt, an ambitious project. But what makes it commendable is its recognition that Internet access is a basic human right. No other Indian State has recognised Internet access in this manner till now. This is also in sync with what the UN has been articulating in recent years, based on the Internet's role in enabling freedom of speech and reducing inequality, among other things. And so, embedded in this plan to touch every household in Kerala is a provision to deliver free Internet access to over two million BPL families. The idea is to charge affordable rates for other families. The network, to be set up by the Kerala State Electricity Board Ltd. and the Kerala State IT Infrastructure Ltd., will also connect 30,000



government offices and educational institutions. When complete, Kerala, a State that already tops in human development indicators in the country, will be ready for a steep digital evolution. Kerala's plan for Internet roll-out, therefore, is also worthy of emulation by other States, given that Internet have-nots still exist in the millions. There is no doubt that India has made huge leaps in providing Internet access to its people in recent years. To be sure, a good part of the growth till now can be attributed to cheap data plans, triggered in no small measure by the advent of Reliance Jio. According to a recent study by the Internet and Mobile Association of India and Nielsen, the country has 451 million active Internet users. But this number masks huge access gaps. Internet penetration is significantly higher in urban areas than it is in rural areas; it is also significantly higher for men than it is for women. **The best-performing State, Delhi-NCR, has an Internet penetration of 69%. The second-best is Kerala, with just 54%.** Global technology companies have in recent years eyed the huge population of Internet have-nots as an opportunity. Some, like Facebook, even came up with an idea of free access to a list of chosen sites, a severely skewed version of the Internet which endangered its basic values. While such ideas were thankfully rejected by the government, the gaps are there nonetheless. There is no doubt that governments need to play an interventionist role in plugging this gap. Kerala could set a healthy example.

What We Owe to The Mahatma (Rajeev Bhargava - Professor, CSDS, Delhi)

- Where does multiple, forceful Hindu assertions of the past few years leave Indian secularism? Some say that secularism lies in tatters. But can it also be claimed that it is needed more than ever before? Two related but equally distinctive conceptions of secularism developed in India: one constitutional, the principled distance model; the other, the communal harmony model, attributed to the Mahatma. I believe this second Gandhian conception, equally distinctive, is in need of desperate revival. What makes it distinctive and why is it needed? To answer this, a comparison with European conceptions of secularism would help.

Secularism in India and Europe

The background of the emergence of political secularism in Europe is profound religious homogenisation — dissenters, and adherents of non-dominant religions, were expelled or exterminated during and after the wars of religion. Rulers publicly confessed allegiance to one of the many churches in these predominantly single-religion societies, thereby consolidating a strong alliance between state and the dominant church. Trouble began, however, when this church became increasingly politically meddlesome and socially oppressive. The key issue then was how to tame the power of this church. The state's disentanglement from the dominant church (church-state separation) was necessary to realise a number of goals, including the enhancement of individual liberty and equality. But for this secularism, tackling religious diversity was simply not an issue, because it had already been liquidated in all kinds of ethically undesirable ways. By contrast, in India, deep religious diversity was not an optional extra but part of its social, cultural and historical landscape. Gandhi understood this and never tired of stating it: India is "perhaps one nation in the ancient world which had recognised cultural democracy, whereby it is held that the roads to one and the same God are many, but the goal was one, because God was one and the same. In fact, the roads are as many as there are individuals in the world... The various religions were as so many leaves of a tree; they might seem different but at the trunk they are one". Gandhi dismissed the idea that there could ever be one religion in the world, a uniform religious code, as it were, for all human kind.



Deep Sociability

What is needed then is due recognition of different religious communities and to ensure comfort and trust among their members. This was viable because for Gandhi, all humans had a fundamental desire for what might be called deep sociability. They value human relations as an end in itself. They desire a constructive relationship with others. Why else would they be motivated to seek agreement, even when it was not really necessary? Why, upon realising that they can't resolve disagreement on one issue, would they seek agreement on something else? Why are they motivated to renew conversation after it has been violently disrupted? Why, after a period of mutual recrimination, breakdown and silence, do people still begin talking to one another? Humans simply can't do without one another, and no matter how much they like to be with people of their own ilk, they invariably also need to live with those with whom they differ, to reach out to people with whom they disagree. The world's religious diversity, the impossibility of there ever being one religion for humankind, makes mutual respect, equal regard and communal harmony a necessity. Gandhi believed that this can become a reality by virtue of the human quality of deep sociability. Humans occasionally wish to live independently of their communities, but as participants of historically embedded cultural and religious traditions, they also meet each other as members of religio-cultural communities. They must actively shape these encounters, ensure that they do not become bitter or turn sour but be good, decent, friendly and respectful. Humans can't really be good to each other unless they are respectful to each other's religious and philosophical traditions.

Gandhian Secularism

Gandhi felt that a large part of the responsibility for maintaining communal harmony lies with communities themselves. But there are times when this communally sustained harmony is disturbed, even breaks down. When this happens, the state has to step in. And for this to be possible, it cannot already be aligned to any one religion but must be distant from all. Secularism then marks a certain comportment of the state whereby it distances itself from all religio-philosophical perspectives in order to promote a certain quality of sociability and fraternity between communities. This makes Gandhian secularism distinctive. **Unlike modern Western secularisms that separate church and state for the sake of individual freedom and equality and have place for neither community nor fraternity, the Gandhian conception demands that the state be secular for the sake of better relations between members of all religious communities, especially if they are mutually estranged.** The Gandhian conception is indispensable in times of religious disharmony. This Gandhian view did not stem from strategic considerations, but was grounded in deep conviction. It is sometimes said that Gandhi's views were influenced by Jaina teachings. "All religions are true and all have error," he said, implying that all religions are inevitably partial, incomplete, fragmentary, so that different traditions need to complement and enrich one another rather than behave as mutually exclusive rivals. Without denying this philosophical lineage, I would claim that Gandhi's views were shaped even more by the wisdom-traditions of the ancient world, in which gods and goddesses of each cultural region are different, yet part of the same semantic universe and therefore mutually related and translatable. As a result, no culture denied the reality of the gods of another culture but always found ways to accommodate them. For instance, the god of another culture could become a member of the family, say, some other god's son (Ganesh, the son of Shiva and Parvati). A new god could be created by



merging half of one god and half of another (Hari-Hara). Most of all, a relation of equivalence or identity could be established between them (Rudra is Shiva), making it possible to claim that the gods of different cultures were the same, only called by different names. Gandhi was inspired by these traditions, particularly by the habit of establishing equivalence, and extended this insight to the new world religions. Thus, he claimed that Ram, Allah, 'Satya' (Truth) refer to the same entity. If this is so, every attack on someone else's god was a denial of one's own god; every claim that one's own god is better than the others were tantamount to the humiliation of one's own god. Yet, the realizability of Gandhian secularism depends on faith in popular wisdom traditions which in turn is sustained by a certain idea of popular moral agency. When good, god-loving, ordinary men and women free from the trappings of power, wealth and fame — precisely what makes them ordinary and good — get together, they release non-violent creative energies that morally sustain and improve our world. Alas, it seems that such men and women have gone missing in our times. Gandhian secularism is badly needed, but who will ride it out?

The False Allure of English-Medium Schooling (Anjali Mody - Journalist with A Special Interest in Education)

- The Y.S. Jaganmohan Reddy government in Andhra Pradesh is set to make all government elementary schools 'English-medium' from the next academic year. There has been the expected party-political denouncement of the decision, despite the fact that it is really just the scaling up of a policy proposal made during N. Chandrababu Naidu's tenure, when English was introduced as the medium of instruction in a select number of schools as a pilot project. The push for English as the medium of instruction in government schools in Andhra Pradesh, as in other States including Karnataka and Tamil Nadu, is due to two related factors. First, there is a belief that English-medium schooling can guarantee good jobs. Second, economically constrained families are shifting their children from free government schools to private English-medium schools. It is to try and reverse this trend (which also poses a threat to government teaching jobs) that many State governments have made at least some of their schools English-medium or started English-medium sections. Research, from India and across the world, shows that children who get educated in their mother tongue learn better than those who start school in a new language. **A new language in the early school years, especially one that is not used outside school, can become a barrier to learning.** This is also plain common sense: if a child speaks or understands the classroom language, engaging with new concepts, ideas and information is easier, as is learning to read and write. Even researchers who advocate privatisation of schools as a quality improvement measure accept that English-medium schools are not the solution. **A study of learning outcomes in government and private elementary schools in Andhra Pradesh has found that children perform best in Telugu-medium schools.**

Ignoring the Evidence

Governments, while making policy changes favouring English-medium schools, have ignored the evidence. For politicians, it is a win-win situation — they are able to give a mass of voters what they appear to want, at no significant additional cost. For the influential middle class, it is comforting to believe that poor children are getting a leg-up through English-medium government schools. Even some Dalit intellectuals who claim to speak for the most vulnerable hold that it is English-medium schools that will emancipate them, and that those



who disagree are hell-bent on retaining the status quo. Even ignoring all the evidence about language and learning, what sort of English-medium schools does the government promise? At the very minimum, such schools will need teachers who, apart from being knowledgeable in the subjects they teach, are also fluent in the medium of instruction. No State government can claim that a majority of teachers, especially in elementary schools, are English-fluent, not even the ones who teach English. **The vast majority of them have had their entire education in their mother tongue or the State language, and have spent their working lives teaching in that language. With rare exceptions, any English they have is bookish. 'Retraining' them, through short-term language courses, would not transform them into teachers for English-medium schools. On the contrary, it will handicap them, making the best of them resentful, and the disinterested even more so.**

In-Egalitarian System

The problem lies not in the medium of instruction, but in an in-egalitarian education system that is completely skewed in favour of the intergenerationally privileged. This is a system whose design — from the annual school calendar to the syllabus and textbooks to teacher engagement to the high-stakes board exams — ignores the vastly different socioeconomic realities of a majority of children. The focus on English medium pulls a veil over these knottier problems. Politicians and the middle class (whose powerful voices make or influence policy) have for too long promoted the canard that if you give everyone the “same thing” — in this case English-medium schools — it makes everything equitable. Making Telugu-educated school teachers instruct children, with no English, in English will not transform Andhra Pradesh government schools into institutions of the kind Mr. Jaganmohan Reddy’s children go to. On the contrary, such schools will be a parody of the elite schools, like the ‘affordable’ private English-medium schools that children most often move to from government schools. In these schools, teachers with barely any or no English read from English textbooks and use the mother tongue or State language to communicate; students have to cram the English textbooks or prepared answers for their tests. The result is that they develop a hold over neither their mother tongue/State language nor English. This is what the government English-medium schools will offer, with the only difference that they will be free. This sort of ‘English-medium education’, far from making education more equitable and closing the social gap, will accentuate inequity. A government really concerned about education and making English accessible to poor children in government schools should focus on the children’s natural receptiveness to new languages by teaching English as a language. Investing in modern language-teaching education (not short-term training) for English-language school teachers is essential. Anything else is just an eyewash that people will soon be wise to.

What is IPRS, The Artists’ Body That Has Gone to Police Against Yash Raj Films?

- The Economic Offences Wing (EOW) of the Mumbai Police has registered a FIR against Yash Raj Films (YRF) Pvt Ltd, its chairman and managing director Aditya Chopra, his brother Uday Chopra, and others for alleged criminal breach of trust and failure to pay an estimated ₹100 crore in royalty to several music composers and writers since 2012. The FIR was registered on a complaint by the **Indian Performing Right Society (IPRS)**. This is the first criminal case initiated by the IPRS after it was re-registered as a copyright society in 2017. YRF did not respond to questions regarding the case.



What Is the Indian Performing Right Society, And How Does It Function?

The IPRS is a representative body of artists, including music owners, composers, lyricists, and publishers of music, which collects royalties due to the artists if their work is used anywhere from a wedding to a New Year function or on radio or TV — in other words, wherever music is played. The body was set up in 1969, and re-registered as a copyright society in 2017, following which it started functioning actively. The IPRS has its offices in Mumbai, and lyricist Javed Akhtar is its chairman. **A 2012 amendment in The Copyright Act, 1957 laid down that artists would get 50% of royalties every time their work was used, even if the copyright remained with the production house or the music brand.** Which meant that every time a song was played in, say, a large party in a hotel or by a radio station, or streamed or even used as a mobile phone ringtone, 50% of the royalty would go to the production house or music company, and the other 50% would be split between the lyricist and composer of the song. **The IPRS is responsible for collecting the 50% royalty that is due to artists involved in “literary work accompanied to music” — meaning lyricists, music composers, and publishers of music.** While even individual artists can theoretically approach the users of their work directly, it is likely to be a difficult and long-drawn-out process. As members of IPRS, they have better infrastructure at their disposal to press their claim and collect the money due to them.

How Does the Process of Licensing with The IPRS Work?

The IPRS has a database of around 10 million songs, including Indian and international numbers, for which it collects royalty. If cases of big events, the IPRS generally approaches the organisers beforehand to inform them about the licensing required to play the songs of artists who are registered with them. Most online streaming platforms are registered with IPRS, and licensed to use the artists' songs. After being re-registered as a copyright society in 2017 under the amended Copyright Act, the IPRS sent letters to all media platforms, asking them to ensure that artists are paid 50% of the royalty as per the Act. In 2017-18, the IPRS collected ₹45 crore in royalty on behalf of artists, and in the following year (2018-19), it collected ₹166 crore. Between 2012 and 2017, annual collections were usually under ₹ 40 crore, an IPRS official said. In April this year, IPRS distributed royalties of more than ₹20 crore to composers, songwriters, and publishers.

What Can IPRS Do If Songs Are Used Without Licence?

IPRS has both civil and criminal remedies available to it under The Copyright Act. It has filed civil suits in 20-25 cases earlier, but the move against YRF was the IPRS's first criminal complaint. According to IPRS, YRF was one of the entities it had written to after 2017, seeking royalty for artists. However, despite the amendment to The Copyright Act, YRF allegedly paid only a minuscule amount to artists. After the dispute remained unresolved despite the exchange of several letters, IPRS lodged a formal complaint with the Mumbai Police some two months ago. Since the amount involved was high, the matter was handed over to the EOW. After inquiring into the matter for around two months, the police registered a FIR against YRF on charges of criminal breach of trust, along with sections of The Copyright Act.

What Difference Has IPRS Made for Artists Seeking Copyright Dues?

