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International

Terror in London

- The knife attack near London Bridge that killed two and injured three others is yet another reminder of the threat lone-wolf assaults poses to public security. The attacker, Usman Khan, who was born in the U.K. to immigrants from Pakistan-held Kashmir, was a convicted terrorist. He was released in December 2018 with conditions after serving half his jail term. On Friday, Khan was attending a prisoner rehabilitation programme at Fishmongers' Hall, a historic building on the northern end of London Bridge. Wearing a fake explosive vest, he first threatened to blow up the building and then went on a killing spree. He was driven out of the hall by members of the public and was later shot dead by the police. This is the latest in a series of terror attacks the U.K., especially London, has seen in recent years. In June 2017, terrorists had rammed a van into pedestrians on the Bridge and stabbed people in nearby bars and restaurants. In the same month, a van ran into pedestrians outside a London mosque. In May that year, a suicide bomber killed 22 concert-goers in Manchester. With the latest attack, which the Islamic State has claimed responsibility for, Khan at least succeeded in keeping the threat of terror to London alive. While radicalisation is the primary problem, Friday's attack also points to security, intelligence and systemic failures. While the British intelligence is often credited for foiling dozens of terrorist attacks since the 2005 London train bombings that killed 56, less sophisticated, less coordinated, often lone-wolf attacks are on the rise. Usman was convicted in 2012 for being part of an al-Qaeda-linked plot to bomb the London Stock Exchange. He was sentenced under the imprisonment for public protection (IPP) programme, which allowed the authorities to keep him, or convicts considered a threat to the public, in prison indefinitely. But when the Conservative-Liberal government withdrew the IPP, he got the verdict overturned and was sentenced to 16 years. Under the automatic early release scheme, he was freed in 2018 with an electronic tag and supposed to be monitored. But the police still could not prevent the knife attack. And with hardly two weeks to go before the parliamentary election, both Labour and the Tories have taken the issue to the political battle and promised to address the systemic issues — making policing more efficient and reviewing the early release scheme. While these could take time and are up to the next government, what is needed is a good counter-terror plan to tackle both extremism among youth and prevent lone-wolf attacks that often go undetected. For this, state agencies need to work with civil society groups as well as community leaders and have deradicalization programmes. There is no one-stop solution to terrorism.
- As the breaking bad news around Terror in London diminishes, the story — and pictures — that continues to travel is that of the Polish chef brandishing a mythical 'unicorn horn', seemingly threatening to skewer the knife-wielding attacker shrouded in firefighting foam. The hero chef, identified only as 'Lukasz' in media reports, snatched a 1.5-metre tusk of a narwhal off a wall of the historic Fishmongers' Hall and chased after the terrorist Usman Khan, confronting him on London Bridge along with another member of the public carrying an admittedly less storied weapon — a fire extinguisher. Khan had just fatally stabbed two University of Cambridge graduates, Saskia Jones and Jack Merritt, at an event inside the Hall. The fightback — which brought the terrorist down before the police arrived to shoot him

dead — has triggered admiration and interest around the world, as much for the heroism of Lukasz and his comrade as for the intriguing tooth-spear at the centre of it.

Whale with The Tusk

One of the most mysterious of whale species, the narwhal (Monodon monoceros) is of medium size among the giant mammals, and inhabits the freezing waters of the Arctic around Greenland, Canada and Russia. It's the only whale that has a tusk; and the narwhal's tusk is the only one in the animal kingdom that protrudes straight like a lance. The tusk has a spiral — the thread runs counter-clockwise along its length, and can be swivelled by the whale up to 12 degrees. The narwhal's tusk has fascinated humans for centuries, and was at one time sold as the horn of a unicorn. In fact, it is a hollow tooth that grows through the whale's lip, reaching up to nine feet in length, according to the Polar Science Centre at the University of Washington. The tusk is almost always a male privilege, grows through the whale's lifetime, and can weigh around 10 kg. About one in 500 narwhals grows a double tusk.

For Sex and Feeling

Scientists are not agreed on the point of the tusk. Given that the average female narwhal lives longer than the average male, it is not believed to be a critical survival tool, or one that significantly impacts the ability to feed. A 2014 study concluded the tusk was a sensory organ with millions of sensitive nerve endings, used by the Arctic mammal to feel fluctuations in its surroundings. But most scientists agree that it is primarily a sexual trait used by males to compete for mates and to determine rank in pods.

The Stuff of Legend

The narwhal's legend thrives on its narrative connection with the mythical unicorn. And that's a story that began long ago. In his Narwhals: Arctic Whales in a Melting World (2014), McLeish Todd referred to the writings of the Greek physician Ctesias of Cnidus, who is believed to have lived in the fifth century BC, and produced an account titled Indica (c. 398 BC). Ctesias gave a vivid description of a unicorn, which he believed was found in India. For many centuries thereafter, unicorns were thought to be for real, and they rose in popularity as a potent religious symbol linked to Jesus Christ. The first records of narwhal tusks in Europe date to around 1000 AD. The Vikings likely hunted the ice whales, or acquired the tusks from Inuit hunters. This was the beginning of a high-end market that was exploited by traders who sold narwhal tusks as unicorn horns. It was only around 1620, when Artic exploration had progressed significantly, that the narwhal was identified as the source of the "unicorn horns". Even so, the tusks were coveted as a symbol of power and prized by European monarchs. The masses believed the "horn" had the power to cure disease and act as an aphrodisiac. It was only around the mid-eighteenth century that the demand for the tusks started to ebb in Europe.

Fighting for Survival

Besides polar bears, walruses, sharks, and orcas, the 'unicorn of the sea' faces a threat from humans who harvest it for its skin, meat, and tooth. Climate change is impacting the Arctic, the narwhal's habitat, with unfavourable consequences. Many subpopulations are already in decline.

Macron's Wake-Up Call to EU (Rakesh Sood - Former Diplomat Who Served as Ambassador to France And Is Currently Distinguished Fellow at The Observer Research Foundation)

➔ In November, French President Emmanuel Macron created a political stir with a far-reaching interview in which he declared that "Europe is on the edge of a precipice", unable to cope with the political challenges of the U.S. pursuing 'America first'; a resentful Russia on its border; and a China determined to emerge as the new global power. Coming after the European Union (EU) meet in October and prior to the upcoming North Atlantic Treaty Organization (NATO) summit (scheduled to take place this week), Mr. Macron's interview gave a wake-up call to the EU and reminded it that the bloc can no longer be an economic giant and a political dwarf. The EU's precursor, the European Economic Community (EEC), was established in 1957, following the Treaty of Rome. Consisting of a homogeneous group of six countries (Belgium, France, West Germany, Italy, Luxembourg and the Netherlands), it quickly formed a customs union. Five of these six nations were also founding members of NATO, which had been set up in 1949.

Political Disunity

The next stage was the Treaty of Maastricht, signed in 1992 to reflect the realities of a post-Cold War Europe and a unified Germany. It helped create the Euro and, later, also pushed the eastward expansion of the EU. The Treaty of Lisbon in 2007 marked another political evolution, giving the EU a stronger legal character by introducing a permanent President of the European Council and strengthening the position of the High Representative for the Common Foreign and Security Policy. These were steps towards a nascent European sovereignty but ended up exposing weaknesses in the project. Today, the EU's 28 member states are a heterogeneous lot, unlike the original six; and a key member, the U.K., is already sitting in the departure lounge. The idea of Europe with a "variable geometry", proposed during the hasty expansion during the 1990s to accommodate differences is now a clear sign of political disunity. Meanwhile, NATO has 27 European member states (plus Canada and the U.S.) and most, but not all, are EU members. NATO's major expansion took place post-Cold War when the Baltic states and a number of East European countries joined. The Eurozone consists of 19 (out of the 28) EU members while the Schengen common visa area covers 26 European countries. And then, there is the 31-member European Economic Area, composed of the EU-28 and Iceland, Liechtenstein and Norway. The Council of Europe in Strasbourg was set up in 1949 to promote human rights, democracy and the rule of law and currently has 47 member countries, including the 28 EU nations. Rounding up, there is the 57-member Organization for Security and Cooperation in Europe, established originally to promote confidence and security building measures, which now also has the mandate of free elections, open media and human rights. Somewhere in this multiplicity, the EU lost its political moorings. Originally, it was a grouping of West European democracies committed to closer economic ties, with NATO as the security provider. Liberal democracy was integral to EU membership. Greece joined the EEC in 1961 but was suspended in 1967 after the military coup. Spain's request in 1962, under General Francisco Franco, for membership was rejected. Eventually, Greece applied again in 1975 and was admitted in 1981, while Spain and Portugal joined in 1986. Today, Viktor Orban, Prime Minister of Hungary (which joined in 2004) proudly claims to represent an "illiberal democracy". Right-wing populist leaders in

other European countries have also become more vocal and visible in recent years and many of them would like to retrieve sovereignty back from Brussels.

NATO's Diminishing Role

Mr. Macron's blunt assessment was that the U.S., which guaranteed West European security during the Cold War, can no longer be relied upon to play the same role because its priorities are changing. He cited President Donald Trump's recent unilateral decision to withdraw U.S. troops from Syria as an example, since it was taken without consultation or coordination with NATO allies. Further, it gave another NATO member, Turkey, the licence to undertake military operations in Syria, creating tensions with NATO allies operating in the area. In Mr. Macron's words, Europe is seeing the "brain death" of NATO. NATO was never a grouping of equals. The U.S. always contributed the larger share and underwrote European security. Out of NATO's common budget of approx. $2.5 billion, the U.S. contributes 22%, Germany around 15% and France and the U.K. more than 10% each. However, in terms of defence budgets, there is significant disparity, which makes NATO completely dependent on the U.S. for airlift and space-based assets. The U.S. spends 3.6% of its GDP on defence, amounting to a whopping $700 billion with most major European countries spending between 1% and 2%. In 2014, after considerable prodding by the U.S., members had agreed to bring up their budgets to 2% of GDP by 2024. At present, among major countries, only the U.K. spends 2% of its GDP on defence. France is at 1.8% and Germany at 1.2%. These variations were accepted as long as the U.S. and Europe enjoyed political convergence but now rankle Mr. Trump, who has taken a transactional approach and, according to Mr. Macron, "does not share our idea of the European project". In any case, there are historical shifts under way, with the U.S. less engaged in West Asia on account of becoming self-sufficient in hydrocarbons, and focusing more on the Indo-Pacific. Consequently, the U.S.'s commitment to NATO is undergoing a change and the Europeans need to recognise it.

The Way Ahead

Mr. Macron's words were called "drastic" by German Chancellor Angela Merkel, though she had echoed similar sentiments two years ago after a difficult G7 summit in Sicily when she urged Europeans "to take our fate into our own hands" because "the era in which we could fully rely on others is over to some extent". Yet, the way ahead is not clear. Mr. Macron's suggestion for a rapprochement with Russia to prevent it from getting closer to China makes Poland, Czech Republic and the Baltic countries nervous. China has already driven a wedge in the EU with 14 EU countries, including Italy, now part of Belt & Road Initiative. In 2012, China began its dialogue with East European countries in the 16+1 format; out of the 16, 11 are EU states and 13 are NATO members. This has made it impossible for the EU to take a common approach on issues like 5G and Huawei, while allowing China to selectively increase investments in critical areas in European countries to which France and Germany are now waking up. Even after taking a unified stand to preserve the Iran nuclear deal following the U.S.'s unilateral exit more than 18 months ago, the EU failed to deliver on its assurances to provide concrete relief to Tehran against U.S. sanctions. The problem is that NATO provided security on the cheap and now, when Mr. Trump questions the utility of NATO, it only exposes differences between Europeans who want to develop greater military and diplomatic heft and others (the Baltic nations and East Europeans) who fear this will loosen ties with the U.S. In today's uncertain times, the EU stands for a rules-based order but as Mr. Macron rightly pointed out, the EU can only emerge as a strategic actor once it is able to assert sovereignty

over its political, diplomatic and security decisions. Perhaps, the time for it has come as the Anglo-Saxon influence over Europe recedes with Brexit and the rise of Mr. Trump.

Behind the Rage, Iranians Dream of Democracy (Ramin Jahanbegloo - Director, Mahatma Gandhi Centre For Peace, Jindal Global University, Sonipat)

➔ Iran's recent demonstrations in the wake of a drastic fuel price hike are reminiscent of the major uprisings that took place at the turn of 2018. Just as in 2018, the protests spread quickly and turned into a revolt against the Iranian regime. It is interesting to see why demonstrations in the country that are always primarily directed at high costs of living and financial difficulties quickly become politicised and begin to target the religious autocracy. Social unrest in Iran is not a new phenomenon. The present turmoil echoes a long list of social and political strikes, protests and confrontations since the establishment of the Islamic regime in 1979. Between 1980 and 1988, thousands of young Iranians, members of the Mojahedin-e Khalgh Organization (MKO) and Marxist groups, were killed by the Islamic regime. The darkest period of these killings happened in the summer of 1988, after the end of the eight-year war with Iraq. A military operation organised by the MKO forces was followed by heavy losses, but the regime initiated immediately the execution of thousands of political prisoners.