While IPRS has some numbers to show, not all artists are satisfied that it has delivered on its promise. Some music companies and production houses have allegedly found ways to dodge



the requirement of sharing royalty with artists. On some occasions, the fees paid to artists are termed as “advance royalty”, meaning the royalty has already paid; on other occasions, the artist is allegedly offered a deal to sign a letter giving the royalty back to the music company. Some big production houses that don’t get along with IPRS have started their own body to collect royalties for artists working on their projects, say these artists.

Turning the Policy Focus to Child Undernutrition (Sunny Jose - RBI Chair Professor at Council For Social Development, Hyderabad)

- The Comprehensive National Nutrition Survey (CNNS) report, brought out recently by the Ministry of Health and Family Welfare, assumes salience, especially against two important factors. One, the latest Global Hunger Index (GHI), 2019 ranks India at the 102nd position out of 117 countries. Two, India’s past performance in reducing child undernutrition has been rather mixed: there was a moderate decline in stunting but not in wasting. Between 2005-06 and 2015-16, child stunting and the condition of being underweight declined by 10% and 7% points, respectively. In wasting, the decline was a paltry 1% point. These factors make the CNNS (2016-2018) report timely and important. The report covers dimensions of nutrition, some of which are new and important, and thereby heralds a new beginning in collecting national level nutrition data. It reveals that India has sustained its progress made in reducing the number of stunted and underweight children in the last decade. Despite such sustained decline, the present stunting level still belongs to the threshold level of ‘very high’. Hence, what is of urgent requirement is increasing the rate of decline. Though there is no magic policy wand to reduce stunting drastically within a short span of time, the CNNS report draws our attention to an all too familiar factor, which has not received the necessary attention.

Educated Mothers

Stunting among children under four years came down from 46% to 19%, a whopping 27% points decline, when maternal education went up from illiteracy/no schooling to 12 years of schooling completed. This phenomenal decline was also true for the number of underweight children. The difference was close to the gap between the poorest and richest wealth groups. It is next to impossible to transform poorest households into richest so soon. However, increasing the educational attainment of women significantly is certainly feasible. Women’s education, besides being of instrumental significance, has an intrinsic worth of its own. Possibly, as studies suggest, women’s secondary education might be capturing the cumulative effects of household wealth, women’s empowerment and knowledge and health-seeking behaviour. Ending open defecation and enhancing access to safe water and sanitation are indeed appropriate policy goals, which need to be sustained. However, ending open defecation alone will not reduce stunting phenomenally, as is evident from the experience of Bangladesh. Also, the so-called Muslim advantage in child mortality in India — relatively lower child mortality among Muslims compared to Hindus — which occurs ostensibly due to the former’s better sanitation and hygiene practices, does not translate into a similar stunting advantage among Muslims. Unlike child mortality, child stunting levels remain almost the same between Muslims and Hindus. More efforts, besides ending open defecation, are required, if we are to accelerate the decline in child stunting. One related aspect, which is yet to be firmly embedded into nutrition policy, is dietary diversity. It is important to move away from the present focus on rice and wheat, which studies denounce as ‘staple grain fundamentalism,’ of Public Distribution System (PDS), to a more diversified



food basket, with an emphasis on coarse grains. It would be worth including millets in the PDS on a pilot basis, in States where stunting levels are high. Evidence suggests that dietary diversity is indeed good for reducing iron deficiency anaemia, levels of which also remain high in India. It may be useful learning from the virtues, in terms of food habits, of the marginalised than from the vices of the privileged groups. The rising obesity among the latter is a cause for concern, and is an emerging public health problem in India which demands equal attention.

Decline in Wasting

What about child wasting, in which India's past performance has been rather poor? Here, the report reveals an interesting, rather surprising, turnaround. The extent of decline in wasting is larger than that of stunting: about 4% points within 22 months. This is indeed a remarkable achievement, especially against a measly decline in wasting in the last ten years: 21% in 2015-2016 from 19.8% in 2005-2006. A closer look at the performance of States reveals that Uttarakhand, Arunachal Pradesh, Gujarat, Punjab and Haryana have reduced wasting by 10% points or more within just 30 months or less, the best performer being Uttarakhand that has reduced wasting by 14% points. While a fair measure of decline in wasting, consistent with that of stunting, is expected, the magnitude in this case appears rather high. This is especially so, as all these five States had witnessed an increase in wasting during the last decade, between 2005-06 and 2015-16. If the decline has actually happened, then it means that many States have achieved unprecedented decline in wasting, reversing their past poor record, within a short span of time. Surprisingly, these States have not performed equally well in reducing stunting, despite the fact that wasting and stunting share many common causes. Is this 'empirical reality' rightly captured by the CNNS? Or, alternatively, do these estimates indicate a possibility of some sort of anomaly in data? An independent validation would not only dispel any doubt regarding data quality but also help identify the drivers of rapid reduction in child wasting in India.

Pregnant, Nursing Women's Health: Himachal Best, UP Worst

- A new survey, called the Jaccha-Baccha Survey (JABS), conducted in June in six states (Chhattisgarh, Himachal Pradesh, Jharkhand, Madhya Pradesh, Odisha and Uttar Pradesh) to map the state of pregnant and nursing women has found that a high proportion of women do not eat enough during pregnancy. The survey was conducted under the guidance of development economists Jean Dreze and Reetika Khera. Within the six states, which the survey divided into laggard and leader states, Uttar Pradesh, which is India's most populous, performed the worst, while Himachal Pradesh, on average, performed the best. UP also threw up the worst numbers on pregnant women not getting adequate rest — either because they had no one to help out at home, or because they had to actually go out and work on the farm in their condition. The proportion of women who had to borrow or sell assets just to meet child delivery expenses too, was quite high, especially among the laggard states. On access to basic healthcare facilities, the survey found that 36% women in UP did not get a single check-up at a primary health centre across different schemes. The poor health of pregnant and nursing women, as well as inadequate healthcare infrastructure, lie at the heart of India's child nutrition crisis. The latest Global Hunger Index released in October pegged India at a lowly 102 out of a total of 117 countries. **One of the key findings of GHI was that 'child wasting' (that is, children having low weight for their height) — which essentially shows the extent of acute malnutrition — had gone up over the past decade. At**

Shatabdi Tower, Sakchi, Jamshedpur



almost 21%, India's child wasting level is the highest in the world. Combined with almost 38% of child stunting (that is, children who have low height for their age), India has the highest number of undernourished children in the world.

The Mother of Non-Issues (Jean Drèze - Visiting Professor at The Department of Economics, Ranchi University)

- Sometimes I wonder what the world would be like if men, not women, were bearing and delivering babies. Quite likely, the maternity (oops, paternity) wards in hospitals would have the best equipment and doctors. The shelves of grocery shops would be filled with special food items for pregnant men. Women and children would be mobilised to attend to the needs and wishes of the heroic lads who give birth. An array of new professions, products and technologies would develop to make their life easier, and pregnant men would also have free bus passes and separate queues. Further, paternity benefits would be given through flagship social programmes, with hefty budgets. In contrast, maternity benefits in India are a non-issue. The Central government is clueless about their legal, financial and political aspects; as are the Opposition parties. Maternity benefits, of course, are reasonably generous (by international standards) for a small minority of Indian women employed in the formal sector and covered, in principle at least, under the Maternity Benefit Act. The vast majority of pregnant women, however, are left to their own devices.

Jaccha-Baccha Survey

We had a telling glimpse of the hardships they face last summer, during the Jaccha-Baccha Survey (JABS), conducted with student volunteers in six States of north India — Chhattisgarh, Himachal Pradesh, Jharkhand, Madhya Pradesh, Odisha and Uttar Pradesh. For lack of knowledge or power, most of the sample households were unable to take care of the special needs of pregnancy, whether it was food, rest or health care. Among women who had delivered a baby in the preceding six months, only 31% said that they had eaten more nutritious food than usual during their pregnancy. Their average weight gain during pregnancy was just seven kg on average, compared with a norm of 13 kg to 18 kg for women with a low body-mass index. In Uttar Pradesh, 39% of the respondents had no clue whether they had gained weight during pregnancy, and 36% had gone through it without a health check-up. It is only in Himachal Pradesh, where rural women are relatively well-off, well-educated and self-confident, that the special needs of pregnancy received significant attention. Maternity benefits could help to relieve these hardships and give babies a chance of good health. Under the **National Food Security Act, 2013, all pregnant women (except those already receiving similar benefits under other laws) are entitled to maternity benefits of ₹6,000 per child.** For more than three years, the Central government simply ignored its duty to act on this. Whenever the Supreme Court enquired about it, the government made false promises. Finally, on December 31, 2016, the Prime Minister proudly announced that pregnant women nationwide would soon be getting maternity benefits of ₹6,000. He said this without any reference to the NFSA, as if maternity benefits were an act of generosity on his part — perhaps to sweeten the demonetisation pill. **In pursuance of this announcement, a maternity benefit scheme was rolled out in 2017: the Pradhan Mantri Matru Vandana Yojana (PMMVY). The modalities of the scheme, however, violate the NFSA: benefits are restricted to the first living child, and to ₹5,000 per woman.** A budget provision of ₹2,700 crore was made for it in the 2017-18 budget — a fraction of the ₹15,000 crore required for full-



fledged implementation of maternity benefits as per NFSA norms. The actual expenditure was barely ₹2,000 crore; the allocation oddly reduced to ₹1,200 crore in the revised Budget of 2018-19.

A Damp Squib

Until recently, little was known about the performance of PMMVY, but two helpful sources of information are now available: summary statistics obtained from the Ministry of Women and Child Development under the Right to Information Act, and the JABS survey. According to the Ministry's response to our RTI query, 80 lakh women received at least one instalment of PMMVY money between April 1, 2018 and July 31, 2019, and 50 lakhs received all three instalments. On a 12-month basis, this would correspond to 60 lakh and 37.5 lakh partial and full beneficiaries respectively in the Financial Year 2018-2019. Based on an estimated population of 134 crore and a birth rate of **20.2 per thousand (2017 estimates)**, the annual number of births in India would be around 270 lakhs. Of these, a little less than half would be first births. These figures imply that in 2018-19 only around 22% of all pregnant women received any PMMVY money, and around 14% received the full benefits. This scheme, in other words, is a damp squib. The JABS survey suggests that PMMVY has been ruined in three steps. First, the coverage and benefits were reduced (compared with NFSA norms, which are very modest in the first place). This defused public demand for PMMVY. Had the benefits been higher and universal, the scheme would have been a hit. Second, the application process is tedious. Aside from filling a long form for each instalment, women have to submit a series of documents, including their 'mother-and-child protection' card, bank passbook, Aadhaar card and husband's Aadhaar card. Essential details in different documents have to match, and the bank account needs to be linked with Aadhaar. Had the government tried to discourage applications, it could not have done better. Third, there are frequent technical glitches in the online application and payment process. When an application is rejected, or returned with queries, the applicant may or may not get to know about it. Grievance redressal facilities are virtually non-existent. Special mention must be made of Aadhaar-related problems. Some of them are replays of problems observed earlier with pensions, scholarships and the National Rural Employment Guarantee Act: for instance, rejected payments due to mismatch (say, in the spelling of the beneficiary's name) between a person's Aadhaar card and bank account. There are also new problems. For instance, more than 20% of the respondents mentioned that they had faced difficulties because the address on their Aadhaar card was that of their maika (parents' home), not of their sasural (in-laws' house). Why women are required to submit their Aadhaar card in the first place, let alone their husband's Aadhaar card, is far from clear.

Examples of T.N., Odisha

Meanwhile, some State governments have put in place effective maternity benefit schemes of their own. One notable example is Tamil Nadu, the serial pioneer in the field of social security. Under the Dr. Muthulakshmi Reddy Maternity Benefit Scheme, pregnant women in Tamil Nadu receive financial assistance of ₹18,000 per child for the first two births, including a nutrition kit. Odisha's Mamata scheme also covers two births, albeit with lower entitlements — ₹5,000 per child, as with the PMMVY. The JABS survey suggests that the Mamata scheme is working reasonably well: among women who had delivered in the last six months, 88% of those eligible for Mamata benefits had applied, and 75% had received at least



one of the two instalments. It would take very little to extend and consolidate these initiatives on a national basis. The Modi government, however, is not interested. Nor, it seems, are the Opposition parties: efforts to draw their attention to these issues earlier this year, in the run-up to the Lok Sabha elections, made little headway. Even the Congress Party, chief sponsor of the NFSA, did not mention maternity entitlements in its elaborate manifesto. If only men were the ones who give birth...

What Is Driving Onion Prices

- Ram Vilas Paswan, Union Minister for Food and Civil Supplies, directed the state-owned trading corporation MMTTC to import 1 lakh tonnes of onions to help ease the spike in retail prices. The decision marks India's transition from being an onion exporter to an importer.

What Has Led to The Rise in Prices?

Prices have risen sharply since May this year, caused by delayed arrival of the new crop and damage to the harvested crop in the main onion-growing states of Maharashtra, Karnataka and Madhya Pradesh. Due to a decrease in onion acreage in the main onion-growing districts of Maharashtra, arrivals dipped across wholesale markets. Prices at the wholesale market at Lasalgaon, Maharashtra, which were in the range of ₹500-600 per quintal since the start of January, crossed the ₹1,000 mark after May. Located in Nashik district, Lasalgaon is the largest onion market in the country and sets the price trends for the crop across the country. Retail prices in most cities have been hovering around ₹70-80 per kg. Back then, the low supply was due to a decrease in the rabi or summer crop. Farmers in the onion-growing belt of Nashik, Ahmednagar and other parts of Maharashtra harvest this crop after April. This crop is suitable for storage given its lower moisture content, and farmers store them in kanda chawls (raised platforms designed to prevent moisture ingress and sprouting) and continue liquidating the stock until the new crop arrives after October. Rabi and two other harvests, kharif (harvested after October) and late kharif (harvested in January- March) feed the market round the year. While the rabi crop was affected by a drought in 2018, both the kharif and late kharif crops were delayed, first by a late arrival of the monsoon and later by heavy rainfall in October when the crop was ready for harvest. At the start of the April season, farmers had stored 22 lakh tonnes of onions, of which just around 5-6 per cent remain. Kharif acreage, as per the Ministry of Agriculture, has dipped from 2.97 lakh hectares in 2018-19 to 2.58 lakh hectares this year. The dip has been mostly in Maharashtra, where the onion belt had not seen much sowing due to the delayed monsoon. What contributed to the rise in prices was the almost simultaneous damage to the ready crop in Madhya Pradesh, Rajasthan and Gujarat due to the heavy unseasonal rainfall that hit these states from September. Maharashtra, which is the leading producer of onion at 35 per cent of the country's production, has seen a dip in both its rabi and kharif output.

What Measures Has the Government Taken to Control the Prices?

Since June, the Centre has been keeping a close watch on onion prices, given their possible political fallout. First came a decision, in June, to scrap a 10% subsidy that was being given to exporters to ship onions out of the country. This was followed by more stringent measures. On September 13, the minimum export price – the lowest at which exports are allowed – was raised to \$850 per tonne, which was followed within weeks by a complete ban on exports as well as putting limits on how much onions traders could hold (500 quintals for wholesale



traders and 100 quintals for retailers). On November 11, income tax officers started verification of stocks and books of accounts of traders for possible violation of stock limit restrictions. They visited offices and premises of 15 traders in various markets of Nashik. While the team's report is yet to be made public, trade sources have said the raids were aimed at controlling prices. Within days after the searches, onion prices across the district had corrected themselves, with major traders staying away from the wholesale market for fear of government action. The decision allowing import of 1 lakh tonnes is the latest move aimed at controlling onion prices.

What Changes with The Latest Move?

Even at the time it stopped exports, the government had opened up the doors for imports with MMTTC floating tenders for 2,000 tonnes in the first week of September itself. While the tenders failed to fructify, private traders started importing the bulb. It is estimated that around 2,000-4,000 tonnes have docked in the Mumbai ports and are expected to reach the markets in the next few days. Paswan's latest announcement marks a change in India's status from that of an exporter to that of an importer of onions. In the last fiscal, India had exported 21.82 lakh tonnes of onions worth \$497.97 million while importing only 7,080 tonnes worth \$1.12 million. **Afghanistan, the United Arab Emirates and Egypt are the main markets from where India imports onions, although domestic traders say such onions are not welcomed in the markets.** The traders also point out how the imported onion would have a negative effect on the prices of the new crop that is to due hit the market at almost the same time when the former is expected to reach India.

Wasteland Conversion Threatens Livelihoods, Ecological Balance

- India's conversion of more than 14,000 square km of 'wasteland' — mostly dense scrub, glacial areas, sands or marshland — into productive use between 2008-09 and 2015-16, and the government's target to restore 26 million hectares of wasteland and degraded land by 2030 risks affecting the livelihoods of pastoralists, fishermen and nomadic farmers who are often dependent on these traditional "commons" lands, caution environmental policy researchers and social activists. These 'commons' also act as a buffer against floods, droughts and pollution for a wider population, they point out. **The Wastelands Atlas, prepared in collaboration with the National Remote Sensing Centre and released recently by the Land Resources Department uses satellite data to measure the extent of 23 different types of wastelands and tracks the impact of reclamation efforts.** While 14,536 sq. km of wasteland were converted to productive use, the country saw a net conversion of 8,404 sq. km. Over half that land lies in Rajasthan, where a net change of 4,803 sq. km was seen, with large areas of scrub and sands brought under the plough and converted to cultivated cropland. The State also has extensive solar parks set up in its wastelands, thus converting them to industrial use in the production of renewable energy. Uttar Pradesh and Bihar also saw high levels of net conversion. **The government has been encouraging wasteland conversion, pointing out that while India has 18% of the world's population, it only has 2.4% of the land area.** "In order to ensure food security, there is an urgent need to improve the productivity of existing cultivated lands and to bring additional land under plough. The wastelands which are unutilised and have potential to produce food grain and provide vegetation cover may significantly contribute in this endeavour," the department said in the Atlas. In a foreword, Union Minister of State in the PMO Jitendra Singh suggested **reclamation and afforestation efforts, infrastructure and renewable energy projects as ways to convert**

Shatabdi Tower, Sakchi, Jamshedpur



wasteland to productive use, apart from conversion to cropland. Apart from government-driven efforts, simple encroachment by local residents could also result in conversion of wastelands. However, such conversions could impact livelihoods. Pastoral communities depend on common grazing land, gatherers and nomadic farmers depend on scrub forest and open scrubland for shifting cultivation, while fishermen can make a living off waterlogged and marshy areas. These areas protect unique biodiversity resources, which could be destroyed when development occurs. "The idea of a wasteland is itself a political construct," said Kanchi Kohli, a senior researcher at the Centre for Policy Research. "Many of these have been common areas for centuries and to regard them as unproductive is a problem. When you classify shifting cultivation or common grazing lands as wasteland and try to convert them into crop land, plantations or solar parks, it is endorsing a hierarchical idea of livelihoods. Why is the pastoralist considered less productive than the farmer?" she asked. In southern India, these areas have traditionally been called 'poromboke' land which is communally owned, cannot be bought, sold or built on. In Karnataka, the gomal lands are common grazing areas. In other regions, village forests and pastures, or gram panchayat lands, have played a similar role from medieval times. "It was the East India company that first categorised these areas as wasteland, as they produce no tangible revenue," said Nityanand Jayaraman, a Chennai-based social activist. He noted that Tamil Nadu's capital city Chennai had paid a heavy price for converting wastelands such as the Pallikaranai marsh or the Ennore creek backwaters, into industrial, built-up areas. "The flooding you have seen in recent seasons happened because marshland was treated as waste rather than a valuable buffer. The backwaters protect inland water resources from encroaching salinity and seawater inundation, as well as storing water for dry seasons."

Business & Economics

How India Subsidised Certain Exports, Why WTO Panel Ruled Against It

- The export subsidies under most of the challenged schemes, except for MEIS, consist of exemptions and deductions from customs duties and other taxes. A World Trade Organisation (WTO) panel recently ruled against India in a trade dispute over its subsidies to exporters under various schemes. If the panel's ruling is adopted, the decision is expected to put at risk export subsidies claimed to be worth over \$7 billion.

Why Was India Taken to The Dispute Settlement Panel?

The US in March 2018 challenged export subsidies provided by India under five sets of schemes — Export-Oriented Units, Electronics Hardware Technology Park and Bio-Technology Park (EOU/EHTP/BTP) Schemes; Export Promotion Capital Goods (EPCG) Scheme; Special Economic Zones (SEZ) Scheme; Duty-Free Imports for Exporters Scheme (DFIS); and Merchandise Exports from India Scheme (MEIS). The US had alleged these schemes violated certain provisions of WTO's Subsidies and Countervailing Measures (SCM) Agreement that prohibit subsidies that are contingent upon export performance. According to the agreement, India was only exempt from this provision until its Gross National Product per capita per annum reached \$1,000. The export subsidies under most of the challenged schemes, except for MEIS, consist of exemptions and deductions from customs duties and other taxes. The subsidies under MEIS consist of government-issued notes ("scrips") that can



be used to pay for certain liabilities vis-à-vis the government and are freely transferable, according to the WTO dispute settlement panel. The US argued these subsidies were a detriment to American workers and manufacturers. When consultations with India did not work out, the US in May 2018 requested that a dispute settlement panel be set up.

What Was India's Defence?

India argued that certain provisions under the SCM Agreement, allowing for special and differential treatment of certain developing countries, excluded it from the provisions prohibiting export subsidies. It also argued that all the challenged schemes, except the SEZ scheme, adhered to a provision of the SCM Agreement that carves out exemptions from or remission of duties or taxes on an exported product under certain conditions.

On What Grounds Did the Panel Rule Against India?

The panel found the US had "demonstrated the existence of prohibited export subsidies" that were inconsistent with provisions of the SCM Agreement. It recommended that India withdraw certain "prohibited subsidies" under the DFIS scheme within 90 days; under the EOU/EHTP/BTP, EPCG and MEIS schemes within 120 days and under the SEZ scheme within 180 days from the adoption of its report. According to the panel, the US was able to show that India had foregone revenue through exemptions and deductions from duties and other taxes to the benefit of exporters in most schemes. In the case of MEIS, it was able to establish that exporters benefited from a direct transfer of funds through the provision of scrips. MEIS, because of its design, structure and operation, did not meet the conditions for the exemptions from these prohibitions as well, according to the panel. The panel found that the US had established that most of the measures under the other four schemes (EOU/EHTP/BTP, EPCG, SEZ and DFIS) were "contingent in law upon export performance". It also found that, as there was no dispute that India had graduated from the special and differential treatment provision that it originally fell under in the SCM Agreement, it was no longer excluded from the application of the prohibition on its export subsidies. It concluded that "no further transition period" was available to the country to stop these subsidies. Not all the US' arguments were accepted. The panel rejected some of its claims regarding certain customs duty exemptions provided under the DFIS scheme and excise duty exemptions under the EOU/EHTP/BTP schemes.

Who Will Be Impacted If These "Prohibited Subsidies" Are Withdrawn?

These subsidies were worth over \$7 billion annually and benefited producers of steel products, pharmaceuticals, chemicals, information technology products, textiles and apparel, according to the office of the US Trade Representative. While there will be no retrospective impact, India would have to stop providing the subsidies in this form. However, some experts say India can tweak the schemes to support exports while making them more WTO-compliant. Some ways that India can continue to support exports, according to these experts, is by providing tax concessions (like concessions on GST) on parts and components used in the production of the exported product. The government has already begun work on making some of the debated schemes more WTO-compliant. In September, it announced the Remission of Duties or Taxes on Export Product to replace the MEIS as a more WTO-compliant scheme. The overall duty foregone under this scheme is expected to be "more or less the same" as MEIS (around Rs 40,000 crore-45,000 crore annually).



What Happens Next?

India plans to appeal the report on some aspects of law and legal interpretation before the panel's report is adopted within 60 days of it being circulated with all members. While the US is expected to push for early adoption, if India's notice to appeal the report is submitted before this, it stands a chance of challenging this ruling. In this particular situation, with the dispute panel's appellate mechanism expected to become dysfunctional after December 11 (when two of the three remaining members of the body will retire), India may not be obligated to implement the panel's current ruling. This is because, if its appeal is submitted on time, it will join a pipeline of 10 other appeals in other WTO dispute cases that have been filed since July 2018. Until those appeals are cleared and India's own appeal is resolved, the country will be under no legal compulsion to make the changes recommended in the dispute settlement panel's current report, according to experts.

The Myths Around Free Trade Agreements (Ajay Srivastava - From the Indian Trade Service)

- India's decision not to join the Regional Comprehensive Economic Partnership (RCEP) has led to an avalanche of write-ups, editorials and interviews. Most looked at the effect of the decision around four issues: **exports, investments, integration into the global value chain (GVC) and domestic industry**. Let us use another source for insights — experiences countries have had with free trade agreements (FTAs).

Impact on Exports

First, do FTAs lead to an increase in exports? Few economists have argued that by not signing the RCEP, Indian exporters would miss on exporting to RCEP countries. They forget that India has FTAs with the Association of Southeast Asian Nations (ASEAN), Japan, South Korea, and three-fourths of the bilateral trade already happens zero duty. India also has a small preferential trade agreement with China. But the mere signing of an FTA does not guarantee an increase in exports. **If import duty in the partner country is high, there is a likelihood of an increase in exports by 10% when this duty becomes zero. But chances of exports increasing are low if import duty of the partner country is low at 1-3%. From this count, FTAs are of no use for exporting to Singapore, Hong Kong, as regular (Most Favoured Nation) import duties are zero.** FTAs with Malaysia, Japan, Australia, New Zealand, Brunei, etc. benefit few product groups only as more than 60% of imports into these countries happen at zero duty for all countries. There is little additional market access. Most critics have missed this detail. But even the high import duties coming down to zero through the FTAs do not guarantee exports. **Japan reduced duty from 10% to zero for Indian apparels through an FTA in 2011. But India's apparel exports to Japan have nosedived from \$255 million in 2010 to \$152 million in 2018. Blame it on Japanese non-tariff barriers to trade (NTBs) such as special sourcing requirements.** But NTBs are generally not negotiated in FTAs. Countries have to resolve these bilaterally. To summarise, FTAs cut import duties, but this is only one of many factors that decide if exports will increase.

Investment Flow

Does a lower import duty regime help in getting significant investments? Most experts have argued in its favour. Let us look at evidence from the automobile industry in Australia and



India. Australia, in 1987, produced 89% of the cars it used. It protected the car industry through a high 45% import duty. But the share of locally produced vehicles came down as the duties were reduced. Today, Australia imports nearly all cars as tariffs came further down to a 5% level. Most manufacturers such as Nissan, Ford, General Motors, Toyota, Mitsubishi, etc. which produced cars in Australia shut shop. But India could attract significant investments in the car sector on account of high import duties. This resulted in the development of an indigenous car and auto component industry. Now, with the car industry maturing, India can think of lowering import duties to promote competition. Most investments are a result of the package such as tax cuts, cheap land, power, etc. offered by the host country. If a country is not the most efficient economy, some level of an import wall helps in getting external investments. Without an import wall, many firms may shift production to the more efficient FTA partner countries for exporting back to the home market. But the quality of investments increases as a country moves towards becoming a more efficient economy. Such countries are in an ideal position to become manufacturing and services hubs. Third, do FTAs ease entry into GVCs? Most commentators have lamented that by not signing RCEP, India will miss becoming part of GVCs. It is not so simple. Actual value chain activities are time critical. And a country cannot become a significant part of such value chains unless it has efficient ports, customs, shipping, roads and a regulatory compliance infrastructure. GVC production also requires harmonisation of product and quality standards. For these reasons, FTAs alone do not make a country part of a value chain, which will be disrupted if a shipment is delayed or is of non-standard quality. ASEAN, Japan and Korea constitute the core of the Asian regional value chain. But despite FTAs with these countries, India has a weak presence in the electronics, machinery or apparels value chains. Fourth, is Indian industry protectionist? Consider the impact of reducing import duty on an engine from 20% to zero for an FTA partner. Cheaper imports may replace products from domestic industries. But, if the duty on a product is low at say 3%, the local industry may not care much about the duty elimination through any FTA. Countries that have reached this stage are comfortable doing FTAs with fewer worries.

Steps to Have an Effect

An FTA's possible impact on the economy or exports is subject to many caveats. The FTAs can ensure market access to only the right quality products made at competitive prices. Improvement in firm-level competitiveness is a must. The government can help by ensuring lower duties on raw materials and intermediates than on the concerned finished products. It can set up an elaborate quality and standards infrastructure for essential products. Most countries regulate imports through such requirements and not through tariffs. Finally, about India turning inward. India ranks higher than the U.S., Japan, and China in the trade openness ratio, the globally accepted measure. The ratio is the sum of all imports and exports as % of GDP — India (43) is more open than the United States (27), Japan (35), and China (38).