Iranian Tiananmen of 1999

Named as the "Iranian Tiananmen", though not as bloody as the Chinese uprising of 1989, the Iranian student movement of 1999 remains in the memory of Iranians as the outcome of a political confrontation between the reformist government of the then-President Mohammad Khatami and the conservative political and military forces of the Islamic regime. The student protests were organised against the closure of the reformist newspaper Salam and Parliament's passage of a new law limiting freedom of the press, but it was mainly a night attack against the Tehran University's dormitory by paramilitary elements which caused the anger and rage of the students. At least one person was killed. Many others were injured and imprisoned by the authorities. Undoubtedly, the student movement of 1999 laid the foundations for the 'Green Movement' of 2009. Though triggered by a fraudulent presidential election that reaffirmed a second term for hardliner Mahmoud Ahmadinejad against the favourite reformist contender Mir Hussein Mousavi, the Green Movement turned into a mass struggle for civil liberties and the removal of Iran's theocratic regime. The demonstrations were not simply a reaction to unfair election results but were based on years of built-up frustration, dissatisfaction, and anger towards the theocratic rule. If we take a closer look at the trend of social protests in Iran in the past 30 years, we can say that the 'Arab Spring' started in Iran back in July 1999 or in June 2009. In other words, the 'Arab Uprising' had a 'non-Arab' beginning in Iran's protest movements. However, the democratic transition in Iran has not been able to turn into a successful model of non-violent transition and negotiation because of the practice of absolute violence by the Iranian authorities. Unlike Tunisia in 2011, where street revolts succeeded because the armed forces decided not to share the destiny of the dictator, and refused to shoot on the people, protests in Iran have been quite limited in their tactics when confronting the harsh violence of the Islamic state. In each of the cases named above, including the recent protests in Iran, civic movements lost their unity and their momentum as soon as they faced a violent crackdown. In Tunisia, the removal of Ben Ali and free elections marked the "beginning of politics". In Iran, on the

contrary, politics will not start with the end of the dictators, but politics itself will bring about that end. As such, if Tunisia was a sprint, Iran will be a marathon. The ultimate question that remains is: if the Iranian political system cannot be reformed in a peaceful and non-violent way and through the ballot box because of its failure to heed to popular demand for change, then what is left of the Iranian dream of democracy? Nobody knows how long the Iranians should wait for this dream to become reality.

One State Push for Israel And Palestine? (Ilan Pappe - Director of The European Center For Palestine Studies at The University of Exeter, U.K.)

➔ The recognition of the U.S. State Department of the illegal Jewish settlements in the West Bank is yet another indication that the two-state solution is dead. There are 600,000 Jewish settlers in the West Bank and they will soon be one third of the overall population. When the Zionist settlers in the 1930s became one third of the population, Palestine was doomed. This is when the Zionist leadership began to contemplate the 1948 ethnic cleansing of Palestine. The West Bank is under a similar danger. Vast areas have already been ethnically cleansed, and the rest are enclaved in spaces that at any given moment Israel can turn into inhabitable areas, as it did in the Gaza Strip. This policy has so far been immune from any significant international rebuke.

Imaginary Homeland

The "Green Line" — the 1949 armistice line that separates Israel from the West Bank — is a figment of the imagination of those who support the two-state solution. It was replaced by a greater Israel, ruled by the Israeli nationality law passed in 2018 that states that only the Jews have the right of self-determination all over historical Palestine, sanctions the continued colonisation of the country and upholds its apartheid system. This new reality requires a different approach by anyone caring for the future of the Palestinians and respects their basic rights. This is now a struggle for a regime change. A regime that allows half of the population living between the River Jordan and the Mediterranean to have all the privileges and continue to rob the other half of its living space, lands, rights, dignity and life. Such an oppressive reality is not solved by a "peace process" but only by decolonisation that would reformulate the relationship between the third generation of Jewish settlers who arrived in the late 19th century and the indigenous population of Palestine on the basis of equality. Decolonisation is rightly associated with processes that took place in the first half of the last century (such as the one leading to the liberation of India), but that does not mean colonisation disappeared from the rest of the globe. Even more importantly, the process of decolonisation, apart from two places, Algeria and South Africa, has not affected settler colonial projects which ended in the creation of the United States, Canada, Australia, New Zealand and Israel, to mention but few of those cases.

Ongoing 'Catastrophe'

In some cases, the settler community acted upon the logic, defined by the late Australian scholar, Patrick Wolfe, as "the logic of the elimination of the native". This led to the genocide of native Americans and aboriginals. But even there the struggle continues for recognition, restitution and equality. In Palestine, that logic was translated to an incremental process of ethnic cleansing, which the Palestinians call "the ongoing Nakba" (Nakba in Arabic is

catastrophe and is used in the Palestinian narrative to describe the ethnic cleansing of 1948). The Zionist movement succeeded in expelling half the Palestinian population in 1948 and since 1967 led to departure of hundreds of thousands of Palestinians from all over historical Palestine (the West Bank, the Gaza Strip and Israel). Today, the Israeli government continues to dispossess land and take away resources from Palestinians, thus creating conditions that become and more unsustainable for many Palestinians. In the 1960s and 1970s the Palestinians resisted this policy of colonisation and dispossession with an armed struggle in their quest for freedom and liberation. In many ways, the Hamas in Gaza seems still to believe that this can be an effective tool in the struggle. But quite a few Palestinians seem to prefer a different kind of popular resistance, given the imbalance of power between the strongest military force in West Asia and the weakest one. The "march of return" — the weekly peaceful demonstrations by thousands of Palestinians on the fence between the Gaza Strip and Israel is one example of a different kind of a popular resistance, which demands not only the end of the inhuman siege on Gaza and its two million people that has led to a human catastrophe there, but also the right of return of the refugees to their homes; 80% of the Palestinians in the Gaza Strip are refugees who live near their lands, villages and towns from which they were expelled in 1948. Popular or armed resistance on the way to liberation would have not been needed had international diplomacy bravely examined the origins of the conflict in Palestine and on its basis support a just and lasting solution. But the international community, and mainly western political elites, fully support Israel and remain silent in the face of continued dispossession of Palestinians. It adopted the two-state solution as its mantra for what should be done and was supported by the Palestinian leadership which hoped to salvage at least part of Palestine (22%). This approach has failed miserably. Israel has established that any sovereign Palestinian state is impossible. And now we have an American administration that fully endorses Israel's wish to de-politicise the Palestinian question and allow Israel to fully extend its sovereignty all over historical Palestine (and by that also rejecting categorically the right of any Palestinian refugee to return — a right recognised by the UN in its Resolution 194 from December 11, 1948). We wasted 50 years in trying to push towards this solution and the end result of this effort was more Jewish settlements in the West Bank and a total separation between the Gaza Strip and the West Bank; and now we see another fruit of this approach — an American recognition of the Judaization of the West Bank. The civil society in Palestine and around the globe believes in a different way forward. Unlike its political elites it frames the situation in Palestine not as a conflict but a struggle against settler colonialism; not unlike the struggle against Apartheid South Africa. And hence the first step forward suggested by Palestinian civil society was to call upon the international community to divest from, boycott and sanction Israel in order to stop the "ongoing catastrophe". This BDS, or Boycott, Divestment, Sanctions, campaign will continue until the people of the West Bank would be liberated from a military rule, the people of Gaza from the siege, the refugees return from their exile, and the Palestinians in Israel would be recognised as equal citizens.

Next Palestinian Step

The next step is now beginning to unfold. A clear alternative Palestinian call for the establishment of a one democratic state all over historical Palestine. At this moment in time it is a vision, soon it will become a clear Palestinian political programme. One that rectifies past evils by compensating and restituting lost land and property, enables the repatriation of the refugees, and offers democracy for all who live in historical Palestine, without any

discrimination. This vision has now a growing support in the international community, among young Palestinians and progressive Jews inside and outside Israel. For many people it still looks like an insurmountable task — privileged people like the Jews of Israel would not willingly give up their position. But pressure from the outside, a continued popular struggle from the inside and a clear Palestinian vision for the future can turn this vision into reality. At least we will not waste another 50 years in looking for a lost key where there is light instead of searching for it where we lost it.

Headwinds After A Hard-Line Approach (Harsh V. Pant - Director, Studies at Observer Research Foundation, New Delhi And Professor of International Relations at King's College London)

➔ The challenges for the Communist Party of China and Chinese President Xi Jinping are mounting by the day. In a stunning rebuke to the Communist Party's handling of the Hong Kong crisis, pro-democracy forces made massive gains in local elections held last month; 17 of the 18 district councils are now controlled by pro-democracy councillors. The election saw an unprecedented voter turnout of more than 71%.

Managing Hong Kong

This outcome is a strong show of support for the protesters in a first real test of sentiment in the territory since protests began early in 2019 over the introduction of a bill authorising extraditions to mainland China. In her statement, the embattled leader of Hong Kong, Carrie Lam, said her government respected the results and would "listen to the opinions of members of the public humbly and seriously reflect". It is not clear, however, if the voices of the Hong Kong street protests would be heard in Beijing where there is little incentive for Xi Jinping to change his approach. Instead he might just double down on his hardline approach as his options shrink faster than he would have anticipated when the crisis started earlier this year. This is particularly problematic for Mr. Xi as he held the Hong Kong portfolio on the Communist Party's Politburo Standing Committee before he became China's de facto emperor. He seems to have an implicit faith in his unyielding tough stance, and as he has centralised power to an unprecedented level, there is no one else to share any blame for the policies enunciated by Mr. Xi. Not surprisingly, Chinese Foreign Minister Wang Yi has reiterated that "no matter what happens, Hong Kong is a part of China" and warned that "any attempt to mess up Hong Kong, or even damage its prosperity and stability, will not succeed."

Uighur Issue

Yet the inability of the Xi regime to exercise control came into sharp relief when a massive trove of classified Chinese government documents was leaked to the International Consortium of Investigative Journalists, showcasing a much more granular narrative of how China is carrying out the mass detention of Muslim Uighurs and other minorities in its northwest Xinjiang province. These documents belie repeated Chinese claims that it is sending the estimated million or more people to vocational training schools with the notional goal of combating terrorism. What is even more of an eye-opener is that Chinese embassies and consulates worldwide had been instrumental in facilitating the mass detention. Every time such details emerge, they diminish China's global credibility. It might not seem much

on the surface but China's global stature does take a beating. For Mr. Xi, this growing global backlash has enormous costs back home. There are no good options for him in Hong Kong. If he continues his hard-line approach, he will make the ground situation worse in Hong Kong but making concessions also is not a very viable option for him as it is not readily evident how far the demands might go. Though the extradition bill has been withdrawn, the demands of protesters in Hong Kong have grown to include genuine universal suffrage and an inquiry into allegations of police brutality. From Hong Kong to Taiwan where there are elections in January, there is only a short distance.

Effect on Party Dynamics

Mr. Xi's reputation as a leader who will lead China's emergence as a major power in the 21st century might also come under a cloud in so far as mainland Chinese is concerned. The delicate balance that the Communist Party has managed to evolve in the politics of China can be frayed if ordinary Chinese believe their leadership is incapable of managing turmoil. There is also a chance of internecine rivalries within the Communist Party flaring up as Mr. Xi's policies take a hit. He has made a lot of enemies in his drive to emerge as the supreme leader and he has been ruthless with his opponents. Some of them would be waiting in the wings to respond in kind. The Chinese economy is not doing well. There is growing internal criticism of Mr. Xi's flagship Belt and Road Initiative and the costs China is having to bear for a grandiose project, driven more by Mr. Xi's vanity than by sound economic logic. China's aggressive influence operations in other countries are also generating strong backlash, with new revelations coming out every few months. Most recently, the Australian media has reported on an alleged Chinese plot to plant a spy in the Australian Parliament which has been termed as "deeply disturbing" by the Australian Prime Minister and is being investigated now by the nation's domestic spy agency. This along with reports that a Chinese spy has applied for asylum in Australia after providing information about Chinese operations in Hong Kong, Taiwan and Australia and suggesting that he was "personally involved" in espionage work has damaged an already battered Chinese global image. As pressures mount on Xi Jinping and the Communist Party, there are dangers that Beijing might want to divert attention from its own internal failures by lashing out at the world. New Delhi should guard against any Chinese misadventures even as it prepares itself to deal with negative externalities emerging out of the multiple crises brewing in Beijing.