The Problem with Re-Basing GDP Estimates (R. Nagaraj And Rajeswari Sengupta Are with The Indira Gandhi Institute of Development Research, Mumbai)

- In the next few months, the Central Statistics Office (CSO) proposes to replace the gross domestic product (GDP) series of 2011-12 base year with a new set of National Accounts using 2017-18 as the base-year. According to the chief statistician, this will be done as soon as the new consumer expenditure survey and the Annual Survey of Industries (ASI) results become



available. Normally, rebasing is a routine administrative decision of any national statistics office.

Background to The Dispute

But these are not normal times in India for users and producers of the national accounts. For the past four years there has been a raging controversy over the current GDP figures on account of questionable methodologies and databases used. According to official data, the annual economic growth rate has sharply decelerated to about 5% in the latest quarter, from over 8% a few years ago. The reality may, however, be far worse. Independent studies using multiple statistical methods to validate the official GDP estimates by the former Chief Economic Adviser, Arvind Subramanian, and Sebastian Morris of the Indian Institute of Management, Ahmedabad, have suggested that the annual GDP growth rates during the last few years may have been overestimated by 0.36 to 2.5 percentage points. Why is there such distrust in the official GDP figures? To understand the origins of the dispute, **one has to go back to early 2015 when the CSO released a new series of GDP with 2011-12 as base-year, replacing the earlier series with the base-year 2004-05.** Periodic rebasing of GDP series every seven to 10 years is carried out to account for the changing economic structure and relative prices. Such re-basing usually led to a marginal rise in the absolute GDP size on account of better capturing of domestic production using improved methods and new databases. However, the underlying growth rates seldom change, meaning that the rebasing does not alter the underlying pace of economic expansion. **The 2011-12 base year revision was different, however. The absolute GDP size in the new base year 2011-12 contracted by 2.3% (compared to the old series), and the annual GDP growth rate went up sharply from 4.8% in the old series to 6.2% in 2013-14.** Similarly, the manufacturing sector growth rate for 2013-14, swung from (-) 0.7% in the old series to (+) 5.3% in the 2011-12 series. Such large variations in growth rates for the same year may be justified if the material conditions of production warranted. But the higher growth estimates recorded by the new series did not square with related economic indicators such as bank credit growth, industrial capacity utilisation or fixed investment growth. Thus, began the questioning of the new GDP series.

Demonetisation as Shock

The suspicion of official output estimates became particularly intense after the demonetisation of high valued currency notes in November 2016. By most analyses, the economic shock severely hurt output and employment. For example, the Ministry of Finance's Report on Income Tax Reforms for Building New India (September 2018; convener: Arvind Modi), provided data on fixed investment in the private corporate sector based on actual corporate tax returns. It shows that the fixed investment to GDP ratio in the private corporate sector fell sharply from 7.5% in 2015-16 to 2.8% in 2016-17 (suspected to be on account of demonetisation). However, surprisingly, the ratio in the national accounts went up from 11.7% in 2015-16 to 12% in 2016-17. Similarly, chief economist of the International Monetary Fund, Gita Gopinath's academic research paper (co-authored) published by the highly regarded National Bureau of Economic Research in the U.S. in May 2019 showed an adverse effect of demonetisation on growth rate. Yet, the official GDP for the year 2016-17 grew at 8.2%, the highest in a decade.



The Root of The Problem

The source of the problem, according to many economists, is the underlying methodologies for calculating GDP (in the 2011-12 series) which they claim are deeply flawed, as well as the new dataset used in estimating the private corporate sector's contribution. Some of the recent, prominent criticisms are as follows. In a first, the CSO estimated value addition in the private corporate sector using the statutory filing of financial results with the Ministry of Corporate Affairs. The private corporate sector accounts for about a third of GDP, and spans all production sectors, and roughly about half of the private corporate sector output originates in manufacturing. The database of the Ministry of Corporate Affairs has been criticised by many as unreliable; hence it is possible that the private corporate sector output has been overestimated. For example, the Ministry's database on "active" companies — that is companies claiming to have submitted audited financial results regularly for three years — seems to contain many companies that are actually inactive (not producing output on a regular basis). Last year when the National Sample Survey Office (the government's premier, independent, data-gathering agency), used the Ministry of Corporate Affairs list of active companies to canvass a sample of companies in the services sector, it found that up to 42% of the sample companies were not traceable, had failed to provide the information for the survey, or had failed to provide audited accounts. For estimating GDP of the private corporate sector, questionable methods are also used for blowing-up unverified "sample" estimates for the unknown and varying universe of "working" or active companies. State domestic product (SDP) estimation uses many of the same databases and methodologies used in all-India GDP estimation. The methodological changes made in the 2011-12 base-year revision have adversely impacted the quality of SDP estimates on two counts. First, the Ministry of Corporate Affairs data does not have factory identifiers (that is, location of production units, but only has the location of the company head office); it has distorted distribution of the SDP estimates across States. Second, for estimating value-added in the informal or unorganised sector, State-specific labour productivity estimates are unavailable in the 2011-12 series. Hence the method used distorts output estimation. The CSO has denied the claim that the underlying methodology is flawed and that there are serious problems with the new database being used. The official response throughout the debate has been that the 2011-12 GDP series follows global best practices (meaning, following the latest United Nations System of National Accounts guidelines) and applies better methods using much larger datasets; hence the official estimates are blemish-less. This ignores the fact that India has always followed UN guidelines, and that larger data sets are not necessarily better.

Need for A Review

The proposed change over to a new base-year of 2017-18, is, in principle, a welcome decision. However, considering the methodological disputes and data related questions relating to the current national account's series, as illustrated above, what would the rebasing potentially accomplish? Doubts will persist so long as the underlying methodological apparatus remains the same; feeding it with up-to-date data is unlikely to improve its quality. In view of the problems with the current series, a chorus of academic and public voices has proposed setting up an independent commission of national and international experts to review the GDP methodology. The ideal time to do this would be now so that solutions could be found and incorporated into the new GDP series. Conversely, if a new rebased series is introduced without any changes it will only entrench the existing methodological problems, and



ensuring that the debate will continue for the next half decade. And as the debate continues, so will the loss of credibility.

The Fountainhead of India's Economic Malaise (Dr. Manmohan Singh - Prime Minister of India from 2004 To 2014)

- The state of India's economy is deeply worrying. I say this, not as a member of the Opposition political party, but as a citizen of this country and as a student of economics. By now, the facts are evident to all — **nominal GDP growth is at a 15-year low; unemployment is at a 45-year high; household consumption is at a four-decade low; bad loans in banks are at an all-time high; growth in electricity generation is at a 15-year low** — the list of highs and lows is long and distressing. But the state of the economy is worrying not because of these disturbing statistics. These are mere manifestations of a deeper underlying malaise that plagues the nation's economy today. A nation's state of the economy is also a function and reflection of the state of its society. The functioning of any economy is the result of the combined set of exchanges and social interactions among its people and institutions. Mutual trust and self-confidence are the bedrock of such social transactions among people that foster economic growth. Our social fabric of trust and confidence is now torn and ruptured.

Industrialists Live in Fear

There is a palpable climate of fear in our society today. Many industrialists tell me that they live in fear of harassment by government authorities. Bankers are reluctant to make new loans, for fear of retribution. Entrepreneurs are hesitant to put up fresh projects, for fear of failure attributed to ulterior motives. Technology start-ups, an important new engine of economic growth and jobs, seem to live under a shadow of constant surveillance and deep suspicion. Policymakers in government and other institutions are scared to speak the truth or engage in intellectually honest policy discussions. There is profound fear and distrust among people who act as agents of economic growth. When there is such distrust, it adversely impacts economic transactions in a society. When transactions among people and institutions are negatively impacted, it leads to a slowdown of economic activity, and eventually, stagnation. **This perilous state of fear, distrust and lack of confidence among citizens is a fundamental reason for our sharp economic slowdown.** There is an air of helplessness too. Aggrieved citizens find nowhere to go to air their grievances. Public trust in independent institutions, such as the media, judiciary, regulatory authorities and investigative agencies, has been severely eroded. With the erosion of trust, there is a lack of a support system for people to seek refuge against unlawful tax harassment or unfair regulations. This makes entrepreneurs lose their risk appetite even further for undertaking new projects and creating jobs. This toxic combination of deep distrust, pervasive fear and a sense of hopelessness in our society is stifling economic activity, and hence, economic growth. The root cause of this rupturing of our social fabric is the Modi government's 'mala fide unless proven otherwise' doctrine of governance. The premise of the government's policy framework seems to be that economic participants have mala-fide intent unless they can prove otherwise. **This suspicion that every industrialist, banker, policymaker, regulator, entrepreneur and citizen is out to defraud the government has led to a complete breakdown of trust in our society. This has halted economic development, with bankers unable to lend, industrialists unable to invest and policymakers unable to act. The Modi government seems to view everything and everyone through a tainted prism of suspicion and distrust due to**



which every policy of previous governments are presumed to be of bad intent, every loan sanctioned considered undeserving and every new industrial project deemed to be crony in nature. And the government has positioned itself as some saviour, resorting to foolhardy moral-policing policies such as demonetisation, which have proved to be ill-thought-out and catastrophic. Wrongful evil characterisation of everyone and a 'good-vs.-evil governance' doctrine cannot be a recipe for healthy economic growth. The role of social trust in economic development has been well-documented, right from the times of Adam Smith to the modern-day discipline of behavioural economics. The tearing of our social fabric of trust is the fountainhead of our current economic malaise. For economic growth to revive, it is very important that our torn social fabric of fear and distrust be stitched and knitted together to enthrone trust and confidence. It is very important for businessmen, capital providers and workers to feel confident and exuberant rather than being fearful and nervous. This is possible only if the government sheds its 'mala fide-unless-proven-otherwise' doctrine and begin to trust India's entrepreneurs. India's economy is perched in a precarious state currently. Incomes are not growing. Household consumption is slowing. People are dipping into their savings to maintain similar levels of consumption. Headline GDP growth is accruing almost entirely to the creamy layer at the top.

Risk of Stagflation

The real worrying trend is that the most recent retail inflation numbers have shown a sharp increase, especially the food inflation figure. Retail inflation is expected to rise even further in the coming months. Continued increase in inflation combined with stagnant demand and high unemployment will lead to what economists' term as 'stagflation', a dangerous territory from which it becomes very hard for large economies to recover. While we are currently not in stagflation territory yet, it is prudent to act quickly to restore consumption demand through fiscal policy measures since the impact of monetary policy seems muted. It is my belief that India's fragile economic situation calls for the twin policy actions of boosting demand through fiscal policy and reviving private investment through 'social policy' by inspiring trust and confidence in the economic participants in our society. India is now a \$3-trillion global economic powerhouse driven largely by private enterprise. It is not a tiny command and control economy that can be bullied and directed at will. Nor can it be managed through colourful headlines and noisy media commentary. Shooting down messengers of bad news or shutting off economic reports and data is juvenile and does not behove a rising global economic powerhouse. No amount of subterfuge can hide the performance and analysis of a \$3-trillion market economy of 1.2 billion people. Economic participants respond to social and economic incentives, not diktats or coercions or public relations. Sadly, this self-inflicted economic wound comes at a time when there is a unique and opportune moment in the global economy for India to capitalise. The slowing down of China's economy and exports has opened up a large export opportunity for India to fill. India should aim to garner an elephant's share of this export opportunity by fostering a climate of confidence and economic dynamism away from the current climate of fear, distrust and pessimism. With the government having an absolute majority in the Lok Sabha and the global oil prices being low, this is a once-in-a-generation economic opportunity to catapult India to the next phase of economic development and create new jobs for hundreds of millions of our youth. I urge the Prime Minister to set aside his deep-rooted suspicion of industrialists and entrepreneurs and nurse us back to a confident and mutually trustworthy society that can revive the animal spirits and help our economy soar.

[Shatabdi Tower, Sakchi, Jamshedpur](#)



GDP Slump Will Hit \$5 Trillion Target

- The road to a \$5 trillion economy by 2025 is beset with many speed breakers, the NITI Aayog has warned the government. To begin with, the think tank has said the nominal GDP growth — a measure of growth without accounting for inflation — has to be at least 12.4% on an average if that target has to be reached. The current rate was a mere 8% in the first quarter of the current financial year. The government is expected to release data for the second quarter (July to September) later this month. Experts estimate that growth will dip in Q2 compared to Q1 in both real and nominal terms. For example, while GDP growth in real terms in Q1 stood at 5%, state-run lender State Bank of India recently estimated that this could dip to 4.2% in Q2, with a corresponding dip in nominal growth as well. Real GDP growth accounts for inflation in its calculation. Mr. Kant in his presentation said that “domestic investment and consumption” are the only dependable drivers for sustainable re-acceleration [of the economy]. “However, a deceleration in investment is visible, primarily in the household sector, due almost entirely to real estate,” he pointed out. According to data he provided, gross fixed capital formation in the sub-sector of ‘dwellings, other buildings and structures’ fell from 12.8% of GDP in 2011-12 to 6.9% in 2017-18. The slowdown in the domestic market is also because of limited availability of capital with the banks which are tied down due to high non-performing assets in heavy industry and infrastructure, Mr. Kant said. As an indication of the “structural changes” that Ms. Sitharaman had also hinted at in her Budget speech, Mr. Kant argued that **in the power sector, there is a high cross-subsidisation in favour of residential tariff leading to very high industrial tariffs. The electric power transmission and distribution (T&D) losses in India stand at 19%, higher than that of Bangladesh and Vietnam. The presentation flagged the urgent need to focus on export of high-value technology and manufacturing goods.**

Expedient Exit

- The Cabinet’s latest decision to approve **strategic disinvestment** of the government’s shareholding in five public sector enterprises including Bharat Petroleum Corporation Limited, Shipping Corporation of India and the Container Corporation of India can at best be described as an expedient exit. Faced with a massive shortfall in revenue and capital receipts — as of September 30, net tax revenue had only reached 36.8% of the budget estimate of ₹16.5 lakh crore for the full year, while non-debt capital receipts were at 17.2% of the fiscal’s target of about ₹1.2 lakh crore according to the Controller General of Accounts — the share sale is aimed at helping the government narrow the yawning fiscal gap. Finance Minister Nirmala Sitharaman had made clear in July’s Budget speech that select and strategic disinvestment would “remain a priority” and the **Cabinet’s decision to sell the Centre’s entire 53.29% ownership in BPCL, all of its 63.75% holding in SCI and 30.8% of its stake in CONCOR** is an attempt at ensuring the actualisation of this policy approach. Still, the underlying rationale behind this government’s disinvestment programme remains hazy. It would be perfectly understandable if the aim was to exit unprofitable, non-strategic businesses. **BPCL, however, is a profitable refiner and oil marketing company that has consistently paid a healthy dividend.** It has also made investments in upstream energy resources and holds interests in overseas hydrocarbon blocks. To that extent, a full sale now deprives the government of all upside potential. While the BPCL stake could fetch the exchequer about ₹59,000 crore based on Thursday’s closing price on the BSE, the Cabinet’s decision to carve



out and exclude the company's 62% holding in Assam's 3-million metric tonnes per annum Numaligarh refinery would surely pare the price it could get from a prospective buyer. And the lack of an explanation for the logic behind the move also hints at politics taking precedence over any economic interest, especially given the ruling party's keenness to strengthen its newfound sway in the restive north-eastern States. With just a little over four months left in the financial year, how the government intends to actually complete the transaction — from appointment of advisers, to deciding on the pricing mechanism and initiating a transparent bidding process before finalising a buyer — this fiscal is another big question. While the transfer of the government's stakes in THDC India Limited and North Eastern Electric Power Corporation to the captive buyer, state-owned NTPC, will obviously go through in time, it is the market sale of the bigger-ticket stakes that could pose a challenge. With just ₹17,364 crore of the ₹1.05 lakh crore disinvestment target realised so far, the Centre has little choice but to expedite these strategic sale proposals in double-quick time.

In Variance with The Official Growth Story (R. Nagaraj Is with The Indira Gandhi Institute Of Development Research, Mumbai)

- How fast has India grown lately? And, what are the yardsticks on which the country's performance is being measured? These have remained contentious questions. Following the last decade's boom, the economy was slowing after 2011-2012, but apparently turned around under the National Democratic Alliance (NDA) regime. Until very recently, the government claimed the economic success was based on a consumption-led growth model, as against investment-led growth in the previous decade. In early 2015, the Central Statistics Office (CSO) released a new series of National Accounts with the base year of 2011-2012, replacing the earlier series with 2004-2005 as the base year. This is a routine exercise for any statistical office. Surprisingly, however, the annual GDP growth rates were distinctly higher in the new series compared to the old series: the growth rate for 2013-2014 went up sharply from 4.8% in the old series to 6.2% in the new series. Similarly, the manufacturing sector growth rate for 2013-2014 moved up from (-)0.7% to (+)5.3%. The revised estimates drew widespread scepticism as they were out of line with economic correlates, such as bank credit growth, industrial capacity utilisation and growth in fixed investments, all of which showed a downward trend.

'Expansion' After Note Ban

The height of dissonance was for 2016-2017 when, due to the demonetisation of high-value currency notes, output and employment contracted by most professional and popular accounts. Yet, surprisingly, the official figures showed domestic output expanding by 8.2% during the year — the highest in a decade — to the dismay of most observers and international agencies. Dismissing the criticism, the CSO claimed that the new estimates were kosher as, the agency said, they were based on: first, the latest global templates for estimating GDP; second, improved methods; and third, much larger data sets. Defending the higher growth estimates, the government contended that traditional surveys had failed to capture output and employment generated in the newer platforms and digital economy (such as through Ola and Flipkart), and the outcomes of various micro- and industry-specific initiatives such as MUDRA and UDAN. Further, increase in membership of social security measures such as Employees' Provident Fund (EPF) and Employees' Social Insurance (ESI) were taken as credible evidence of high employment growth flowing from output expansion,



and of formalisation of the economy (with desirable social security provisions for workers). But the evidence provided did not cut much ice since the organised sector accounts for at best 15% of the national workforce, leaving out rural and urban informal sectors. It was, however, not possible to obtain economy-wide measures of the employment and household consumption, as the government had scrapped the National Sample Survey Office (NSSO)'s time-tested five-yearly household surveys (which combined both). The Periodic Labour Force Survey (PLFS) that replaced the NSSO's Employment, Unemployment Survey (EUS) was conducted in 2017-2018, and a separate household consumer expenditure survey was canvassed in the same year. The PLFS's results — initially leaked last year, but officially released in May this year — showed some disturbing trends. First, they revealed that unemployment rate had risen to 8.3% of the labour force, the highest in over 40 years. Second, the results showed that, for the first time ever, employment level had declined: between 2011-2012 and 2017-2018, the estimated fall in employment was in the range of 6.6 million to 15.5 million (depending on varying assumptions about the population growth rates). Third, the survey demonstrated that wage rates had stagnated both in rural and urban areas. The government, however, rejected these estimates, arguing that the PLFS data are not strictly comparable to the (earlier) EUS data — a claim rubbished by most knowledgeable statisticians. Common sense would suggest that such widespread distress in the labour market would reduce private consumption. This was precisely what the leaked consumer expenditure surveys' data showed: monthly per capita consumer expenditure had fallen for the first time since 1972-73. Further, between 2011-12 and 2017-18, the monthly per capita consumer expenditure in real terms (adjusted for inflation) had fallen by 3.7%, from ₹1,501 in 2011-2012 to ₹1,446 in 2017-2018. Over the six years, there was a decline in expenditure in rural areas by 8.8% and a marginal rise of 2% in urban areas. The government scrapped the consumer expenditure survey data, as they were at variance with the administrative data. Thus, the best available, up-to-date, nationwide sample surveys tell a consistent story of the economy being in a dire state. They demonstrate that there have been **unprecedented job losses, wages have stagnated, and per capita consumer expenditure has either stagnated or fallen. By implication, poverty rates (measured by an absolute level of consumption translated in money terms) are likely to have gone up.** This is the clearest nationwide evidence we can get on the economy being in distress in the current decade.

Changes in Methodology

Yet, the official GDP estimates show a respectable level of 5%-6% average annual growth rate in the past few years, though the rate is declining. The divergence raises the question: are the numbers really plausible given that macroeconomic parameters in the labour market and private household consumption have slumped? There seems to be something amiss in the GDP estimates, closing the loop where we began: GDP growth rates seem over-estimated on account of the questionable changes in methods and use of unverified data sets. In reality, the output growth has probably been far lower than the official estimates — as shown by statistical exercises to validate the official GDP estimates. To sum up, since 2015, two distinct yet related narratives have dominated the economic discourse: one, the **official GDP growth rates have been overestimated in the revised National Accounts and two, there is a lack of correlation between GDP growth rates and many macro variables.** However, dismissing such scepticism, the government has maintained that the higher growth rates reported by the revised GDP series truly reflect a booming consumption-led economic growth model. **If the leaked consumption data are true, the decline in monthly per capita expenditure in real**



terms between 2011-2012 and 2017-2018 puts a question mark on the official growth story. The decline in consumption is in line with the fall in employment and wage stagnation, as reported by the official PLFS data. Hence, the latest leak seems to not only question the official growth story, but also supports the contention raised about a possible overestimation of GDP growth rate in the current series on account of questionable methodological changes and introduction of unverified data sources for estimating domestic output.

What is the Labour Code Bill?

- The Union Cabinet approved The Industrial Relations Code Bill, 2019, which proposes to amalgamate The Trade Unions Act, 1926, The Industrial Employment (Standing Orders) Act, 1946, and The Industrial Disputes Act, 1947. Last year, the government had floated a draft Note for the Cabinet along with The Labour Code on Industrial Relations Bill, for inter-ministerial consultations. This is the third Code in the government's proposed codification of central labour laws into four Codes. Parliament has already approved The Code on Wages, 2019. The Occupational Safety, Health and Working Conditions Code was introduced in Lok Sabha in July, and is now with the Standing Committee on Labour, which has invited public comments on it. The draft of the Social Security Code has been circulated for public comments.

Importance of the Bill

Apart from offering some degree of flexibility on government permissions for retrenchment, the most important aspect of the Bill is that it presents the legal framework for ushering in the concept of 'fixed-term employment' through contract workers on a pan-India basis. Currently, companies hire contract workers through contractors. With the introduction of fixed-term employment, they will be able to hire workers directly under a fixed-term contract, with the flexibility to tweak the length of the contract based on the seasonality of industry. These workers will be treated on a par with regular workers during the tenure of the contract. The move to include it in a central law will help in wider reach, and states are expected to follow similar applicability. The government had tried a move last year to apply fixed-term employment across "central sphere establishments" (which are establishments under the authority of the central government, Railways, mines, oilfields, major ports, or any other central public sector undertaking) in all sectors, but it failed to elicit the desired results as states did not notify similar provisions for it. The Bill now ensures a pan-India impact of this move.

Changes in the Bill

The threshold required for government permission for retrenchment has been kept unchanged at 100 employees, as against the proposal for 300 employees in an earlier draft of the Bill, which was opposed by trade unions. Instead, the government has now provided flexibility for changing the threshold through notification. The rigidity of labour laws about laying off labour has often been cited by industry as the main reason limiting scalability and employment generation. **At present, any company having 100 workers or more has to seek government approval for retrenchment.** The provision of fixed-term employment, which helps in the flow of social security benefits to all workers along with making it easier for companies to hire and fire, in The Industrial Relations Code Bill. Last year, the government had included the category of 'Fixed Term Employment Workman' for all sectors in the



Industrial Employment (Standing Orders) Act, 1946. This was only applicable to 'central sphere' establishments, and the states did not follow suit. Finance Minister Nirmala Sitharaman said that workers under a fixed-term contract would be taken up depending upon the seasonality of the industry, but would be treated on a par with regular workers.

Opposition to the Bill

While industry has welcomed the changes, others have said that the unclear provision regarding retrenchment would lead to uncertainty, and discretionary behaviour during implementation by the central or state government. K R Shyam Sundar, labour economist and professor of Human Resources Management at XLRI, said this change tries to please both parties — the employers and the trade unions. "The moment you provide flexibility for the applicability, then it leaves the matter to the discretion to the appropriate government (states or Centre). Then the clause can be misused. Any discretion in law leads to uncertainty, lack of clarity, discriminatory implementation, and provides scope for unnecessary usage. The government should be clear whether to increase the threshold or retain the threshold and face the consequences. This is a kind of appeasement to both sides, which will not actually provide relief to either of them," Prof Sundar said. Also, fixed-term employment needs to be introduced with adequate safeguards, otherwise it runs the risk of encouraging conversion of permanent employment into fixed-term employment, he said.

Welcoming the Bill

Industry has welcomed the Bill since it has met their demand of providing flexibility in retrenchment. M S Unnikrishnan, Chairman, CII National Committee on Industrial Relations, and MD & CEO, Thermax Ltd, said that for more employment in the organised sector, industry would demand flexibility. "The original laws were made at a time when one would join and retire from the same company. Earlier, there were so many interpretations, and simplifying so many laws into four Codes is a good thing. There is no intention of industry to exploit labour, but one cannot run the company to create employment — it has to be commercially viable. "Today we are competing with global players so there should be a level playing field. We want to protect employment as much as possible, when there is commercial viability. There is no unending amount of money available with anyone of us to continue to employ labour when business is not viable," Unnikrishnan said. Fixed-term employment will help in keeping salaries and facilities to workers such as PF, gratuity, and medical benefits, the same as those for permanent labour, he said, adding that inclusion in the central law will help in applicability of fixed-term employment uniformly across the country.

Fixing A Minimum Wage

- On August 8, the President gave his assent to the Code on Wages, 2019, that had earlier been approved by Parliament. The Code, which replaces four laws — the Payment of Wages Act, 1936; the Minimum Wages Act, 1948; the Payment of Bonus Act, 1965; and the Equal Remuneration Act, 1976 — seeks to regulate wages and bonuses for all workers employed by any industry, trade, business or manufacturer. While the Code is now law, the Ministry of Labour and Employment on November 1 published the draft rules for implementing the provisions and sought comments from stakeholders until December 1. Following the consultation, the Centre will notify the rules that will create the mechanisms to fix a floor wage that would then undergird the minimum wages for different categories of workers —



unskilled, semi-skilled, skilled and highly skilled — that the States and Central government would have to set and enforce.

Why Is the Code Significant?

Minimum wages are accepted globally to be a vital means to both combating poverty and, equally crucially, ensuring the vibrancy of any economy. In the aftermath of the 2008 global financial crisis and the erosion of purchasing power worldwide, the International Labour Conference's Global Jobs Pact of 2009 identified "the regular adjustment of wages, in consultation with the social partners" as a means of reducing inequality, increasing demand and contributing to economic stability. The Code acknowledges that the aim in setting the floor wage is to ensure "minimum living standards" for workers and the draft rules incorporate criteria declared in a landmark judgment of the Supreme Court in 1992 as well as recommendations of the 15th Indian Labour Conference. **These include the net calorific needs for a working class family (defined as the earning worker, spouse and two children or the equivalent of three adult consumption units) set at 2,700 calories per day per consumption unit, their annual clothing requirements at 66 metres per family, house rent expenses assumed at 10% of food and clothing expenditure, as well as expenses on children's education, medical needs, recreation and contingencies.** The rules, similarly, cover almost the entire gamut of wage-related norms including the number of hours of work that would constitute a normal working day (set at nine hours), time interval for revision of dearness allowance, night shifts and overtime and criteria for making deductions. A separate chapter of the draft rules also deals with the payment of bonus while another lays down the guidelines for the formation of the Central Advisory Board as well as its functioning.

How Will It Impact the Economy?

A lot will depend on the final floor wage or wages (there could be different floor wages for different geographical areas) that the Centre will choose to set based on its consultations with the Board as well as any State governments it opts to consult with. **While a national minimum wage of ₹176 per day had been recommended in 2017, an expert committee constituted by the Labour Ministry had in February this year recommended that a "need based national minimum wage for India" ought to be fixed at ₹375 per day (₹9,750 per month).** Additionally, the committee had mooted payment of a city compensatory allowance averaging up to ₹55 per day for urban workers. Earlier, in 2015, the Seventh Central Pay Commission had recommended setting the minimum pay for government employees at ₹18,000 per month. And just last month, the Delhi government set a minimum wage of ₹14,842 per month for unskilled workers after the Supreme Court ruled in favour of the local government, brushing aside the objections raised by a plethora of employers' associations. The Finance Ministry's Economic Survey, in July, had in a chapter titled 'Redesigning a Minimum Wage System in India for Inclusive Growth' stressed the importance of establishing an effective minimum wage system. Such a statutory national minimum wage would have multiple impacts including helping lift wage levels and reducing wage inequality, thus furthering inclusive growth, according to the survey. For India to reap the much touted 'demographic dividend', robust wage expansion would ultimately be essential to help buoy consumption-led economic growth.