Manipulating Information to Perpetuate Power (Chirantan Chatterjee - Visiting Fellow at The Hoover Institution, Stanford University)

➔ Social science researchers across the world have expressed concern that the Indian government's statistical machinery is in a state of disarray. The government rejected adverse consumer spending data this month. Earlier, the Centre delayed and then belatedly released the 2017 National Crime Records Bureau (NCRB) data. It also tried deflecting the public's attention from unemployment data. Also, broader concerns on information manipulation have stemmed from attempts to distort the facts on events like Mahatma Gandhi's assassination. Yet, given what we know about modern-day repressive regimes relying on information manipulation to perpetuate power, this might only be an indication of what lies in store. Recent research provides supporting evidence. Arturas Rozenas and Denis Stukal from New York University wrote a paper for the Journal of Politics documenting how, in

Russia, state-controlled television censors' economic facts, especially when some of those facts are bad and inconvenient for the ruling government.

Analysis of Reports from Russia

Using a corpus of daily news reports from Russia's largest state-owned television network, they showed that when the news is bad, it is not explicitly censored but framed as being related to global external factors; however, when the news is good, it is systematically attributed to domestic politicians. Such strategic use of attribution is especially prominent, they found, during politically sensitive times and when the leadership is already enjoying popular support. They outlined this as a phenomenon of direct selective attribution and association. Economists Sergei Guriev and Daniel Treisman, in their article 'Informational Autocrats', published in the Journal of Economic Perspectives, complemented the findings of Mr. Rozenas and Mr. Stukal. They found that, in contrast to old-style overt dictators, modern-day authoritarians survive and sustain their rule by demonstrating a façade of democracy, supplemented by information manipulation. They do this specifically by buying the elites' silence, censoring private media, and broadcasting propaganda.

Role of Technology

The writers said one reason for the rise of informational autocrats is the proliferation of technology and social media. A classic example of informational autocrat is Peru's Alberto Fujimori, who used his unsavoury intelligence chief Vladimiro Montesinos to bribe television stations with million-dollar pay-outs to skew media coverage. An outcome of informational autocracy, Mr. Guriev and Mr. Treisman pointed out, using data from the Virginia-based Centre for Systemic Peace, is that explicit political killings in such countries reduce over time. Instead, what arises is a calibrated environment of short-duration imprisonments, for non-political reasons, creating an environment of fear. Finally, Mr. Guriev and Mr. Treisman also discussed whether informational autocracies can constitute an equilibrium position. This, they argued, depended on two factors: the size of the informed elite and the state's control over the media. The faster the speed of development, the higher is the expected size of the elite. So, democracy is the expected outcome in such cases. However, in sub-steady transitional states, informational autocrats continue, also engaging in succession planning. If indeed India is becoming an informational autocracy, with a façade of democracy, there remain troubling questions over whether there will be a mean reversion in the future. Even more, the forces driving the country in this direction will have to be studied, perhaps even challenged.

Foreign Affairs

The Many Faces of Pak. Punjab's Militancy (Luv Puri - The Author Of 'Across The Line Of Control: Inside Pakistan Administered Jammu And Kashmir')

➔ The U.S. Congress's just-released 'Country Reports on Terrorism' for 2018 has mentioned that Pakistan failed to "significantly limit" Punjab-based militant outfits like the Lashkar-e-Taiba (LeT) and the Jaish-e-Mohammed (JeM). Earlier, in September, speaking in Torkham, Pakistan Prime Minister Imran Khan had warned his countrymen against going to India to fight jihad, stating that such actions would amount to doing "injustice to Kashmiris". Coming

at the height of the war of words between the two countries, the statement was a rare admission by a Pakistani leader that infiltration from that side of the 740-km Line of Control, as well as the international border in Punjab, is a fact. Over the years, most of the Pakistani militants who crossed the border, and were caught by Indian security personnel, had one element in common — they were all from the Punjab province. Contemporary discussions on extremism originating from the province are mostly framed around the Pakistani military's support to these extremist groups. However, there are many other variables rooted in the Pakistani Punjab's society that also need to be understood.

The Dominant Province

Punjab overshadows other provinces in Pakistan primarily due to its size, resources and representation in elite institutions. It can be broken into three broad sub-cultural units: the Punjabi-speaking eastern and central Punjab; the Pothwari-speaking northern Punjab that includes Rawalpindi and Islamabad; and the Saraiki-speaking southern Punjab. Eastern and central Punjab is linguistically akin to the Indian Punjab. The Kartarpur Corridor falls in this zone. Many of the residents there belong to families who had migrated from India during Partition. They are mostly settled in Lahore, Sialkot, Lyallpur (Faisalabad), Montgomery (Sahiwal) and Gujranwala. In his seminal book Pakistan: A Modern History, British historian Ian Talbot wrote, citing Pakistani academic Mohammad Waseem, that "the five million migrants [from the Indian side of the border] have both provided a major support for Islamist parties and shaped the Punjab province's strong anti-India and pro-Kashmiri leanings." In addition, a less-acknowledged fact in Partition studies is the massive outflow of Muslims from the plains of J&K, mostly the southern part i.e. Jammu, in 1947. The extent of that migration can be gauged from the changes in Census data. Jammu district's Muslim population, which was 37% in 1941, came down to about 10% in 1961. According to the 1948 West Punjab Refugees Census, the number of Muslims who migrated from J&K, most of them from Jammu, was 2,02,600, the highest outside east Punjab. Muslims from Jammu plains mostly settled in areas around Sialkot and Lahore. These past events, along with the constant turbulence in J&K's politics, are selectively interpreted by Punjab-based, Kashmir-centric terrorist outfits to gain legitimacy. In the last 30 years, LeT, claiming to be fighting on behalf of J&K, has mostly drawn recruits from the eastern and central areas of the Punjab. The Mumbai attacks terrorist Ajmal Kasab was from Okara district, located near the Indian border.

Seasonal Water Scarcity

Another issue used by militants to gain support is that of seasonal water scarcity. The name 'Punjab' was derived from the Persian words panj (five) and ab (waters). The five rivers referred to here — Chenab, Jhelum, Beas, Sutlej and Ravi — flow through the Punjab's territory. The Indus Waters Treaty stipulated that the waters of the three eastern rivers — Ravi, Beas and Sutlej — would be made available for unrestricted use by India. The waters of the three western rivers — Indus, Jhelum and Chenab — were allowed to flow for unrestricted use by Pakistan, except for some limited use by India such as for agricultural purposes and generation of hydroelectric power from run-of-the-river plants. Chenab and Jhelum, which enter Pakistan through J&K, are major sources of irrigation for Pakistan's eastern agricultural fields. Whenever there is seasonal water scarcity, terrorist outfits such as LeT point fingers at India. The 'jihad in Kashmir' is presented as a necessity by organisations like the Jamaat-ud-Dawa (JuD) to save Punjab's agriculture. In the past, Hafiz Saeed, LeT founder and alleged

mastermind of the Mumbai attacks, has repeatedly tried rallying support of locals alleging that 'India is in the process of constructing several dams on Chenab, Jhelum and Indus rivers in a bid to completely stop the flow of water towards Pakistan'. Northern Punjab is ethnically closer to Pakistan-occupied Kashmir and, prior to 1947, provided the main vehicular route to the Kashmir Valley from British India. Pakistan's Railway Minister Sheikh Rashid, who J&K Liberation Front chief Yasin Malik once said provided property and assistance to an early batch of Kashmiri militants, is from this region. The third part of Pakistani Punjab, southern Punjab, has relatively less in common with the rest of the province. Outfits like JeM, which took responsibility for Pulwama attacks, originated in this part of the country. In 2003, nearly a year after the group was banned, it also made an unsuccessful bid to assassinate the then-President Pervez Musharraf, for which it recruited a resident of Rawalakot, PoK.

Political Marginalisation

A 2016 International Crisis Group paper, written exclusively on violent extremism in southern Punjab, had stated that among the reasons for support for militancy in the "rural and relatively poorly developed" part of the province were "political marginalisation, weak governance, economic neglect and glaring income inequity". Another element, according to the paper, was the role played by economically poor Muslim migrants from India in the spread of a radical version of the Deobandi School of Islam. This, the paper said, was more pronounced in places like Jhang, "the birthplace of organised sectarian militancy in Pakistan". The poverty of the Muslim migrants from India was "in marked contrast to the [prosperity of] large landowners in rural areas, who were mostly Shias and Barelvis and formed the political elite." This could explain the growth of outfits like JeM, founded by Masood Azhar, born in south Punjab's Bahawalpur, as Jaish claims adherence to the Deobandi School. Deobandi scholars in India have frequently criticised Pakistan-based groups for misappropriation of this school of Islam. There has been a long-standing demand for the creation of separate province of 'south Punjab' within the Saraiki belt. However, it remains to be seen whether greater decentralisation can be an antidote to extremism rooted in a supposed Deobandi interpretation of Islam. Hence, apart from dealing with the challenge posed by the deep state's support for these outfits, we also need knowledge of the sociological and historical nuances pertaining to the Punjab province. Such an understanding is necessary to develop a holistic response to counter the extremist threat.

Creating an Indo-Pak. Trade Corridor Through Punjab (Prabhash Ranjan - Teacher at South Asian University's Faculty of Legal Studies)

➔ India-Pakistan relations have always been viewed through the prism of Kashmir. But, as noted security expert C. Raja Mohan argued, the opening of the Kartarpur corridor has unlocked the possibility of looking at bilateral relations through the prism of Punjab and the idea of Punjabiyat. While some believe that Pakistan's interest in opening this religious corridor is to revive the Khalistan movement, others look at this as a harbinger of normal relations between the countries. In this regard, it is worth considering whether Punjab can be made central to the India-Pakistan relationship by opening new trade corridors or fortifying existing trade routes running through Punjab. These trade corridors or routes could be developed with an aim to foster a free trade area that brings closer the two Punjabs. As lawyer Raj Bhala argues, such a free trade area could allow absolute free trade in those agricultural and industrial goods and services that originate in either of the Punjabs. This

would allow agricultural products originating in Indian Punjab to get preferential market access in Pakistan, thus benefiting the farmers of Punjab. It would also amplify the size of the markets for producers and consumers of Punjab from Chandigarh to Lahore.

Special GATT Provision

Such an FTA can be drafted, thanks to Article XXIV.11 of the General Agreement on Tariffs and Trade (GATT), especially created for India and Pakistan. The Article allows World Trade Organization (WTO) member countries to enter a customs union (CU) or enter into a FTA subject to the following conditions. First, the countries need to eliminate barriers on "substantially all" trade between them. Second, the countries need to ensure that their tariff barriers vis-à-vis third countries are not "on the whole higher or more restrictive" than what they were before the CU or FTA came into existence. While the Article's obligations apply to all trade agreements in goods entered into by all WTO member countries, paragraph 11 of the article exempts the application of these requirements to a trade deal that India and Pakistan may enter into. The GATT contracting parties recognised that India and Pakistan have long constituted one economic unit and thus should be allowed to enter into special agreements. Paragraph 11 allows India and Pakistan to do two things. First, the two countries can enter into special trading arrangements pending the establishment of mutual trade relations on a definitive basis, and such an arrangement need not meet the requirements of the entire GATT. Second, even after the two countries agree upon trade arrangements, they may depart from GATT rules. The only requirement is that these arrangements should in general be consistent with GATT's objectives — a condition that would not be difficult to satisfy.

Peace Dividend

Liberal internationalists argue that there is a positive correlation between trade and peace. Freer trade fosters better economic relations between countries and boosts ties of interdependence between the private sectors and the governments. This interdependence creates new constituencies which demand and lobby for peace as it serves their interests. The overall net-effect is fewer conflicts, thus more peaceful relations. In the context of India-Pakistan ties, researchers have long argued that augmenting bilateral trade can yield a 'peace dividend'. India needs to appreciate that there is not one but several 'Pakistans' to deal with. While it should deal resolutely with the Pakistani deep state, it also needs to reach out to the business community, including in Pakistani Punjab, and nurture these peace constituencies, as part of a larger political process. Boosting trade can be one way to cultivate such peace constituencies. India and Pakistan have to collectively fight against the scourge of poverty. Trade can play an important role in this. Bilateral trade is today languishing at around $2.5 billion annually, while the potential, according to the World Bank, is $37 billion. Trade ties between the two countries hit rock bottom when Islamabad, recklessly, suspended all trade ties after the Article 370 decision in August. Earlier, India had unilaterally increased custom duties on all Pakistani products to 200%, post the Pulwama terror attack in February. On its part, Pakistan did not honour its most favoured nation obligation towards India for a very long time. Creating a new trade corridor from Chandigarh to Lahore, and a free trade area across the Radcliffe Line can be the first principal move towards normalising trade interactions.

Nation

When Is the Oath Taken by A Minister (In)Valid?

➔ On the first day of the Assembly session in Maharashtra on November 30, former Chief Minister Devendra Fadnavis alleged that the oath-taking ceremony of the new government had violated the Constitution. He was referring to the invocation — by Chief Minister Uddhav Thackeray and each Minister — at the start of the oath, before reading out the text, which he alleged had altered the oath itself. Thackeray invoked Chhatrapati Shivaji and "my parents"; Eknath Shinde named Bal Thackeray, Ananda Dhige, a Thane Shiv Sena leader who died in 2000, Uddhav Thackeray, and Shivaji. Subhash Desai invoked Bal Thackeray. Jayant Patil of the NCP invoked Shivaji and Sharad Pawar. Chhagan Bhujbal began with Jai Shivraj, Jai Maharashtra, and invoked Mahatma Phule, Chattrapati Shahu, Babasaheb Ambedkar, Bal Thackeray, and Sharad Pawar. Balasaheb Thorat took Sonia Gandhi's name. Nitin Raut named Ambedkar, Sonia, Rahul Gandhi, and the Buddha.

In the Constitution

Article 164(3) says: "Before a Minister enters upon his office, the Governor shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Third Schedule." The Third Schedule requires the taker of the oath to either "swear in the name of God" or to "solemnly affirm" to "bear true faith and allegiance to the Constitution...". According to constitutional experts and those familiar with procedures and rules of swearing-in ceremonies, Art 164 makes it clear that the text of the oath is sacrosanct, and the person taking the oath has to read it out exactly as it is, in the given format. If a person wanders from the text, it is the responsibility of the person administering the oath — in this instance the Governor — to interrupt and ask the person being sworn in to read it out correctly.

Instances of Deviation

The most famous case of a political leader changing the oath was in 1989, when Devi Lal inserted the words "Deputy Prime Minister" as he was being sworn in to Prime Minister V P Singh's cabinet, and was corrected by President R Venkataraman. In 2012, Azam Khan of the Samajwadi Party had to retake his oath in Uttar Pradesh after he skipped the oath of office, and only took the oath of secrecy.

Fadnavis's Objections

According to former Maharashtra Advocate General Shreehari Aney: "It is the content of the oath that is important. That should be as per the format laid down in the Constitution. Addition something before or after the oath is not unlawful as long as the substance of the oath is unaltered." Aney, who was AG for some time when the Fadnavis government was in power, however, added that the "practice of invoking gods, national leaders, reformers, while administering the oath of office can be termed as immature, as it detracts from the importance of the oath". But even so, Aney said, "it doesn't flout constitutional requirements."

Role of the Governor

The Governor's approval is key. According to experts, if the person administering the oath approves the oath, the matter is closed. Immediately on taking the oath, the person who has been sworn in, must sign a register. The register is attested by the Secretary to the Governor, which means it has been approved by the Governor. In Maharashtra, that approval was also formalised by a gazette notification on the appointment of the Chief Minister and six ministers, which was issued on November 30.

Fractured Verdicts and The Governor's Role

What Should the Governor Do If There Is a Hung Assembly?

The Constitution envisages that the Governor act on the aid and advice of the Council of Ministers, except in those situations in which he is, by or under the Constitution, required to act in his discretion (Article 163). It is clear that in identifying a candidate who, in his opinion, is in a position to command a majority, the Governor has to make his own decision, subject, of course, to democratic norms. This is why one often sees the Governor of a State inviting leaders for discussions as part of efforts to explore the possibility of forming a government. When the Governor appoints the Chief Minister in this way, it is accompanied by a stipulation that the appointee prove his or her majority within a specified time on the floor of the House.

Is There A Preferred Order for This Process?

The Governor may invite the leader of the largest single party first. However, if it is clear that the largest single party has no potential ally or enough independent members to ensure a majority, he may also invite the leader of the largest pre-poll combination or alliance. If there is no combination or alliance, he may invite leaders one by one in the order of their size in the new Assembly. During this process, a post-poll combination may emerge, if any one of them agrees to form a government. The Governor may insist on letters of support from those outside the leader's party who are willing to join or extend support to him.

Is There Any Guidance to The Governor on This?

The Sarkaria Commission on inter-State relations has dealt with this question. The Commission's report suggests the following orders for Governors to follow:

1. An alliance formed prior to the election;
2. The largest single party staking claim with the support of others, including independents;
3. A post-electoral coalition, with all partners joining the government;
4. A post-poll coalition, with some joining the government, and others extending support from outside.

As general principles, the Sarkaria Commission says the Governor should look for a party or combination that commands the widest support in the Assembly, and that "his task is to see that a government is formed, and not to try to form a government which will pursue policies which he approves".

How Does the Governor Ascertain Majority?

Decades ago, there were instances of party leaders parading legislators supposedly supporting them in Raj Bhavan, and Governors doing a headcount or verifying signatures.

This approach has been deprecated by courts, and there is consensus now that the floor of the Assembly is the only place where the majority is to be decided. The Sarkaria Commission recommends that a person, who has been appointed Chief Minister without a clear majority, should seek a vote of confidence in the Assembly within 30 days. "This practice should be strictly adhered to with the sanctity of a rule of law," it says. Similarly, when the majority of the Chief Minister is contested by a significant number of legislators, the Governor should not risk a determination of his own outside the House, and it would be prudent "to cause the rival claims to be tested on the floor of the House". In this, the Governor may advise the Chief Minister to summon the Assembly, if it is not in session, to demonstrate his support. Normally, under Article 174, the Governor summons the House only on the advice of the Council of Ministers, but will be within his constitutional rights to cause the House to be convened if there is reason to believe that there is a doubt about the incumbent's majority.

What Are the Principles Evolved by The Supreme Court?

Some seminal judgments of the Supreme Court have dealt with these issues. The key principle that ought to guide the Governor is set out in the S.R. Bommai vs. Union of India case (1994). The proper course, the court said, for testing the strength of a ministry is a floor test. "That alone is the constitutionally ordained forum ...," it observed. Even though this verdict was in the context of the imposition of President's rule in different States, the principle holds good for any situation in which Governors have to decide on the appointment of a Chief Minister or continuance of a regime based on its numerical strength in the House. In Rameshwar Prasad (2005), the court ruled that there was nothing wrong in installing a post-poll combination, and that the Governor could not decline the formation of a government on the ground that it was being done through unethical means. In February 1998, in an unusual and trend-setting order (Jagdambika Pal vs. Union of India and Ors), the Supreme Court ordered a 'composite floor test' involving two rival claimants — Kalyan Singh and Jagdambika Pal. The Governor had dismissed the former and installed Ms. Pal in office. Kalyan Singh won the floor test that day. A significant aspect of the court's order was that it was made clear that the floor test would be the only item on the agenda of the House. A similar order was passed in March 2005 in the Jharkhand Assembly. More recently, in 2016, Harish Rawat won a floor test ordered by the Supreme Court in Uttarakhand. In 2017, a similar order was passed in respect of the Goa Assembly. Karnataka (2018) and Maharashtra (2019) are instances of the court ordering a floor test in a situation in which the Assembly had not yet been convened after the general election. Therefore, the legislators were yet to take their oaths. The court directed the appointment of a pro tem Speaker, to be followed by the administration of oath to the new members and, thereafter, a floor test. In a case examining the validity of the Governor advancing a session of the Arunachal Pradesh Assembly on his own, a Constitution Bench cautioned Governors against acting on internal party developments or "entering the political thicket".

What Are the Questions Left for Adjudication?

The court has so far justified its intervention by way of ordering floor tests, reasoning that such orders were necessary to preserve constitutional and democratic values. In its recent order in the Maharashtra case, the court observed: "In a situation wherein, if the floor test is delayed, there is a possibility of horse-trading, it becomes incumbent upon the court to act to protect democratic values." Such cases raise the issue of "boundaries between the court's jurisdiction and parliamentary independence", as the court itself noted. This may have to be

dealt with in a suitable case some day. Also, the acts of Governors in seeking letters of support, requiring Chief Ministers to prove their majority, and entertaining letters of withdrawal of support have so far been based on convention. Whether such acts are justifiable may require adjudication. In the latest case too, the question whether the Maharashtra Governor's decision to invite one claimant, rather than another, based on an unsubstantiated letter of support is correct, is open to adjudication. A set of written instructions or guidelines for Governors to act in such situations has been mooted in the past.

The Misadventure of a New Citizenship Regime (Niraja Gopal Jayal - Professor, Centre for The Study of Law and Governance, Jawaharlal Nehru University, New Delhi)

➔ The appetite of the Indian state for counting its people is evidently insatiable. The Office of the Registrar General and Census Commissioner has completed a 10-year project of data collection, at the household level, for the Census of 2021. The individual level data collection for the National Population Register is also to be uploaded next summer, alongside the Census. As of January 2019, nearly 123 crore Aadhaar cards had been issued. In Parliament, recently, yet another exercise in counting was proposed, for a nationwide National Register of Citizens (NRC). While its predecessors were counting "residents" rather than "citizens", the objective of this latest initiative is to count citizens — specifically to sift and sort citizens from non-citizens, to include and exclude, and having done so to weed out "infiltrators" destined for detention camps and potential deportation.

Taint of A Label

The rationale for a nationwide NRC, its feasibility, and, above all, its moral legitimacy, are questionable. Under the Foreigners' Act, 1946, the burden of proof rests on the individual charged with being a foreigner. Since the Citizenship Act provides no independent mechanism for identifying aliens — remember the Supreme Court struck down the Illegal Migrants (Determination by Tribunal) Act, or IMDT Act, in 2005 — the NRC effectively places an entire population under suspicion of alienage. With what justification can a state that does not have the ability to "detect" aliens, or even to secure its borders against illegal immigrants, set out to find aliens by elimination? This is tantamount not only to using an elephant to crush an ant, but of torturing the elephant to do it.

The Cost Of 'Authentication'

Let us also consider the resources needed to conduct such an NRC before discussing the deep moral misgivings such a project must provoke. The Assam NRC is reported to have cost ₹1,600 crore with 50,000 officials deployed to enrol almost 3.3 crore applicants in an exercise that even its champions acknowledge to be deeply flawed, as it ended up *excluding 19 lakh people*. On this basis, and taking as an indicative number the Indian electorate of 87.9 crore, a nationwide NRC would require an outlay of ₹4.26 lakh crore, which is more than double the presumptive loss in the 2G scam, and four times the budgetary outlay for education this year. The work of "authenticating" 87.9 crore people would entail the deployment of 1.33 crore officials. In 2011-12 (the most recent official data available), the total number of government employees in India was 2.9 crore. If, like the Census, this exercise is to be managed

exclusively by the Central government, the additional personnel needed would make this a truly novel employment generation programme. One way or another, the entire population of India and more than half its government officials will be involved, for at least the next 10 years, in counting and being counted — by all reckonings, an exceptionally productive contribution to the nation's Gross National Happiness. The remainder can be involved in building the new detention centres that will be needed to incarcerate the unhappily excluded. While the limitations of administrative capacity in India are a public secret, this is a nightmarish prospect for poor and unlettered citizens whose ancestors have known no other land but this, but who are unable to produce acceptable documentation. Few lessons have evidently been learned from the Assam experience that yielded unanticipated outcomes, especially unwelcome to those who were most enthusiastic about it. We would be silly to shut our eyes to the practices of "paper citizenship" acquired through what Kamal Sadiq has called "networks of kinship" and "networks of profit". As in Assam, such an enrolment drive could actually put undocumented nationals at risk of losing their citizenship in a futile search for non-national migrants who are invariably better documented. The fear of not having papers has already led to many suicides; we should brace ourselves for many more. Among the many uncertainties that persist is that about the cut-off date. March 1971 has little relevance beyond Assam. The speculation about a July 1948 date for the rest of India is implausible in light of constitutional provisions, post-Partition jurisprudence, and the enactment of the Citizenship Act in 1955. Second, will enrolment in the NRC be compulsory or voluntary (as in Assam), and what might the consequences of not seeking registration be? Finally, there is the federal imperative of seeking the consent of State governments. Already, many States in northeast India are erupting in protest. It is sobering to recall that political considerations alone have prevented the implementation, for over two decades, of the Supreme Court ruling awarding citizenship to Chakma and Hajong tribals in Arunachal Pradesh. If the NRC carves out paths to statelessness for groups that are disfavoured, the Citizenship Amendment Bill creates paths to citizenship for preferred groups. The implicit assumption in the NRC is that the infiltrators are Bangladeshis (read Muslims) who must be disenfranchised and stripped of any markers of citizenship that they may have illegitimately acquired. The explicit promise of citizenship in the CAB is to migrants belonging to specified religious groups — all except Muslims — who will be eligible for fast-track citizenship because they are persecuted minorities in Afghanistan, Bangladesh and Pakistan. The Bill does not specify what, if any, evidence would be required for validating claims of religious persecution. Nor does it offer similar respite to the victims of sectarian religious persecution in neighbouring countries, such as the Ahmadiyas or the Rohingyas.