The Future of Work (Aditi Surie - Sociologist at The Indian Institute for Human Settlements)

- Karnataka Labour Minister S. Suresh Kumar announced on October 21 that the State government will work towards framing guidelines for workers of digital platforms like Uber, Ola, Zomato, Swiggy and UrbanClap, to ensure all relevant labour benefits for those working in the 'gig economy'. Details of implementation are awaited but the Karnataka government is following the tone set by the Centre, which proposed a new draft code on social security this year. Active moves to bring digital labour platforms within the purview of new or existing employment and labour regulations in India have been sorely missing. The Karnataka government's move to add benefits is welcome and can provide a degree of public welfare assistance to a significant and growing workforce in India. Mr. Kumar said, "The government has the responsibility of ensuring social stability... while not creating hurdles for the businesses". This move could possibly sidestep a question that remains open — i.e., whether Uber drivers, for example, are full-time employees of Uber or freelancers. It appears that this will be resolved in the courts or neglected entirely. The Ministry's bid to provide insurance and job security can emerge only with direct acknowledgement of the role played by platforms in city job markets, and not by curbing asset light models or by regulating labour.

Creating Jobs

Governments now actively acknowledge that platforms provide work to the growing demographic of youth in the country. At the moment, the manufacturing sector in India is unable to provide employment opportunities to the youth. There is thus a mismatch between education and job skills in the market. Governments have also been unable to create viable public work schemes in urban areas for those continuously migrating into cities and towns. Private tech, however, has been able to do this, and the government seems to be aware of its potential. Why don't platform companies have to assume responsibility for providing employment and job security? The story goes back to four years ago. MoUs signed between platform companies and various State and Central Ministries over the years show that governments have actively invited companies to create work, entrepreneurial opportunities and skill development. For example, Uber partnered with Ayushman Bharat to facilitate free healthcare for drivers and delivery partners. UrbanClap partnered with the National Urban Livelihoods Mission to generate jobs with minimum assured monthly wages for the urban poor. In cases of informal jobs where it was difficult to identify workers for whom protection was to be given, platforms became vehicles to serve this purpose.

Creating Public Utilities

The ecosystem of public policy, platform work, and the government together can suggest an urban 'Jobs for All', a financialised employment guarantee scheme. The work created by these companies could easily be regulated as public goods in the coming years because it creates mobility and facilitates the movement of goods. An increasing number of these jobs has been created through incentivised demand using cashbacks, coupons, low fares, and even free services rather than through natural demand. Platforms have created public utilities that may not have been needed before via what is often low-skilled and poor-quality work, but it is work that brings in some earnings. They have given urban workers a financialised, self-driven, optional economic safety net of 'having a job, having a gig'. Since



investment around new technology is especially attractive for developing economies, what does this mean for the state of employment in Indian cities? The strength or ability of labour regulation to push companies to deliver full formal employment in a financialised world of work seems poor. If the relationship between platform companies and national and State government continues this way, where do labour institutions and workers unions stand? Platform companies rely on city markets for their workers to populate the platform and to hopefully eventually turn a profit just as much as governments look to platforms to generate work opportunities. The Karnataka Social Welfare Department signed an MoU with Uber last year to create work opportunities for Scheduled Caste and Scheduled Tribe youth. As we see the platform ecosystem mature and contend with having to turn a profit as demand dips and stabilises, where does this mutual dependency take the urban resident who uses these platforms to earn a living? Does it imply an even further reduced importance of 'employment' as a way for social security to be delivered? It could also herald a time where platforms can be asked to perform more public functions like implementing a minimum wage.

Life & Science

Long-Standing Conundrum on The Sun's Atmosphere Solved

- The Sun is one of the most familiar celestial objects – it is on the sky everyday. Yet, it harbours many a puzzle for the solar physicist. One of the puzzles concerns its surface and atmospheric temperature. An international team of researchers including one at Indian Institute of Astrophysics, Bengaluru, has had a go at this question. These observations may have unravelled why the **Sun's atmosphere is hotter than its surface. The temperature at the core of the Sun is nearly 15 million degrees Celsius, while that at its surface layer, known as the photosphere, is merely 5,700 degrees C.** The natural thing to expect is that still further outwards, in its atmosphere, known as the corona, the temperatures would be comparable to that at the surface (photosphere). **However, the temperature of the corona is much higher.** It starts increasing outside the photosphere, reaching a value of about one million degrees or more in the corona.

Coronal Heating Puzzle

One would expect that as there are no extra sources of heat, when you move away from a hot object, the temperature steadily decreases. However, with respect to the Sun, after dropping to a low, the temperature again rises to one million degrees in the corona which stretches over several million kilometres from the surface of the Sun. This implies there should be a source heating the corona. The puzzle of coronal heating has been tackled by many theories. Now, in a paper published in Science, the team of solar physicists has made observations and matched it with an analysis that explains this conundrum.

Spicules in The Sun

The key to the puzzle lies in **geyser-like jets known as solar spicules that emanate from the interface of the corona and the photosphere.** While in a photograph these look like tiny hairlike projections, they are in fact **200-500 kilometres wide and shoot up to heights of about 5,000 km above the solar surface.** It has been suspected that these spicules act as conduits



through which mass and energy from the lower atmosphere bypass the photosphere and reach the corona. The present study, led by Tanmoy Samanta and Hui Tian of Peking University, China, has deciphered how these spicules form and also shows that they act as conduits through which hot plasma is carried into the corona region. "The coronal plasma emits light in extreme ultraviolet. We find an increase in coronal intensity (emission) as spicules propagate upwards," he explains. The team did their observations using the **1.6-metre Goode Solar Telescope at the Big Bear Solar Observatory (BBSO), the world's largest solar telescope, with the NIRIS instrument**. The researchers also matched these observations with simultaneous observations from the Atmospheric Imaging Assembly in NASA's Solar Dynamic Observatory spacecraft.

Frequent Images

The research involved taking many high-spatial-resolution images of the same region of the Sun within a short time. This is known as high-cadence. "Since spicules have a very short lifetime - from 10 to 100 seconds - to understand their dynamics, we need a higher cadence. This is also a limiting factor of many solar telescopes," says Dr Samanta. The key findings are that bursts of spicules originate from the boundaries of web like networks of magnetic structures in the surface.

ISRO Uses Satellite Data to Gauge N. Korea's Nuclear Test Impact

- ➔ Scientists at the Indian Space Research Organisation (ISRO) have used a novel mathematical technique and analysed satellite images to estimate the strength of North Korea's underground nuclear test of September 2017. Those tests are considered the most powerful thermonuclear devices to have been exploded by the country. In the normal course, the detection and estimation of nuclear device explosions is based on the reading of earthquake monitoring sensors. However, North Korea's relative isolation has meant that there were no accessible seismic stations near the test site at Mount Mantap, Punggye-ri, to accurately gauge the intensity of the explosion, and how deep into the earth the device was detonated. Such information is also important for determining the type of bomb, and consequently, the degree of know-how the detonating country possesses.

Test Site

"We inferred the location of the source as 129.0764°E, 41.0324°N at a depth of about 540 m below Mt. Mantap. The explosive yield estimated (245-271 kt) is about 17 times that of the Hiroshima explosion," the authors noted in a paper. "We inferred that the uncertainties in yield and source depth estimated using the **Bayesian modelling of InSAR data** were significantly less than that of seismic methods." The findings were published in the Geophysical Journal International. For the analysis, researchers K.M. Sreejith, Ritesh Agrawal and A.S. Rajawat **used images of the location after the explosion, sourced from the ALOS-2, a Japanese satellite, and Sentinel 1B, a European radar imaging satellite. InSAR refers to the interferometric synthetic aperture radar and is a radar technique used to generate maps of how a place would look after an earthquake, or a detonation. While other groups have also used InSAR based approaches to estimate impact from a detonation, the ISRO group claims to have used a mathematical technique called Bayesian inversion that can correct for errors associated with InSAR data.** These estimates, of a yield of 250 kiloton, are in line with an



assessment this June by U.S. scientists, who said that the 2017 test was about 10 times more powerful than the tests first conducted by North Korea in 2016.

Understanding Space Internet

- The SpaceX, the world's leading private company in space technology, last week fired a spray of 60 satellites into orbit, the first operational batch of what is intended to eventually evolve into a constellation of nearly 12,000 satellites aimed at providing low-cost and reliable space-based Internet services to the world. The Starlink network, as the project is called, is one of several ongoing efforts to start beaming data signals from space, and also the most ambitious. The first batch of Starlink satellites — also numbering 60, and similar in configuration to the ones launched on November 11 — went up on May 24, but they will not be part of the network. SpaceX announced the satellite Internet constellation in January 2015, and launched two test satellites in February 2018. Following last week's launch, the company has now deployed 122 satellites in orbit. In October, SpaceX appeared ready to scale up its ambition, telling the **International Telecommunication Union (ITU)** in filings through the United States Federal Communications Commission (FCC) that it intends to deploy another **30,000 Starlink satellites in Low Earth Orbit (LEO)** in coming years. **The ITU is the United Nations specialised agency for information and communication technologies, with a membership of 193 member states, some 900 companies, universities, and international and regional organisations.** The FCC is the statutory communications regulator of the US.

Why Is It Necessary to Launch Satellites in Order to Provide Internet Services?

This is mainly to ensure that reliable and uninterrupted Internet services — now part of humanity's basic infrastructure and an important means of delivering a wide variety of public services to the world's peoples — are universally available in every part of the globe. **Currently, about 4 billion people, more than half the world's population, do not have access to reliable Internet networks. And that is because the traditional ways to deliver the Internet — fibre-optic cables or wireless networks — cannot take it everywhere on Earth. In many remote areas, or places with difficult terrain, it is not feasible or viable to set up cables or mobile towers.** Signals from satellites in space can overcome this obstacle easily.

How Old Is This Idea of Space Internet?

Space-based Internet systems have, in fact, been in use for several years now — but only for a small number of users. **Also, most of the existing systems use satellites in geostationary orbit. This orbit is located at a height of 35,786 km over the Earth's surface, directly above the Equator. Satellites in this orbit move at speeds of about 11,000 km per hour, and complete one revolution of the Earth in the same time that the earth rotates once on its axis. To the observer on the ground, therefore, a satellite in geostationary orbit appears stationary.**

So How Will Placing Satellites in Lower Orbits Help?

One big advantage of beaming signals from geostationary orbit is that the satellite can cover a very large part of the Earth. **Signals from one satellite can cover roughly a third of the planet — and three to four satellites would be enough to cover the entire Earth. Also, because they appear to be stationary, it is easier to link to them. But satellites in geostationary orbit also have a major disadvantage. The Internet is all about transmission of data in (nearly) real**



time. However, there is a time lag — called latency — between a user seeking data, and the server sending that data. And because data transfers cannot happen faster than the speed of light (in reality, they take place at significantly lower speeds), the longer the distance that needs to be covered the greater is the time lag, or latency. In space-based networks, data requests travel from the user to the satellite, and are then directed to data centres on the ground. The results then make the same journey in the reverse direction. A transmission like this from a satellite in geostationary orbit has a latency of about 600 milliseconds. A satellite in the lower orbit, 200-2,000 km from the Earth's surface, can bring the lag down to 20-30 milliseconds, roughly the time it takes for terrestrial systems to transfer data. The LEO extends up to 2,000 km above the Earth's surface. The Starlink satellites — the 12,000 for which SpaceX has permission, as well as the other 30,000 that it wants to launch — will be deployed in the altitude band of 350 km to 1,200 km. But lower orbits have their own problem. Owing to their lower height, their signals cover a relatively small area. As a result, many more satellites are needed in order to reach signals to every part of the planet. Additionally, satellites in these orbits travel at more than double the speed of satellites in geostationary orbit — about 27,000 km per hour — to balance the effects of gravity. Typically, they go around the Earth once every few hours. To compensate for the fact that they cannot be seen from a terrestrial location for more than a few minutes, many more satellites are needed in the networks, so that there are no breaks in the transmission of data. That is the reason why the Starlink network is talking about 42,000 satellites.

By When Will Starlink Be Able to Provide Its Space-Based Internet Service?

Starlink aims to start service in the northern United States and Canada in 2020, and expand to cover the whole world by 2021. The current plan is to deploy satellites in two constellations of around 4,400 and 7,500. Launches — 60 satellites at a time — will take place at frequent intervals now onward. SpaceX says it can start services on a small scale once 400 satellites join the network. Several other private companies too, have plans for space-based Internet services. These include Amazon, OneWeb and O3B (apparently named for the 'Other Three Billion'), each involving large constellations of satellites in lower and middle Earth orbits — but these projects are very small compared to Starlink. Once operational, space-based Internet networks are expected to change the face of the Internet. Services such as autonomous car driving are expected to be revolutionised, and the Internet of Things (IoT) can be integrated into virtually every household, whether urban or rural.

Is There A Downside to This Projection?

Three issues have been flagged — increased space debris, increased risk of collisions, and the concern of astronomers that these constellations of space Internet satellites will make it difficult to observe other space objects, and to detect their signals. To put things in perspective, there are fewer than 2,000 operational satellites at present, and fewer than 9,000 satellites have been launched into space since the beginning of the Space Age in 1957. Most of the operational satellites are located in the lower orbits. On September 2 this year, the European Space Agency (ESA) had to perform, for the first time ever, a "collision avoidance manoeuvre" to protect one of its live satellites from colliding with a "mega constellation". Astronomers and scientists have also complained about increased "light-pollution", a reference to light reflected from the man-made satellites that can interfere with — and be mistaken for — light coming from other heavenly bodies.



ISRO Gets Set for Launch of Cartosat-3

- The Indian Space Research Organisation (ISRO) returns to launching its operational satellites this month after a hiatus of six months. **Cartosat-3, an advanced earth imaging and mapping satellite**, will be flown on November 25 on the **PSLV-C47** vehicle, subject to weather conditions, the space agency announced. The 1,560 kg satellite will have 13 small U.S. customer satellites riding as secondary passengers. They will be placed in a polar orbit. Although ISRO sent up Chandrayaan 2, the lunar orbiter probe, in July, its previous functional satellite was RISAT-2B, launched in May. Cartosat-3, with an ISRO-best resolution of 25 cm, will be the first of a series of high resolution, third generation satellites planned for observing the Earth. **The satellite will be able to pick up objects of that size (25 cm) from its orbital perch about 509 km away.** This will make Cartosat-3 among the few sharpest civil earth imagers worldwide.

What Is Idris Elba?