Weak Assurances

It has been unequivocally asserted in Parliament that the NRC and the CAB are unrelated. Such assurances are however unlikely to assuage the anxieties of Muslim citizens given the larger ecosystem for minorities in India. Vigilante violence against minorities and legal impunity for its perpetrators, the triple talaq legislation and the reading down of Article 370, are suggestive of a state-society consensus on the status of minorities as second-class citizens in the New India. The cumulative import of these developments is the entrenchment of a conception of citizenship inconsistent with that adopted at Independence. At the end of a prolonged debate on citizenship, the Constituent Assembly settled on the principle of jus soli or birth-based citizenship as being "enlightened, modern, civilized" as opposed to the "racial citizenship" implied by the rival descent-based principle of jus sanguinis . A shift from

soil to blood as the basis of citizenship began to occur from 1985 onwards. In 2004, an exception to birth-based citizenship was created for individuals born in India but having one parent who was an illegal migrant (impliedly Bangladeshi Muslim) at the time of their birth. The CAB and the NRC will only consolidate this shift to a jus sanguinis citizenship regime. Constitutionally, India is a political community whose citizens avow the idea of the nation as a civic entity, transcending ethnic differences. The NRC-CAB combination signals a transformative shift from a civic-national conception to an ethno-national conception of India, as a political community in which identity determines gradations of citizenship. In the final analysis, the minutiae of implementation —from cut-off dates to resource constraints — are only cautionary arguments against this potential misadventure. The compelling argument against it lies in its adverse repercussions for the delicate but fraying plural social fabric of this nation; for the civilizational qualities of humaneness and hospitality that have marked our history; and, above all, for the equality of citizenship, based on birth and without regard to creed, that our Constitution guarantees.

➔ The first enactment made for dealing with foreigners was the Foreigners Act, 1864, which provided for the expulsion of foreigners and their arrest, detention pending removal, and for a ban on their entry into India after removal.

What is the Passport Act?

One of the early set of rules made against illegal migrants, The Passport (Entry into India) Act, 1920, empowered the government to make rules requiring persons entering India to be in possession of passports. This rule also granted the government the power to remove from India any person who entered without a passport. During the Second World War, the Imperial Legislative Assembly enacted the Foreigners Act, 1940, under which the concept of "burden of proof" was introduced. Section 7 of the Act provided that whenever a question arose with regard to the nationality of a person, the onus of proving that he was not a foreigner lay upon the person.

When Was the Foreigners Act Made More Stringent?

The legislature enacted the Foreigners Act, 1946, by repealing the 1940 Act, conferring wide powers to deal with all foreigners. Apart from defining a 'foreigner' as a person who is not a citizen of India, it empowered the government to make provisions for prohibiting, regulating or restricting the entry of foreigners into India. It also restricted the rights enjoyed by foreigners in terms of their stay in the country if any such orders are passed by the authority. The 1946 Act empowered the government to take such steps as are necessary, including the use of force for securing compliance with such directions. The most important provision of the 1946 law, which is still applicable in all States and Union Territories, was that the 'burden of proof' lies with the person, and not with the authorities. This has been upheld by a Constitution Bench of the Supreme Court.

What About the Foreigners (Tribunals) Order?

In 1964, the government brought in the Foreigners (Tribunals) Order. The tribunal has the authority to decide whether a person is a foreigner within the ambit of the Foreigners Act, 1946. The tribunal, which has powers similar to those of a civil court, gives reasonable opportunity to the person alleged to be a foreigner to produce evidence in support of his case, before passing its order. In June this year, the Home Ministry made certain

amendments in the Foreigners (Tribunals) Order, 1964. It was to empower district magistrates in all States and Union Territories to set up tribunals to decide whether a person staying illegally in India is a foreigner or not.

Why Did the IMDT Act Fail?

The Illegal Migrants (Determination by Tribunals) Act, 1983, which was unsuccessful — it was also referred to as the IMDT Act — was introduced for the detection and deportation of illegal migrants who had entered India on or after March 25, 1971. One factor for its failure was that it did not contain any provision on 'burden of proof' similar to the Foreigners Act, 1946. This put a very heavy burden upon the authorities to establish whether a person is an illegal migrant. The result of the IMDT Act was that a number of non-Indians who may have entered Assam after March 25, 1971 without possession of valid documents, continue to reside in Assam. This culminated, in 2005, in the Supreme Court landmark verdict on a petition by Sarbananda Sonowal (now the Chief Minister of Assam), challenging the IMDT Act. In the course of the proceedings, the Central government submitted that since the enforcement of the IMDT Act, only 1,494 illegal migrants had been deported from Assam up to June 30, 2001. In contrast 4,89,046 Bangladeshi nationals had been deported under the Foreigners Act, 1946 from West Bengal between 1983 and November 1998. The top court not only quashed the IMDT Act but also closed all tribunals in Assam functioning under the Act. It, then, transferred all pending cases at the IMDT tribunals to the Foreigners Tribunals constituted under the Foreigners (Tribunals) Order, 1964. Any person excluded from the National Register of Citizens (NRC) can approach The Foreigners Tribunals, established only in Assam, within 120 days of receiving a certified copy of rejection. In other States, a person suspected to be a foreigner is produced before a local court under the Passport Act, 1920, or the Foreigners Act, 1946.

The Dubious Legal Case for An NRIC (Jairam Ramesh - Rajya Sabha MP; Muhammad Khan Is an Advocate)

➔ On November 20, 2019 the Union Home Minister, Mr. Amit Shah, answered a starred question in the Rajya Sabha thus: "Preparation of National Register of Indian Citizens (NRIC) is governed by the provisions of Section 14A of The Citizenship Act, 1955 and The Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules 2003. Section 14A of the Citizenship Act, 1955 provides for compulsory registration of every citizen of India and maintenance of NRIC. The procedure to prepare and maintain NRIC is specified in The Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003." This answer is mischievously misleading inasmuch as it suggests that a nationwide NRIC is mandated by law. Section 14A in the Citizenship Act of 1955 provides in sub-section (1) that "The Central Government may compulsorily register every citizen of India and issue national identity card to him". The word "may" imply a discretion contingent on other factors that is at odds with the supposed "compulsory" nature envisaged immediately thereafter. A statute which issues a compulsory command must necessarily use the word "shall" and not the suggestive "may". It may be worthwhile to note that this section was introduced in January 2004 in the last days of the National Democratic Alliance (NDA) government.

Rules That Authorise An NRIC

Let us now examine the 2003 Rules cited by the Home Minister in the response given. Three Rules are of particular interest, Rules 11, 6 and 4, which seem to grant some vague sort of authority for a nationwide NRIC. Rule 11 states that the "Registrar General of Citizen Registration shall cause to maintain the National Register of Indian Citizen in electronic or some other form which shall entail its continuous updating on the basis of extracts from various registers specified under the Registration of Births and Deaths Act, 1969 and the [Citizenship] Act [1955]." It, therefore, confines the Registrar General's responsibility to a periodic revision of the National Register by updating it with the information available with the Registrar of Births and Deaths. No action or duty is enjoined upon the citizens to apply for (or prove) their citizenship afresh. However, Rule 4 places the responsibility to carry out a census-like exercise on the Central government and not on citizens. This deals with the "Preparation of the National Register of Indian Citizens" which provides that the Central Government shall carry out a "house-to-house enumeration for collection for particulars related to each family and Individual including the citizenship status". This is a distinctly passive process compared to the gruelling exercise that was forced upon citizens in Assam. In fact, the Assam exercise of making "residents" register vis-à-vis a specific cut-off date (in the form in which it was done) was an explicit exception, inserted by amendment through Rule 4A in 2009, and not the norm. In direct conflict with both the above rules, Rule 6 provides that every individual must get himself/herself registered with the Local Registrar of Citizen Registrations during the period of initialisation (the period specified as the start date of the NRIC). Note that this does not begin with a non-obstante clause or words that give it overriding effect over all other clauses. What this means is that this rule is circumscribed by the other clauses in the Act. Herein arises the dilemma, as a direct consequence of contradictory provisions in the Rules. We have Rule 11, which says that updating the NRIC entails updating the information available with 'Registrar of Births and Deaths' with no de novo process envisaged. Then, we have Rule 4, which says that a census-like exercise shall be carried out and, if the Central government wants to exclude a citizen, it will give him/her a hearing. And then, we have Rule 6, which says that a citizen shall have to get himself/herself registered once a start period is specified. These Rules are in direct contradiction with one another, and smack of non-application of mind and arbitrariness.

Not Mandatory

To conclude, the blunt answer as to whether the NRIC exercise is mandatory and inescapable is 'no'. The rules, as currently drafted, do envisage other less destructive scenarios to register "citizens" (not "residents") which, one can argue, are redundant in the wake of the Aadhaar Act and not mandatory. This ambiguity is also clear from the answer given in Parliament which, in a typically too-clever-by-half fashion, does not cite the exact rules that empower the Central government to carry out this exercise. However, under the Act, the Centre continues to enjoy rule-making powers and could issue rules which could make it mandatory in the Assam format. There are other questions as well. Under the Foreigners Act of 1946, the burden of proving whether an individual is a citizen or not, lies upon the individual applicant and not on the state (Section 9). Will the proposed NRIC strip bona fide citizens of basic legal protections by inverting the burden of proof just to satisfy the nefarious political agenda of the ruling establishment? The last time the Central government tried to make an identity enrolment mandatory was the Aadhaar project and this was struck down as excessive (except in limited and justifiable cases). The NRIC scheme, as proposed, would thus be directly in

violation of the K.S. Puttaswamy judgment. Furthermore, not acquiring an Aadhaar number does not subject a citizen to the serious penal consequences envisaged in the case of an NRIC, i.e., the loss of citizenship. Can a piece of delegated legislation do so? The short answer is no. Not without violating Articles 14 and 21 of the Constitution. The NRIC exercise promises to inflict a long period of insecurity on well over a billion people. The individuals most likely to suffer are those at the very margins of poverty, who risk being rendered stateless and worse, being incarcerated in detention camps which are truly a blot on our democracy. But what is all this in aid of? What public interest is sought to be achieved? Such a register (NRC) has existed since 1951 only in Assam, as a special case. Incidentally, that NRC — implemented under Bharatiya Janata Party (BJP)-ruled Central and State governments — has debunked hugely the BJP's own exaggerated numbers regarding the extent of such 'illegal migration'. Now, the clamour is for a new NRC in Assam. It appears that facts must be made to fit prejudices and propaganda. The truth of the matter is that the Prime Minister and the Home Minister are always in search of divisive issues which have little relevance to day-to-day concerns of livelihoods. Their abject failures in economic management are being sought to be covered up by constantly harping on NRIC and citizenship issues.

Seeking Truth and Reconciliation in Chhattisgarh (Nandini Sundar - The Author Of 'The Burning Forest: India's War in Bastar')

➔ The Indian government claims it is slowly but surely winning the war against Maoist guerrillas in India's resource-rich forested regions, and has consistently dismissed widespread accusations of human rights violations as propaganda by Maoists or their supporters. It has also acted to pre-empt future accusations by jailing human rights activists and lawyers working in these areas. But as a recent report by a government-appointed inquiry commission shows, these accusations are credible and need to be addressed. Seven-and-a-half years after 17 unarmed villagers, including six minors, were killed by security forces at Sarkeguda village in Chhattisgarh, a commission headed by Justice *V.K. Agarwal*, a retired judge of the Madhya Pradesh High Court, has established that the CRPF and police version of events was false, the official police enquiry into the deaths was manipulated, and that 15 of the villagers were killed at close quarters while fleeing in a 'totally disproportionate and unwarranted use of force." One man was killed in his home the next morning, while one succumbed to his injuries in hospital. Injuries to the forces were caused by friendly fire, a report by the commission said. The judge discounted testimonies by both sides, and relied only on circumstantial evidence. The CRPF/police version was dismissed because the lawyers for the villagers painstakingly picked holes in their claims.

Villagers' Testimony

The villagers' testimony was deemed by the defence lawyers to be belated. In fact, the circumstantial evidence corroborates everything the villagers said. The defence charge on delay is also completely unwarranted because the villagers spoke to the press, they met the Home Minister in Delhi and wrote a letter to the Supreme Court, all within days of the incident happening. That they did not file a FIR with the police in fact works against the state, showing their complete and justified lack of faith in the system. For one, the police was involved in the firing and, two, the government's own affidavits in the Supreme Court in the ongoing Salwa Judum case have established that the police have never acted on complaints from villagers. The only point where the judge differs from the villagers is in arguing that the meeting that

the villagers were attending was not an innocuous one to prepare for a seed-sowing festival because it was held at night and some people with 'criminal antecedents' were present. But in an area where anyone can be arbitrarily accused and jailed, people with criminal antecedents are a dime a dozen. As far as the security forces are concerned, everybody is a "hostile". Even after knowing that school-going children had been killed, DIG S. Elango's affidavit claimed: "we could find that 16 hostiles had been killed." However, curiously, even after exposing the violations by security forces, the judge rewarded the perpetrators. He did not recommend any prosecutions, or compensation; only better training, better gadgets and better intelligence for the forces. The Congress, when in Opposition in the State, had raised the issue of both the 2012 Sarkeguda massacre and the Tadmetla arson, murder and rape a year earlier, as well as the accompanying attack on Swami Agnivesh and Art of Living representatives. But immediately after coming to power in 2018, it promoted IG S.R.P. Kalluri, who an internal CBI report found was as culpable as the Special Police Officers (SPOs) who were charged with arson.

Human Rights Violations

The Congress may have appointed high-level committees to look into releasing adivasi prisoners as well as examine the cases of journalists harassed by the previous Bharatiya Janata Party (BJP) regime, but there has been no progress on addressing the landscape of widespread human rights violations, deaths, rapes and arson caused by Salwa Judum and Operation Green Hunt, despite severe indictments by the National Human Rights Commission in 2008 as well as by the Supreme Court in 2011. On the contrary, the government erected a statue to Mahendra Karma, the Congress leader who worked closely with the BJP government in carrying out the Salwa Judum. In an internal closure report on Tadmetla that the CBI hid from the Supreme Court, but which was subsequently leaked in 2018, the CBI pointed to the larger systemic issues of deliberate obfuscation by the security forces to ensure impunity, such as not keeping records of personnel on particular operations or details of ammunition used, apart from deliberately fudging evidence. Not surprisingly, there have been several more cases of fake encounters even after the Congress took power, the most recent being of two villagers in the Munga jungle on November 5. The Supreme Court's 2011 ban on the use of surrendered Naxalites in frontline counterinsurgency has also been wilfully ignored by both the BJP and Congress governments, and the Court, often so mindful of its dignity, has let this contempt pass without hearing for the last seven years. A 'final hearing' of the Salwa Judum case began in December 2018, but one year on, there have been no dates for hearing. As usual, the BJP is trying to deflect the real issues raised by the Sarkeguda inquiry by claiming that the leak of the report before it reached the Assembly was a breach of privilege. It is silent, however, on the issues raised by the report — the callous killing of 17 innocent villagers under its watch. The Congress can respond to the Sarkeguda report in two ways. Either it can continue the existing policy of counterinsurgency and impunity, which is the path preferred by the deep state. Or it can choose to fulfil the mandate of the people by seizing the historical opportunity to chart an entirely new path. The Congress should celebrate its first anniversary in power in Chhattisgarh by announcing a Truth and Reconciliation Commission, which would catalogue and compensate for all deaths, and prosecute those responsible. Action against security personnel in Sarkeguda must be the start, but must not be allowed to become the end.

National Shame

- The brutal rape and murder of a 26-year-old veterinarian in Hyderabad has led to an outpouring of anger across the country and in Parliament. Several MPs questioned the adequacy of criminal laws and a judicial system that permits under-age convicts to get away with lenient punishment and others sentenced to death to escape the noose through mercy petitions. Defence Minister Rajnath Singh said the government was "ready to make more stringent provisions in law". After the 2012 Nirbhaya outrage in Delhi, and on the recommendations of the Justice J.S. Verma Committee, the Criminal Law (Amendment) Act, 2013 was passed, by bringing in changes to the Indian Penal Code, the Code of Criminal Procedure, 1973, the Indian Evidence Act, 1872, and the Protection of Children from Sexual Offences Act, 2012. Key amendments were brought in to provide for death penalty for rape that led to death of the victim or reduced the survivor to a persistent vegetative state and anyone found guilty of rape more than once. In 2018, further changes introduced death as the maximum punishment for every perpetrator in a gang-rape when the victim is less than 12, and life-long imprisonment if the victim is less than 16. In the Delhi case, a fast-track trial court sentenced four to death in September 2013, while the only juvenile accused was freed after a stint at a remand home. The Supreme Court dismissed their appeals against conviction in 2017; two years on, the convicts have filed curative petitions in the court and one has already written to the President of India for clemency. As protests rocked Hyderabad demanding speedy justice, four lorry workers, arrested on charges of raping and killing the veterinarian returning from work, were kept in solitary confinement. After the Nirbhaya incident, the UN Human Rights chief had called rape and violence against women in India a "national problem" which would need "national solutions". Better policing, fast-track courts, quick sentencing is the need of the hour as each can serve as a deterrent. What should be included in every curriculum is gender sensitisation, right from school. Public places must be made safer for all. Boys and girls should be raised right in an atmosphere of freedom and a culture of mutual respect. The cycle of rapes, outrage and amnesia must end.
- Justice in any civilised society is not just about retribution, but also about deterrence, and in less serious crimes, rehabilitation of the offenders. The heinous rape and murder of a veterinarian in Hyderabad in late November shook the collective conscience of India and resulted in an outcry for justice for the victim and outrage over the persisting lack of safety for women in public spaces. Such societal pressure for justice invariably weighs upon legal institutions, as the police are required to find the culprits with alacrity and the judiciary to complete the legal process without undue delay. But these institutions must uphold the rule of law and procedure even in such circumstances. The killing of the four accused of the rape and murder of the veterinary doctor by the Cyberabad police raises disturbing questions. The police claim that two of the accused snatched their weapons and fired at them when the four had been taken to the crime scene to reconstruct the sequence of events late after midnight, and that they killed them in self-defence. The claim stretches credulity. The National Human Rights Commission has deputed a fact-finding team to Hyderabad to probe the incident. The guidelines set by the Supreme Court to deal with such events, including the need for an independent investigation, must be strictly observed to get to the bottom of this sordid episode. The jubilation seen on social media platforms and on the streets over the killings by the police stems from the public anger and anguish over the burgeoning crimes against women. There is a perception that the legal institutions are ill-equipped to deal with such crimes and to bring the perpetrators to justice. Yet, while much more needs to be done in terms of registration and charge-sheeting of sexual crimes by police and addressing the

pendency in court of such cases, there has been greater awareness and improvement in both the policing and judicial process following the horrific bus gang-rape in December 2012 in New Delhi. The Telangana government had, in this case as well, issued orders for setting up a fast-track court to try the four accused and if the successful prosecution in the Delhi case had been applied as a precedent, this should have brought closure to the case in a time-bound manner. Existing laws on sexual crimes and punishment need better application, but a recourse to brutal retribution as suggested unwisely by many is no solution. On the contrary, the political sanction of "encounter killings" to deliver swift retribution would only be a disincentive for the police to follow due process and may even deter them from pursuing the course of justice. Far from ensuring justice to the victims, bending the law in such cases would only undermine people's faith in the criminal justice system.

Chidambaram Case: Bail Basics

➔ The Supreme Court has restated the basic principles of granting bail while ordering the conditional release of former Union Minister P. Chidambaram in the INX Media 'money-laundering' case. That these principles required fresh iteration indicates a problem in the way courts have been handling certain applications for bail in recent times. In a case largely turning on documentary evidence — and one being probed by two agencies concerning the same transactions — it was quite astonishing that the former Minister was incarcerated for over 100 days, even after being subjected to prolonged custodial interrogation. As rightly pointed out by the three-judge Bench, bail remains the norm and its refusal the exception. The denial of bail is directly related to the possibility that a remand prisoner who has been released may not appear before the court to face trial. As securing the presence of a suspect is the primary ground for keeping a person in judicial custody prior to trial, there is no reason to jail someone who is unlikely to abscond. Another valid reason is the potential for a person to tamper with evidence or influence and threaten witnesses. Therefore, courts considering bail are required to conduct a triple test to find out if a person is likely to hinder the trial by fleeing from justice, tampering with evidence, or influencing witnesses. The apex court has conceded that sometimes the gravity of the offence may be an additional consideration, but underscored that it cannot be used to deny bail based on allegations yet to be tested in a trial. A disconcerting trend in the superior judiciary has emerged in recent times, wherein material provided in 'sealed covers' has been relied upon for adjudication, despite the content not being available to all parties. The Supreme Court has now formally disapproved of courts using purported material contained in sealed cover to record one-sided findings. In a principled intervention, it has deprecated the High Court treating prosecution claims submitted in a sealed cover to make some observations on the merits of the case against Mr. Chidambaram. The allegations contained in the confidential material are indeed grave, but the onus remains on the prosecution to prove them. What the Supreme Court was concerned about was whether such untested material could be used as a ground to deny bail. It is a matter of concern that larger issues of due process have to be revisited each time a public figure is arrested in the course of investigation, giving rise to a perception of political vendetta. Investigative agencies would be better advised to focus on gathering relevant material and moving for an early trial. The legal system is already in place for expedited trial against political leaders through special courts. There is no necessity to vitiate the process through dramatic arrests and prolonged pre-trial imprisonment.

Fresh SIT Report on 1984 Riots

➔ A confidential report by a court-appointed Special Investigation Team (SIT) may contain answers to the question of whether there will be any significant improvement in the country's poor record in securing justice for the victims of the 1984 anti-Sikh pogrom. It is a matter of shame that successful prosecutions have been few and far between, and each time a new probe is ordered or a fresh report submitted, it is seen as major progress. The SIT was formed by the Supreme Court a year ago to examine the record in 186 cases relating to the carnage that took place in the aftermath of Indira Gandhi's assassination. Another SIT had earlier scrutinised 293 cases, and closed 199 of them. A two-member team of retired apex court judges scrutinised these 199 cases, along with 42 other matters that had been closed earlier. The supervisory committee gave its views on these 241 cases and the Bench headed by the then Chief Justice of India, Dipak Misra, was informed that 186 cases merited further investigation. A fresh three-member team, headed by retired Delhi High Court judge, S.N. Dhingra, was asked to examine these 186 cases. Last week, the team submitted its report. Regardless of how many cases out of these result in prosecution, there is little doubt that the development offers a glimmer of hope to the victims of 1984. The country cannot forget that as many as 3,325 people from the Sikh community, including 2,733 in Delhi alone, were killed in the pogrom. It is not easy to secure convictions in instances of communal riots and sectarian violence, especially those that involve thousands of offenders gripped by mob frenzy. Further, in 1984, there was little effort in the early days to bring to book the high political functionaries of the Congress who were suspected to have instigated the riots. However, in the last 12 months, there have been at least two rare instances of success. In November 2018, two men were convicted of murder in a case that was closed many years ago and resurrected by the government's erstwhile special probe team. One of them was sentenced to death, and the other to life. A month later, Congress leader Sajjan Kumar was sentenced to life by the Delhi High Court after being acquitted by the trial court five years earlier. Otherwise, the 35-year-long quest for justice is largely a story of failure due to political influence, scuttled investigation and shoddy prosecution. The country has seen other large-scale riots and pogroms after 1984, but has not been able to ensure substantive justice. The time may have come to consider the Delhi High Court's suggestion in its verdict on Sajjan Kumar that there could be separate legislation to deal with mass murders that amount to genocide or crimes against humanity.

Delhi Govt. Rejects Mercy Petition in Nirbhaya Case

➔ The Delhi government has recommended rejection of the mercy petition of one of the convicts in the Nirbhaya case, according to a senior official of the State Home Department. The recommendation has been sent to Delhi Lieutenant Governor Anil Baijal. Vinay Sharma, one of the convicts facing the gallows in the gang rape-and-murder case of a 23-year-old paramedic student, had filed a mercy petition before President Ram Nath Kovind. "It is the fittest case to reject the mercy petition, keeping in view the heinous and gravest crime of extreme brutality committed by the appellant," the note sent by the government to Mr. Baijal said. Delhi Home Minister Satyendar Jain said: "There is no merit in mercy petition, strongly recommended for rejection." The Lieutenant Governor will now send his recommendation on the mercy plea to the Union Ministry of Home Affairs, the official said and added that a final call will be taken by the President of India. The paramedic student was raped on the intervening night of December 16-17, 2012, inside a running bus in south Delhi by six persons

before being thrown out on the road. She died on December 29, 2012, at Mount Elizabeth Hospital in Singapore, where she was airlifted from Delhi for treatment.

How Gujarat Terror Law Differs From MCOCA

➔ The Gujarat Control of Terrorism and Organised Crime (GCTOC) Act, which received President Ram Nath Kovind's assent on November 5, 16 years after the Assembly passed the first version of the Bill, comes into effect on December 1. The anti-terrorism law, which three Presidents before Kovind had returned to the state, draws heavily from The Maharashtra Control of Organised Crime Act (MCOCA), 1999, with two significant differences: the checks on interception of communication that are part of the Maharashtra law are missing in the Gujarat law; and the definition of "terrorist act" in the GCTOCA also covers "intention to disturb public order". These differences make the Gujarat law tougher and broader in scope than MCOCA.

Intercepting Communication

MCOCA

Five MCOCA sections (13, 14, 15, 16, and 27) deal with interception of communication. The law states that the interception, if approved by the competent authority, cannot be for more than 60 days, and that an extension would require permission. The application for extension must include a statement of the results of the interception thus far, or a reasonable explanation for the failure to obtain results. Extension, if granted, cannot be for more than 60 days. The law provides for a panel to review the orders of the competent authority, and stipulates a prison term of up to a year for unauthorised interception or violation of the rules of interception. A police officer of the rank of SP or above is required to supervise the investigation, and to submit the application seeking authorisation for the interception of electronic or oral communication. The law specifies various details that the application must mention. Interception is allowed only if the investigating agency states that other modes of intelligence gathering have been tried, and have failed. The competent authority shall be an officer of the state Home department, not below the rank of Secretary to the government. In urgent cases, an officer of the rank of Additional DGP or above can authorise interception, but an application must be made to the competent authority within 48 hours of the ADGP's order.