- In the Marvel Cinematic Universe, British actor Idris Elba stars as Heimdall. The character has an almost namesake: Heimdallr, a Norse deity believed to be the sole protector of the bridge linking the human world and the realm of the gods. Now, scientists have given the name Idris elba to a species of wasp that is again a protector — of crops. The wasp, recently discovered in Mexico, was found living as a parasite in the eggs of another insect, known as the bagrada bug, which is a major pest of cruciferous vegetables. In fact, the genus Idris already exists, having been described in 1856. It now contains over 300 species, including the newest one discovered and given the species name elba. While other species of the Idris genus were known to only parasitise spider eggs, specimens of Idris elba have now been found to emerge from eggs of the bagrada bug.

'Avian Botulism' Reason for Bird Deaths Near Sambhar Lake

- The **Indian Veterinary Research Institute (IVRI), Bareilly**, confirmed **avian botulism** — a **neuro-muscular illness caused by a toxin which is produced by a bacterial strain** — as the reason for mass mortality of birds, including migratory species from Northern Asia, at Sambhar Lake in Rajasthan. The laboratory tests conducted on the samples of carcasses collected from the lake confirmed the disease infecting the birds, the probability of which was earlier stated by veterinarians in the State. The illness, caused by a bacterium called **Clostridium botulinum**, affected the nervous system of birds, leading to flaccid paralysis in their legs and wings and neck touching the ground. More than 18,000 carcasses of birds have been removed from the lake and its catchment area so far, raising concern among environmentalists and ornithologists. The scientists at IVRI found the samples infested with maggots of third stage with a clear indication that the avian mortality had occurred over a period of time. Animal Husbandry Minister Lal Chand Kataria said the IVRI report had approved the regimen of treatment adopted for birds recovered from the lake's shores. Located 80 km south-west of Jaipur, **Sambhar Lake is India's largest inland saline water body** and has been designated as a wetland of international importance, attracting thousands of migratory birds during winter. A Bhopal-based laboratory had earlier ruled out avian flu as the cause of deaths of birds after examining the viscera. The post-mortem of two bird carcasses by a Bikaner-based research organisation had concluded that bacterium Clostridium botulinum had entered from the soil into the meat of some dead birds.



Have There Ever Been So Many Bird Deaths In India? What Can the Cause Be?

No, never. The Salim Ali Centre for Ornithology and Natural History in Coimbatore and Wildlife Institute of India (Dehradun) will give you the causes.

How Well Has the Government Handled the Situation?

The government does not have the capability to handle such a crisis; they are overwhelmed by an unexpected calamity. But whom should we blame? The Forest Department does not even have an office there. Personnel from the Animal Husbandry Department personnel have been sent there but they don't even have access to drinking water, let alone make a cup of tea, because the water is saline.

What Are the Issues at Sambhar That Need To Be Addressed Immediately?

There is no document about management of Sambhar Lake. World Wildlife Fund had created a document about 22 years ago, and it is now outdated. A fresh document should study why the water from four rivers, which flows into the lake, has decreased over the years. It should study the hydrology, sedimentation, the increase or decrease in depth of the lake, as well as birds, animals, their food sources, etc.

In 2016, National Green Tribunal Had Acted on A Complaint That Alleged the Presence of Illegal Salt Pans at Sambhar Lake. Are Those Still Active?

Dher saarey, plenty of them. And all belong to politicians, sarpanches, MLAs, MPs, ministers. More are in Nagaur. But there is no one to share this information as there is no one who is answerable. For example, Jaipur Development Authority and Jaipur Municipal Corporation are ready to talk about Jaipur, but there is no one for Sambhar. The death of birds should make the government take concrete steps.

What Birds Have Been Found Dead?

Sambhar Lake is India's largest inland saltwater lake at 230 sq. km, spread mostly across Jaipur and Nagaur districts and also a part of Ajmer. It has a catchment area of 5,700 square km, with the water depth fluctuating between 60 cm in the dry season to about 3 metres at the end of the monsoon. Every year, the lake attracts thousands of migratory birds. A total 83 species of water birds have been recorded at the lake, the most abundant of which are little grebe, great crested grebe, great white pelican, little cormorant, black stork, and darter, apart from various species of plovers, egrets, herons, and geese. Birds of about 25-30 species have now been found dead, including northern shoveller, Brahminy duck, pied avocet, Kentish plover and tufted duck. The trend began on November 10 when visitors found a large number of dead birds. More and more were found over the next several days.

But Why Is It Taking So Long to Establish the Cause of Death?

The government is waiting for reports from various sources to establish the exact cause. It has so far engaged eight institutions and agencies, but has received complete reports from only two: **RAJUVAS** (Rajasthan University of Veterinary and Animal Sciences, Bikaner) **and the National Institute of High Security Animal Diseases (NIHSAD) in Bhopal**. While RAJUVAS has suggested avian botulism, NIHSAD has ruled out bird flu. Partial reports have been received



from the **Wildlife Institute of India, Dehradun**, and the Rajasthan State Pollution Control Board. Samples were also sent to **Indian Veterinary Research Institute, Bareilly**; the **Salim Ali Centre for Ornithology and Natural History (SACON) in Coimbatore**, the **Bombay Natural History Society**, and the **Sambhar Salt Limited joint venture**.

Is There A Concern for Human Health?

Humans are primarily at risk from avian botulism only if they eat infected fish or birds. While NIHSAD has ruled out bird flu, this was what was feared initially. Personnel were directed to adopt appropriate prophylactic measures such as use of masks and gloves and burial of carcasses in deep pits with limestone.

How Common Is Avian Botulism?

There have been several waterfowl botulism outbreaks. Between 1995 and 1997 in Canada, an estimated 1,00,000 birds died in Alberta, 1,17,000 in Manitoba, and 1 million in Saskatchewan. In 1997, another 5,14,000 birds died due to botulism in Green Salt Lake, Utah, US. In 1952, an epizootic outbreak killed 4-5 million waterfowl across western US.

What Are the Reasons That Make Salt Concentration A Concern?

In a 2016 directive, the National Green Tribunal had noted the impact of the salt industry — including “unauthorised salt pans” — on the ecosystem of Sambhar Lake and asked the state government to cancel allotment of salt pans. Over the last week, the Wildlife Institute of India, the State Pollution Control Board and Sambhar Salts Ltd have collected samples to test for water quality. Part of the lake has been leased to Sambhar Salts, a joint venture of Hindustan Salts Limited and the state government. Sambhar Salts produces 196,000 tonnes of clean salt every year, which is around 9 per cent of India’s salt production. **The lake was recognised as a wetland of international importance when it was designated as a UNESCO Ramsar Site in 1990. Today, as per NGO Wetlands International, it has the worst possible Wetland Health Score at E.**

Fake ‘Horns’ in The Lab

- The main reason why rhinos of all species are poached, including the one-horned Indian rhinoceros found mostly in Assam, is that there is a market for its horn. **In Chinese traditional medicine, the rhino horn is believed to have medicinal and other health benefits, including working as an aphrodisiac — an idea that remains a threat to rhino populations.** Now, researchers have proposed a solution — fake horns. They have described a method for creating fake “rhino horns” using horse hair, and suggested that if the market could be flooded with these, then the demand for real rhino horns would go down. The proposal has been met with incredulity by rhino conservation experts in India.

What the Research Claims

Scientists from the University of Oxford and Fudan University, Shanghai, have described their method in a paper in the journal Scientific Reports. They have suggested that the method will provide a blueprint to create “credible fakes” that could eventually flood the rhino horn market. **Unlike the horn of a cow, at the core of which is live bone, the rhino’s horn is actually**



a tuft of hair that grows, tightly packed, and glued together on the nose by a mass of cells and fluid. The scientists relied on the horse, which is the rhino's near relative, bundled together its tail hairs and glued them together with a matrix of regenerated silk. These sample structures, they have reported, were similar to real rhino horn in look, feel and properties, as shown by analytical studies. In order to confuse the market, the authors stressed, plausible copies should be simple to produce while being similar. The composite they created is easily moulded into a "rhino horn copy" with a microstructure that, when cut and polished, is remarkably similar to that of the real horn, they said. The composition and the method of preparation should be the same for Indian and African rhinos, co-lead author Fritz Vollrath, professor of zoology at Oxford, told The Indian Express in reply to a question. In a statement on the Oxford website, Vollrath said, "We leave it to others to develop this technology further with the aim to confuse the trade, depress prices and thus support rhino conservation."

Questions Over Effectiveness

If fakes do infiltrate the market, the question is whether buyers will eventually become conscious enough to avoid them. In India, rhino conservation experts were unconvinced when the study was brought to their notice. "... Whether fake or real horn trade, the intention is to make money. So, this is not going to help rhinos in the wild, either way!" Talukdar said. Amit Sharma, head of Rhino Conservation, World Wildlife Fund, noted he has not seen the study, "but my view is that people are always looking for genuine products as they value it. This is true for any commodity. There will always be check and balance especially for products of high value and demand." At Kaziranga National Park, home to over 2,000 rhinos, the number of rhinos poached has decreased from 27 in 2014 to six in 2017. For these horns, too, the market is China. Talukdar said in the last few years horns from Assam, and North Bengal, are being transported to China via Myanmar.

Why Broiler Chicken Is Sometimes Chewy

- Consumers who alternate between broiler and desi chicken will identify countless points of difference. One of these is that broiler chicken can sometimes be hard to chew. Now, researchers believe they have found the reason why.

What Affects Broiler Chickens

The condition is called **wooden breast syndrome**. When it affects broiler chickens, it makes the meat hard and chewy. It is a costly problem that can render the birds unmarketable and cause losses for growers. The first stage of the condition involves inflammation of the veins in the breast tissue and accumulation of lipid around the affected veins. Over time, this is followed by muscle cell death and replacement by fibrous and fatty tissue. This was found during previous research from the University of Delaware, which also carried out the new study identifying the cause of the condition.

The Enzyme and The Fat

The researchers identified an enzyme called **lipoprotein lipase** as likely contributing to wooden breast syndrome in broiler chickens. Lipase is crucial for fat metabolism. The team, led by Behnam Abasht, animal and food scientist at the University of Delaware, has



suggested the disease is a metabolic disorder characterised by abnormal fat accumulation in the breast muscle tissue. They arrived at this conclusion by studying irregularities in gene expression, the process by which information from a gene is used in the creation of products such as proteins. At the onset of wooden breast syndrome, they found, the expression of lipoprotein lipase was higher in affected chickens, leading to fatter accumulating in the breast muscles. This is an irregularity because breast muscle fibres in chicken typically rely on sugar molecules for fuel, not fat molecules.

Why It Matters

In a statement, the University of Delaware said the findings could help drive short-term solutions for growers to manage the condition through supplements, or to reduce the number of birds that develop the condition. While the United States leads production of broiler chickens worldwide, the university noted that wooden breast syndrome is a concern around the world, too. It said the findings could also provide potential markers to identify chickens that will develop the disease. The researchers had compared the signals found in commercial broiler chicken at different ages. They found signals consistent with the fact that young chickens may be showing the same changes as market-age broiler chickens with wooden breast syndrome, even before the disease shows up. The university suggested that the research also could inform human health research on metabolic syndromes, such as diabetes and atherosclerosis, which is associated with fatty deposits in the arteries. From the other perspective, the team is now combing literature for treating diabetes to see if there are ways to apply similar approaches to help broiler chickens avoid — or cope — with wooden breast syndrome.

Superbug Crisis: Are Doctors to Blame? (Abdul Ghafur - Coordinator of The Chennai Declaration)

- ➔ Antimicrobial resistance (AMR) is considered one of the most significant challenges the world faces today. To keep it simple, let us use the term **superbug crisis** instead of AMR. Globally, thousands succumb to untreatable superbug infections on a daily basis. Irrational antibiotic usage is a major reason behind this.

Major Causes

Are doctors to blame for the crisis? Excessive usage of antibiotics creates resistance, and doctors are notorious for this. But it may surprise many that **over two-thirds of the antibiotics manufactured by the pharmaceutical industry are used as growth promoters for poultry and cattle**. An article published this year in Science points out that globally 73% of all antimicrobials sold are used in animals raised for food. The remaining one-third is used to treat human ailments. Of this, the common public purchases more than half without a doctor's prescription, according to WHO. That leaves us just 15% of the global antibiotic production for the doctors to use and misuse. Let us say doctors utilise half of this for rational indications. Hence, doctors have to bear the cross for 10% or less for global antibiotic misuse. Antibiotic stewardship is considered to be the most important intervention to tackle super bug crisis. A remarkable, though unachievable, 100% success of antibiotic stewardship among doctors to rationalise antibiotic use can correct only one-tenth of the global antibiotic misuse. Should we not invest our limited resources and efforts in other more fruitful



components? Over the last 10 years, antibiotic stewardship efforts by various medical societies in our country and other stakeholders including the Chennai Declaration have significantly raised awareness of the super bug problem among the medical community. It is doubtful whether this awareness translated into rational antibiotic usage. Lack of infrastructure and inadequate diagnostic facilities in our health-care sector is one of the major triggers of the irrational antibiotic use by doctors and the public. Unless we correct the root causes, it is very unlikely that in a country like India with a million doctors and half a million pharmacies, rational antibiotic usage can ever be implemented. I do not dare question the relevance of antibiotic stewardship as a patient safety measure. Rational antibiotic use is choosing the right drug at the right dose at the right time. No doubt this is one of the cornerstones of modern medicine practice. Successful antibiotic stewardship programmes may make some impact in countries with good sanitation standards. However, it is doubtful whether this component will make any real difference in superbug rate in developing countries.

Priority Factors

Improving cleanliness in hospitals and sanitation in the community is much more important than antibiotic stewardship. In countries with high existing superbug rate and sanitation issues, rational antibiotic use, unless it is comprehensive, may not help reverse the rate or halt its progression. There are many scientific publications that underscore this argument. There is no conclusive evidence to support antibiotic stewardship as an effective measure to reduce the Gram-negative superbug bacteria, such as E. coli and Klebsiella, the most prevalent group in South Asia.

Mistaken Notion

Unfortunately, the medical community is under the erroneous impression that doctors created the superbug crisis. It is high time doctors come out of this. The medical community must emerge from the never-ending antibiotic stewardship rituals, especially those backed or orchestrated by the pharmaceutical industry. Doctors are the most enlightened ones on superbug crisis. If they don't realise their own folly, future generations will indeed blame the medical community for the superbug crisis, but for an entire different reason — self-deception!

What to Read in Ozone Hole Size?