GCTOCA

The Gujarat law deals only with the admissibility of evidence collected through interception, and does not mention the procedure for intercepting communication. Its section 14 mirrors a corresponding section of MCOCA, and adds: "Notwithstanding anything contained in the Code (CrPC, 1973) or in any other law for the time being in force, the evidence collected through the interception of wire, electronic or oral communication under the provisions of any other law shall be admissible as evidence against accused in the court during trial of case." "Any other law" is not defined. The Indian Telegraph Act, 1885 allows for interception, with minimal punishment for misuse. There are no safeguards such as regular review of interception, feedback on outcomes, permissible duration of interception or accountability. The Information Technology Act, 2000 too is vague on such details. GCTOCA has no provision similar to the annual report mandated in the MCOCA, giving a full account of requests for interception, numbers of applications approved/rejected, prosecutions launched on the

basis of such interception, and convictions resulting from them. This analysis of the utility of the interceptions must be submitted to the Maharashtra Assembly within three months of the end of the calendar year.

Definition of 'Terrorist Act'

The Gujarat law's definition of a "terrorist act" is similar to the one in the repealed Prevention of Terrorism Act (POTA), 2002, but includes "an act committed with the intention to disturb public order". A prosecutor in Gujarat said that the widening of the definition "allows, say, the Patidar agitation to be described as an act of terrorism, allowing stricter punishment". This prosecutor underlined that The Unlawful Activities (Prevention) Act (UAPA), 1967, India's main central anti-terror law, "does not allow an agitation of such form or scale (to be called) 'terrorism', and is instead covered under IPC sections, (and) the law of sedition, (which) is not effective enough for stringent punishment". The Gujarat Assembly had re-drafted and cleared the Gujarat Control of Terrorism and Organised Crime (GCTOC) Bill in March 2015, including the term "terrorism", months before Hardik Patel launched the Patidar agitation. The Gujarat law defines a terrorist act as "an act committed with the intention to disturb public order or threaten the unity, integrity and security of the State or to strike terror in the minds of the people or any section of the people..."

Argument for Gujarat Law

Asim Pandya, Senior Advocate at the Gujarat High Court and a former president of the Gujarat High Court Advocates' Association (GHAA), said the government could, while framing the Rules, introduce the checks and balances that are absent in the Gujarat terror law. "In case this is not done, there is also the provision where the court can ask the state government to frame Rules to this effect," Pandya said. Also, Pandya said, the constitutional validity of the law can be challenged on a "case-specific" basis. "With respect to GCTOC, there is a competing interest of law and order versus privacy. However, only time will tell how communication interception is used, and is interpreted." The definition of "terrorist act", Pandya said, was "very wide" — however, there were mechanisms built into the law to limit it. "The first check is the registration of FIR that can be done by an officer of rank SP or above. Ordinarily, if the power to register FIR is given to a sub-inspector- or inspector-level officer, it can be misused. Secondly, assuming that the FIR is registered with a political motive, there is the provision that after submission of charge sheet, sanction from the state government is required before the court takes cognisance." Mentioning some other such checks, Pandya said, "Ultimately, the court is the interpreter," he said. Pandya said that while the GCTOC Act does grant power to the executive with respect to the investigation process, there were similar provisions under previous laws TADA and POTA, both now repealed.

Another Quota Question

➔ The time may have come for an authoritative pronouncement on the question whether the concept of 'creamy layer' ought to be applied to Scheduled Castes and Scheduled Tribes. The Union government has called upon the Supreme Court to form a seven-judge Bench to reconsider the formulation in M. Nagaraj vs Union of India (2006) that it should be applied to the SC and ST communities. This verdict was a reality check to the concept of reservation. Even while upholding Constitution amendments meant to preserve reservation in promotions as well as consequential seniority, it contained an exposition of the equality

principle that hedged reservation against a set of constitutional requirements, without which the structure of equal opportunity would collapse. These were 'quantifiable data' to show the backwardness of a community, the inadequacy of its representation in service, and the lack of adverse impact on "the overall efficiency of administration". This placed a question mark on the continuance of quota policies of various State governments due to non-compliance with these parameters. In Jarnail Singh (2018), another Constitution Bench reaffirmed the applicability of creamy layer norms to SC/STs. On this ground, it felt that Nagaraj did not merit reconsideration. However, it ruled that Nagaraj was wrong to require a demonstration of backwardness for the Scheduled Castes and Tribes, as it was directly contrary to the nine-judge Bench judgment in Indra Sawhney (1992), which had laid down that there is no need for a test of backwardness for SC/STs, as "they indubitably fall within the expression 'backward class of citizens'." It is curious that Jarnail Singh accepted the presumption of the backwardness of Scheduled Castes and Tribes, but favoured applying the 'means test' to exclude from the purview of SC/ST reservation those who had achieved some level of economic advancement. In this, it specifically rejects an opinion by the then Chief Justice K.G. Balakrishnan in Ashoka Thakur (2008) that the 'creamy layer' concept is a principle of identification (of those who should not get reservation) and not one of equality. While the Centre has accepted that the 'creamy layer' norm is needed to ensure that only those genuinely backward get reservation benefits, it is justifiably upset that this principle has been extended to Dalits, who have been acknowledged to be the most backward among the backward sections. Another problem is the question whether the exclusion of the advanced sections among SC/ST candidates can be disallowed only for promotions. Most of them may not fall under the 'creamy layer' category at the entry level, but after some years of service and promotions, they may reach an income level at which they fall under the 'creamy layer'. This may result in the defeat of the object of the Constitution amendments that the court itself had upheld to protect reservation in promotions as well as consequential seniority. Another landmark verdict in the history of affirmative action jurisprudence may be needed to settle these questions.

From 'Aaya Ram, Gaya Ram' To 'Operation Lotus' (P. Raman - Political Analyst And Author)

➔ I began covering national politics from 1978 when the Morarji Desai-led Janata Party government was in power. Since then I have been witnessing to innumerable splits and unifications of political parties. The infamous political horse trading ('Aaya Ram, Gaya Ram') of Haryana in 1967 was a cultural shock to the Indian polity. It was popular angst that gave birth to the anti-defection law of 1985. Why is there collective outrage missing today when we have more en bloc defections? In recent years, political defections have acquired new meanings and a new definition. It is now a multicrore business beyond the reach of the old 'Raos' and 'Lals' of Haryana. No State head, however resourceful, can afford to execute today's well-orchestrated inter-State operations. A second less noticed feature of this decade's political defections is that they are all planned and executed with precision, with the consent and expertise of the central leadership, often under code names like 'Operation Lotus'. Centre-State coordination is key to their success. Profiles of the vulnerable 'horses' to be traded are prepared, for which enforcement agencies work in tandem. The third is the ideological veneer attached to modern-day defections. It is all part of the ruling party's agenda to attain its cherished dream of a 'Congress-mukt Bharat'. All this has a more

disturbing side effect. The official patronage has rendered engineering defection morally acceptable to the polity. In earlier days, each power grab evoked public ire. All-party meetings were called to discuss the outrage. In the contemporary narrative, intimidating MLAs with raids, offering to withdraw cases against them and forcefully confining them in hotels has become accepted democratic process. The whole dictionary and grammar of defection has also changed. Words like 'defectors', 'Aaya Rams', 'horse trading', 'turncoats' and 'floor-crossing' have disappeared from sections of the mainstream media. Instead, we have softer expressions like 'win over', 'persuasion', and 'switching loyalty'. It was left to the Supreme Court to describe Ajit Pawar's temporary defection to the BJP in Maharashtra as 'horse trading'. Sections of the contemporary media even called the operation 'astute', 'skilful', and 'deft'. In earlier times, MLAs were herded to farm houses and guest houses. Now they are taken to resorts and five-star hotels. Editors back then asked us to go to the encampments and unravel murky deals. We reported the fatigue setting in among the guarded herd. Some did blow-by-blow accounts. But not now. Look at the burlesque that played out in the dark corridors of power in Mumbai. After all the media accounts and endless panel discussions, we are left with more questions than answers about the truth. Who scripted 'Operation Lotus'? Was it done without the knowledge of NCP chief Sharad Pawar and the BJP's top two leaders? Is Amit Shah so naive as to believe Ajit Pawar's claim of support from 51 MLAs and go ahead with the plot? What was the BJP chief's trusted aide Bhupender Yadav doing in Mumbai before the deal was struck on November 22? In those good old days, we were never allowed to let such nagging questions go unanswered.

Speaker and Unruly MPs

➔ The suspension of two Congress members by Lok Sabha Speaker Om Birla after unruly scenes in the House has brought back focus on the conduct of MPs, and related issues. Rule 378 of the Rules for the Conduct of Business states: "The Speaker shall preserve order and shall have all powers necessary for the purpose of enforcing own decisions." Rule 373 says: "The Speaker, if is of the opinion that the conduct of any member is grossly disorderly, may direct such member to withdraw immediately from the House, and any member so ordered to withdraw shall do so forthwith and shall remain absent during the remainder of the day's sitting." For recalcitrant members, Rule 374 says: "(1) The Speaker may, if deems it necessary, name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof. "(2) If a member is so named by the Speaker, the Speaker shall, on a motion being made forthwith put the question that the member (naming such member) be suspended from the service of the House for a period not exceeding the remainder of the session: Provided that the House may, at any time, on a motion being made, resolve that such suspension be terminated. "(3) A member suspended under this rule shall forthwith withdraw from the precincts of the House." According to Rule 374A: "(1) Notwithstanding anything contained in rules 373 and 374, in the event of grave disorder occasioned by a member coming into the well of the House or abusing the Rules of the House persistently and wilfully obstructing its business by shouting slogans or otherwise, such member shall, on being named by the Speaker, stand automatically suspended from the service of the House for five consecutive sittings or the remainder of the session, whichever is less: Provided that the House may, at any time, on a motion being made, resolve that such suspension be terminated. "(2) On the Speaker announcing the suspension under this rule, the member shall forthwith withdraw from the precincts of the House." In January, Speaker Sumitra Mahajan suspended 45 members of Lok Sabha belonging to the TDP and

AIADMK after they continuously disrupted proceedings for days. Twenty-four AIADMK members were suspended for five consecutive sittings. A day later, she suspended 21 members of AIADMK and TDP, and an unattached YSR Congress member. The AIADMK members had repeatedly flung papers towards the Chair. After warning that she would be forced to name them, the Speaker had ultimately invoked Rule 374A, barring the members from attending the House for the remainder of the session. In February 2014, then Speaker Meira Kumar had suspended 18 MPs from (undivided) Andhra Pradesh following pandemonium in the House. The suspended MPs were either supporting or opposing the creation of the separate state of Telangana. In December 2018, Lok Sabha's Rules Committee recommended automatic suspension of members who entered the well of the House or wilfully obstructed business by shouting slogans despite being repeatedly warned by the Chair. However, rules aside, it is often expediency rather than principles, which shapes the stand of a party on the issue. The ruling party of the day invariably insists on the maintenance of discipline, and the opposition on its right to protest. And their positions change when their roles flip.

Populism, Against the People (Irfan Nooruddin - The Hamad Bin Khalifa Al Thani Professor of Indian Politics in The Walsh School of Foreign Service at Georgetown University)

➔ The story of democracy in the last century was claiming the right to rule for majorities from unrepresentative elites. The form varied — seizing independence from colonial empires under the rallying cry of national self-determination; overthrowing dictatorships of the left and right whose governments ruled by fiat and with military force; questioning the divine right of kings to rule and replacing royal courts with parliamentary debates — but the implication was the same: the only legitimate source of power was the people.

Election to Power

The success of this sea-change in popular imagination is evident in the ubiquity of elections around the world. Today a mere handful of states, clustered mainly in the Arabian Gulf, remain the only places not to use elections as the means of allocating national power. But everyone else uses elections, even when only one party is allowed to compete and no one believes the election is free or fair. The quality of these elections notwithstanding, the point of elections is simple: they are an efficient way of determining the will of the majority. Yet if establishing democracy required replacing unelected elites with the representatives of the 'people', then preserving democracy requires defending it against the 'people'. Democracy requires two things: rulers who reflect the majority's choice, and respect for those in the minority. This is critical because the power of free and fair elections is that today's government can be tomorrow's opposition (see Maharashtra). Even more to the point, democracy presumes the possibility that voters might shift their loyalty depending on the issues most salient to them. Today's health-care voter might be tomorrow's national defence voter and day after's climate change voter. This fluidity means that rational voters fully expect to be in the opposition at some point, and, when that happens, want to know that their rights will not be trampled upon by the newly empowered. This is the point of constitutional democracy: the constitution guarantees us certain inalienable rights that cannot be rescinded by the whims of those in power.