- While ongoing and predicted impacts of climate change have been bringing an almost daily reminder of an impending catastrophe, there is some good news on another environmental danger. An "ozone hole", which builds up over the Antarctic region this time of the year, has been found to be the smallest since it was first discovered in the 1980s. This comes just a month after the UN Environment Programme said that the ozone layer was on track to be completely restored within "our lifetime" itself. **Depletion of the ozone layer, which protects the planet from the harmful ultraviolet rays of the sun, was considered as grave a threat to the planet in the 1980s and 1990s as climate change is now.** Over the years, however, that threat has largely dissipated, as the world has banned the production and consumption of most of the "ozone-depleting substances". However, it will take another 15-45 years for the ozone layer to be fully restored.



Why Is Ozone Important?

Ozone (chemically, a molecule of three oxygen atoms) is found mainly in the upper atmosphere, an area called stratosphere, between 10 and 50 km from the earth's surface. Though it is talked of as a layer, ozone is present in the atmosphere in rather low concentrations. Even at places where this layer is thickest, there are not more than a few molecules of ozone for every million air molecules. But they perform a very important function. By absorbing the harmful ultraviolet radiations from the sun, the ozone molecules eliminate a big threat to life forms on earth. UV rays can cause skin cancer and other diseases and deformities, in plants and animals. During experiments in Antarctica in the early 1980s, scientists noticed that during September-November, the concentration of ozone fell considerably lower to what was recorded in the 1950s. Studies and satellite measurements confirmed the depletion, and by mid-1980s scientists narrowed down on a class of industrial chemicals like chlorofluorocarbons, or CFCs, as the likely culprits.

What Causes the Ozone Hole?

The 'ozone hole' is not really a hole. It is a region in the stratosphere, directly above Antarctica, where the concentration of ozone has been measured to become extremely low in certain months. Depletion is not limited to that area and has happened in other regions of the stratosphere as well, but a set of special meteorological and chemical conditions that arise over the Antarctica in the months of September, October and November make the problem much more acute there. NASA recently reported that this ozone hole, which usually grows to about 20 million sq. km in September, was less than half that size this year, the smallest it has ever been during this time after being discovered.

Is This A Major Gain?

NASA said that this could have happened because of an extraordinarily high temperatures in the stratosphere this year, rather than the ongoing human efforts to contain the ozone depletion. Scientists have reported that temperatures in some areas of the stratosphere — usually over 100 degrees below zero — were 30° to 40°C higher than normal in September this year. At least two such extraordinary warming of the stratosphere has been observed in the past, and on both those occasions the ozone hole was also measured to be smaller than usual. But scientists are not sure why this warming happens. This warming has no observed connection with the warming in lower atmosphere that leads to climate change. But while this gain might be temporary, the depletion in the ozone layer is consistently being contained, thanks to global efforts to ban the use of harmful chemicals that destroy ozone. CFCs and similar chemicals were being widely used industrial applications like refrigeration, air-conditioning, foams, fire-extinguishers and solvents. A 1989 global agreement, called Montreal Protocol, organised international consensus on phased elimination of these chemicals. In subsequent years, the agreement has ensured the phase-out of over 90 per cent of these chemicals. Two years ago, an amendment to the Montreal Protocol cleared the way for a faster elimination of another set of similar compounds, called hydrofluorocarbons, or HFCs, which were being used as temporary replacements for CFCs. The impact on the ozone layer has been encouraging. In September this year, the UN Environment Programme said that the ozone layer over some areas in the northern hemisphere could be completely restored to their pre-1980 levels by as early as the 2030s. The Antarctica ozone hole could be



completely healed by the 2060s, it said. Parts of the ozone layer had recovered at the rate of 1 to 3 per cent every ten years since 2000.

What Does It Mean for Climate Protection Efforts Overall?

Because of its success in eliminating ozone depleting substances, the Montreal Protocol is often cited as a model for the problem of climate change. The example, however, is not very suitable. The chemicals that were dealt with by the Montreal Protocol were used in only some specific sectors and their replacements were readily available, even if at a higher cost differential at that time. The economic impact of banning these chemicals, and the disruption it caused, was limited to these sectors. Over the years, these industrial sectors have managed a relatively smooth transition. Climate change, caused by greenhouse gas emissions, is a much more complex, and all-pervasive, problem. The emission of carbon dioxide happens from the most basic of all activity — production and consumption of energy. **All other activities require energy to drive them, and therefore there is no escaping carbon dioxide emissions. Even the so-called renewable energies have a carbon footprint. Reduction in carbon dioxide emissions affects economic activity and, in turn, the living standards of people. That is why climate change agreements like the Kyoto Protocol could achieve very little till now, while Paris Agreement faces an uphill task.**

India's Efforts Towards Mitigating Climate Change

- At the recently held meeting on climate change at the U.N. in New York, the Swedish school student Greta Thunberg directed two scathing statements towards the attending representatives of over a hundred nations. One was, "You have stolen my childhood with empty words," and the other: "You all come to us young people for hope (in mitigating the damage...). How dare you?" As Krishna Kumar's perceptive analysis of her statements showed, the audience did not own up that their industries were responsible for the climate change; instead they agreed upon comfortable targets of decades for the reduction of carbon emission. As he points out, not only the richer nations but also the richer people in every nation continue to believe that they can buy relief and escape from the consequence of climate change for their progeny. It is because of the carbon-rich fossil fuel-burning which started during the Industrial Revolution of the 1750s till today that the globe has warmed by about 2 degrees, affecting the lives of humans, animals, plants, and microbes. Oceans are warmer, icebergs are melting, and hence Greta's J'accuse.

India's Challenge

It was in 2015 when nations across the globe met in Paris, and 197 signatory countries have promised to own up and to limit the increase to no more than 1.5 degrees over the pre-industrial levels by 2030. India is one of them. Vishnu Padmanabhan, in his blog, points out the four big climate challenges for India. India has promised to cut its emission intensity by 33-35% by the year 2030, as compared to 2015 levels. It looks like this is desirable and achievable. First challenge: Most of India's emissions come from energy (largely coal-based) production (68%), industry (20%), agriculture, food and land use (10%). It becomes vital that we use other means of energy, produced by, for instance, hydroelectric power, windmills, solar power, nuclear power and others. **India hopes to produce 40% of its energy from such non-coal sources.** Next, turning to agriculture, land use and water resources, these too contribute to climate change. How? The minimum support price, subsidies, free 24-hour

Shatabdi Tower, Sakchi, Jamshedpur



electric power supply, and water-intensive crops are some. It is high time we restrict these and take to proven methods, and work on innovative ones. Some of these are **drip irrigation (as Israel has done), aerobic cultivation (a water-saving agronomic practice, and researching on improving specific traits that lead to better roots that go down to deeper levels in the ground, as initiated by the University of Agricultural Sciences, Bengaluru), better and more nutritious grains. Doing these on rice — a major water-guzzling plant of India — will go far in water conservation. More nutritious varieties such as the new Samba Masoori (developed at CCMB and NIPGR, which is incidentally lower in carbohydrate, hence good for diabetics) should be promoted among farmers.** Stubble burning must stop; we need to find better ways. This is no 'rocket science'; Indian scientists and technologists can and should find ways that are better and safer. The third is to bring down atmospheric CO₂ levels through natural means. Forestation and planting of local varieties of trees must increase. Here, it is worth following the steps taken by the Philippines government. Each student there must plant and nurture 10 locally-suited trees before he/she gets a school certificate/ college degree. Note that **local trees absorb water and send it down to earth.** India has planned to create additional 'carbon sinks' through forestation and tree plantation, so as to bring down 2.5-3 billion tonnes of CO₂.

Health Issues

Several publications have focused on how climate change and global warming has gradually become injurious to health. **As we burn more fossil fuel, the temperature rise, associated heat wave and heavier rain make perfect conditions for insects (and the germs/viruses they host) to thrive. Thanks to the warmer climate, water-borne diseases such as cholera, diarrhoea, as well as malaria, dengue and chikungunya have increased in numbers and in geographical spread across hilly, cold as well as warm deserts and sea coasts.** Rising sea surface temperatures increase tropical cyclones and storm surges, leading to polluted water, insanitary conditions, population displacement, toxic exposures, hunger and malnutrition across the Bay of Bengal and Arabian Sea coast. Some are transmitted from animals to humans and of course human-to-human. The latest example is Nipah virus, transmitted by bats to humans. It is here that we should appreciate the prompt action taken by Kerala government in arranging to isolate people, work with biological labs in India and abroad to identify more such initiatives from State and Central governments. Happily enough, many of our labs and drug companies are involved both in-house and collaborative research in order to design drugs from India's natural plant sources, biosimilars, repurposing known drugs for other ailments and vaccines. We will be able to rise to the occasion and can even be world-leaders in this field. Note how our drug and biotechnology companies have provided drugs to the needy across the world at affordable costs, how just a handful of vaccine companies in India supply almost 40% of the world's childhood vaccines and how some of them are already working on vaccines for other current epidemics.

Collapse of Ancient Civilisation Linked to Megadrought

- The Neo-Assyrian Empire — that thrived between 800 and 600 BCE centred in northern Iraq, extending to Egypt — may have collapsed due to a 60-year, climate related megadrought, according to a study. The researchers, including Indian-origin scientist Ashish Sinha at California State University in the U.S., said the Neo-Assyrian Empire was by far the largest empire in the region up to that time, controlling much of the territory from the Persian Gulf



to modern day Cyprus. The study, published in Science Advances, noted that climate-related factors contributed to political instability, civil wars, and invasion by outside armies, that ultimately led to the civilisation's collapse. The researchers said the Neo-Assyrian Empire experienced a series of megadroughts that probably triggered its collapse by weakening agriculture and amplifying conflict. They analysed fossilised drip water in the Kuna Ba Cave in northern Iraq and assessed the quantities of radioactive isotopes, or variants, of oxygen and carbon atoms present across different layers of the cave formations to infer historical time based on changes in precipitation. "Because the isotope record went all the way up to 2007 CE, we were able to correlate the stable carbon and oxygen isotope ratios with modern instrumental climate information from the region. This has enabled us to compare the modern isotope data with ancient layers," Adam W. Schneider, study co-author from University of Colorado, Boulder, explained. The researchers found that the megadroughts that affected the empire started decades earlier than previously thought. Climate-related factors have contributed to the collapse of several empires in history.

Disney+ And the Future of Video Streaming

- ➔ Disney+, the new streaming service with exclusive content from Walt Disney Company's vast bank, is off to a big start. Disney+ launched in the US, Canada and the Netherlands on November 12, and according to the company, has already got 10 million subscribers signed up in just under two days. It also launches at time when on-demand video streaming services continue to grow in popularity across the world. Among other big players, Apple launched Apple TV+ on November 1.

What is Disney+?

It is the premium streaming service starting at \$6.99 per month in the US with on-demand video. It will feature exclusive content from Disney. Like Netflix, Amazon Prime Video, Hulu, and others, Disney+ will also introduce its own original content. One of the most talked about of these is The Mandalorian, the first-ever live-action Star Wars series. Disney+ subscribers get access to four concurrent streams, and unlimited downloads on up to 10 devices. It will support setting up of seven different profiles. Parents will also be able to set up Kids Profiles to ensure age-appropriate content.

When Will Disney+ Launch in India?

Disney+ is launching in US, Canada and the Netherlands for now. It will launch in Australia, New Zealand and Puerto Rico on November 19, followed by countries in Western Europe – including the UK, France, Germany, Italy and Spain – on March 31, 2020. Regarding India, there's no word, except from Hotstar, the streaming service owned by Star Networks that in turn is owned by Walt Disney Company. Hotstar has been tweeting that it will bring Disney+ to India. It is not clear if Disney+ will be bundled in the existing price of Hotstar (₹299 per month or ₹999 per year) or whether the prices will be increased for Hotstar. Already some of the Disney exclusive content such as the Avengers movies are showing on Hotstar.

How Will One Stream Disney+?

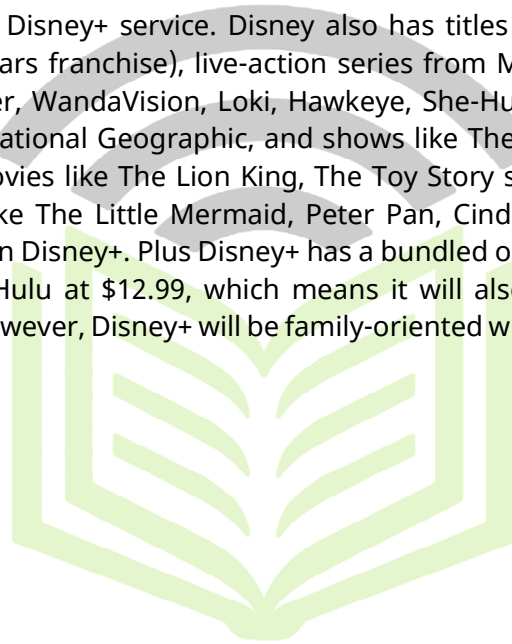
The Disney+ service won't just be limited to apps on Android and iOS and the official website. Like Netflix and Amazon Prime Video, it will work on Google Chromecast, Android TV devices,



LG Smart TVs with webOS, Microsoft (Xbox One), Samsung Smart TVs. All Android-based Sony TVs and PlayStation 4 and Roku streaming devices will get the service. Amazon's Fire TV devices, including the Fire TV Stick also get support eventually.

What Does This Mean to The Video Streaming Market?

Disney's vast content includes the Marvel franchise with all the Avengers films, and the Star Wars franchise, all with a fan base running into millions. They will flock to the platform as shows or films are developed around these, besides streaming the older films. In 2019, Disney acquired 21st Century Fox, which gave it control over the entire Fox network, cable TV channels, Star Networks in India, and even a 30 per cent stake in Hulu. No one but Disney will be distributing this content. Earlier Netflix had content from Marvel, but that has all been pulled given the new Disney+ service. Disney also has titles planned such as an Obi-Wan Kenobi series (Star Wars franchise), live-action series from Marvel Studios with characters like The Winter Soldier, WandaVision, Loki, Hawkeye, She-Hulk, etc. Disney+ will also have content from Pixar, National Geographic, and shows like The Simpsons. Some of the most popular children's movies like The Lion King, The Toy Story series, The Incredibles, Mickey Mouse, old classics like The Little Mermaid, Peter Pan, Cinderella, etc are all going to be exclusively available on Disney+. Plus Disney+ has a bundled option for US subscribers to get access to ESPN and Hulu at \$12.99, which means it will also provide sports content and content from Hulu. However, Disney+ will be family-oriented with no adult or R-rated content.



DreamIAS