Confronting Abuse of Power

If the majority's interests are represented by the government, then the minority's rights must be protected by institutions of the state capable of checking government action that infringes upon minority rights. Of course, governments can enact all manner of policy that is not liked by those in the opposition — elections have consequences after all or why bother holding them. But when government's overreach threatens to violate constitutional principles, the courts and the press are obliged to step in to confront this abuse of power. Such counter-majoritarian institutions such as the judiciary and the press are critical to the health of democracy. Ironically, by constraining the abuse of power by the majority, counter-majoritarian institutions preserve the legitimacy of majority rule. The jousting and interplay between governments and opposition is sustainable when winning elections are constructed on programmatic appeals. But for politicians to win on the basis of policy promise requires state capacity — fiscal space and bureaucratic wherewithal — to deliver government services broadly and fairly, including to those who might not have voted for the government. But when state capacity is limited or non-existent, politicians target their efforts to narrower slices of society. To get credit for the targeted provision of public goods, politicians must target on the basis of a clearly identifiable marker, such as religion, caste, language, or ethnicity. In this equilibrium, politicians do not represent ideas or policy positions, they stand for groups of people. Think of any state election in India. What are the policy planks on which politicians and parties compete? (I could not answer this question either and I study Indian politics for a living.) No wonder that election analysis in India is couched more in terms of ethnic combinatorics, what pundits refer to as caste-community arithmetic. Populists understand this dynamic. Their instinct is to build identity-based coalitions that harness a majoritarian impulse. The legitimacy populists claim is cloaked in the will of the majority, but the premise of their appeal is that the majority has hitherto been undermined by the minority. This accusation can be augmented — the minority might be anti-national or in cahoots with foreign anti-national elements — but the core contention is the same: the majority, which represents the true interests of the true nation, is tired of minority appeasement and betrayal and, now that it has its turn in power, will not relinquish power.

Pressure on Judiciary, Media

By framing their responsibility as being to the 'true' national interest, represented by the majoritarian coalition that brought them to power, populists accuse counter-majoritarian checks and balances on executive authority, as anti-national. Indeed, rather than guardians of liberty, judges and journalists are portrayed as anti-majority, against the will of the people, and therefore fundamentally anti-democratic. It is hardly a surprise that populists expend so much effort undermining these institutions. Judges are threatened and coerced, and politicians use appointment powers and influence to install pliant judges on the bench who are more attentive to majoritarian sentiments than to minority rights. The media is choked and vilified until the only rational response is to be a mouthpiece for the government rather than its adversary; much easier to hide behind the flag than to defend it. Not even staid bureaucrats in their dusty cubicles are safe — ask awkward questions about environmental impacts of infrastructure projects, and run the risk of being added to the rolls of the 'tukde tukde gang.' For advocates of democracy, these are worrying times. Over the past 30 years, national elections worldwide are more likely to result in the deterioration of democracy than its deepening. The populist revolt dovetailed with a technocratic middle-class scepticism about the 'state'. Politics becomes a bad word to be avoided personally and hedged against

professionally. Much better to place authority in the hands of the consultant class, whom we assume will be less venal and power-hungry, and more focused on getting the right answer. But this plays right into the hands of populist leaders whose primary objective is to undermine the legitimacy of the political process. Democracy is the casualty — mocked by technocrats and populists, it is stripped of its constitutional guardians. This is the irony of democracy: government of the people, for the people, and by the people, works best when it is protected from 'the people', or, more accurately, those whose hubris and ambition allow them to claim to speak for the people. The responsibility for this debacle is equally shared by the left and the right — for every Viktor Orbán in Hungary who openly calls for 'illiberal democracy' is an Evo Morales in Bolivia who abrogates constitutional term limits to preserve his grip on power in the name of the people. Democracies work best when we remember that there is no one people and no one party or politician has a monopoly on knowing what the people want. Unless today's winners can expect and accept that they might be tomorrow's losers, electoral democracy is doomed. And unless today's losers can have confidence that their rights will be defended by democratic counter-majoritarian institutions, they have no reason to keep faith with elections. When that happens, the populists win, the people lose, and democracy dies.

What's Wrong with Deep Humiliation (Rajeev Bhargava - Political Theorist with The Centre for The Study of Developing Societies)

Maltreating Dalits, Blacks

The scholar, Gopal Guru, has given us a horrifying picture of humiliation in 18th-century Maharashtra where Dalits were mostly confined to mahars (internment camps) and allowed to walk on the main street of the village only when servicing the upper castes. In the short span when they were permitted to do so, they had to clean these streets with brooms tied to their waist in order to erase their 'polluting' footprints. Even worse, they were compelled to walk the streets only at noon when their shadows were the shortest and therefore had the least chance of falling on and 'polluting' upper caste men also out in public. Gopal Guru poignantly points out that "the beautiful mornings and cool evenings" were never available to the "untouchables". The African-American experience in the U.S. was hardly different. It was common for blacks to step off the sidewalk when a white man passed him. Could there have been anything more humiliating than to know that because you are black, you have to walk half a mile further than whites just to urinate, receive your food through a window at the back of a restaurant or to sit in a garbage-littered yard to eat? Occasional offence, insult or disrespect lower one's dignity but are tolerable, indeed sometimes even productive. One's ability to restore one's dignity here is still intact. Humiliation constitutes grave wrongdoing when one's self-worth is irretrievably lowered. When that happens, people experience what might be called deep humiliation. Here, people are viewed and begin to view themselves as if they have no subjectivity — no thoughts, no viewpoint, no emotions, no sense of self. They are stripped of their humanity, as if falling outside the fold of human species. Of course, the mere fact of not being treated as a human is not humiliating. One may admire, fear, appreciate the power and grace of tigers or the beauty of say, flowers. Deep humiliation is experienced when one is seen not only as non-human, but lower in rank than humans, when one is inferiorised. To deeply humiliate is to contemptuously see and treat people as sub-human. And, this is why humiliation is a special form of maltreatment, different from a mere denial of justice, freedom or fraternity. For, there are forms of inequality, unfreedom and

social alienation that do not involve humiliation. A person may not be denied dignity even when constraints are imposed on his freedom, as for instance when prisoners are treated with dignity or workers, though formally exploited by factory-owners, are still accorded respect through, say, basic welfare rights. But some instances of injustice or un-freedom are accompanied by inhuman, debasing treatment. Such forms of speech, gestures or actions carry a message, express an attitude towards those unequal or unfree that they do not matter at all, that they are entirely worthless, that they fall outside the ambit of humanity.

Structural Humiliation

What Dalits and African Americans as a whole group suffered in the past and what many continue to undergo even now is a systematic denial of self-respect and dignity, a continual rejection, a perverted pattern of ill-treatment. They experience a particular form of deep humiliation which is not episodic but structural, a feature of the social order. Here, humiliation is so normalised that neither the humiliator nor the humiliated need even feel that some grave wrongdoing is afoot. Cruelly, this is so routine, so recurrent that people do not even notice it. Another instance that is not quite the same, though comes close to it, is the belief widespread among conservative Hindus and Jews, perhaps people in other communities too, in the 'polluting nature' of the menstrual cycle in women. Though not permanent, it occurs every month for long in their life, and results in such a recurrent exclusion from the life of the community that it must count as part of the same family of maltreatment. And this is what is wrong with disallowing menstruating women from entering the Sabarimala temple, regardless of whatever religion or tradition-related justification that might be offered for it. This is not the only form of deep humiliation, however. Consider this: a person deliberately throws an object on the street and then demands that it be picked up; the father of an honest police officer is asked to publicly behave like an obedient dog. This is wilful humiliation. The philosopher, Avishai Margalit, writes of Jews being put to purposeless work in concentration camps, only to be subjected to the pointless whim of the subjugator. This work had no tangible benefit for either the Jews or the Nazis. It performed no social function. Yet, for some time, it became a severe form of punishment meted out to a person just for being born a Jew. Not built into the social life of early 20th century Germany, it could not be called structural.

Wilful Humiliation

Such acts are designed solely to express the will of the perpetrator; the victim, having abjectly surrendered, has no will. Who can forget the haunting footage of the helpless Tabrez Ansari being mercilessly beaten to death by a mob merely because he was Muslim? Or, consider rape incidents — like in the case of Nirbhaya — many of them brutal acts of disempowerment so gratuitous, so superfluous, that they do not even serve the purpose of accomplishing the sexual act and end up humiliating not just the victim but all women. In such cases, humiliation is meant not only to disempower people, but to ensure that the humiliating act is stamped forever on their minds, to render the resulting debasement vivid to them with the sole purpose of satisfying the humiliator. In short, the pain arising in the humiliated gives the humiliator direct and unadulterated pleasure in the suffering of others. This makes it malicious. Take another example. The expulsion of Kashmiri Pandits from the Valley was grossly unjust. Ways must be found to bring them back to the Valley, and to reconcile communities. But, the dismembering of the state of Jammu and Kashmir is also seen by many

Kashmiris as humiliating. Now, there is nothing humiliating per se in the rearrangement of a State into different administrative units. But when accompanied by gloating and triumphalism, does it not border on wilful humiliation? There are many groups around the world that face a conjunction of structural, wilful and malicious humiliation. But can we call ourselves decent or civilised, if we allow deep humiliation in any form?

Lessons from Ambedkar (Mohammed Ayoob - University Distinguished Professor Emeritus of International Relations, Michigan State University)

➔ B.R. Ambedkar is remembered on his 63rd death anniversary on December 6, principally as the chief draftsman of the Indian Constitution. But above all, Ambedkar was a valiant fighter for the cause of the Dalits. His strategies to achieve the goal of empowering Dalits shifted with changing contexts but the goal always remained the same: attaining equality with caste Hindus in all spheres of life.

Separate Electorate

It was in pursuit of this goal that in the early 1930s he advocated a separate electorate for the Dalits. This demand was accepted by British Prime Minister Ramsay MacDonald in his Communal Award of 1932, which granted Dalits 18% of the total seats in the Central legislature and 71 seats in the Provincial legislatures to be elected exclusively by Dalits. However, Ambedkar's success was short-lived because of Mahatma Gandhi's fast unto death against a separate electorate for Dalits, which he saw as a British ploy to divide Hindu society. Ambedkar gave up his demand in return for an increased number of seats reserved for Dalits but elected by the general Hindu population. However, Ambedkar regretted his decision because he soon realised that given the disparity in the number of eligible voters between caste Hindus and Dalits as well as the huge disparity in their socio-economic status, very few of the elected Dalits would be able to genuinely represent Dalit interests. Both Gandhi and Ambedkar abhorred untouchability, but the terms they used to describe the "untouchables" demonstrated the wide gulf in their approaches to the issue. Gandhi called them "Harijan" (God's children) in order to persuade caste Hindus to stop discriminating against them. For Ambedkar, this was a patronising term and he used the nomenclature Dalit both to describe the reality of oppression and to galvanise his people to challenge and change the status quo. In the second half of the 1930s Ambedkar considered the Muslim League a potential ally. He concluded that if Muslims and Dalits acted jointly, they could balance the political clout of caste Hindus. However, he was disillusioned after the Muslim League's Lahore Resolution of March 1940 demanding a separate Muslim majority state. He felt this undercut Dalit interests in two ways. First, if the Muslim League succeeded in gaining Pakistan, it would drastically reduce the Muslims' heft in Indian politics and allow caste Hindus a free hand in running the country. Second, even if the bid for Pakistan failed, the Muslim League's demand for parity in representation with the Hindus effectively marginalised all other groups, especially the Dalits. After Independence Ambedkar made his peace with the Congress leadership believing that he could enhance Dalits' rights from within the power structure. He became Law Minister and Chairman of the Constitution Drafting Committee. He resigned from the Cabinet in 1951 when his draft of the Hindu Code Bill was stalled in Parliament because conservative Hindu members opposed it.

Problems Today

Although he died a frustrated man, Ambedkar's devotion to the cause of Dalit empowerment has continued to galvanise Dalits until today. This Dalit awakening is represented in student activism on university campuses as well as through the emergence of Dalit-based parties. However, there are three major problems that continue to bedevil Dalit activism. First, intra-Dalit differences based on sub-castes allows forces opposed to Dalit empowerment to divide Dalits and deny them the clout that they can wield in the Indian polity. Second, interpersonal rivalry among Dalit politicians leads to the same result. Third, the inability of the Dalit leadership to stick with their non-Dalit allies, especially in times of political adversity, makes them appear as unreliable political partners. The most important lesson to learn from Ambedkar's repeated exhortations is that unless they remain united, the Dalits will be denied their due share of political power.

India's Enduring Document of Governance (N.L. Rajah - Senior Advocate, Madras High Court)

➔ At 69 and stepping into 70, India's Constitution is one of the world's oldest and most enduring. At the time of its birth, constitutional experts the world over did not expect our Constitution to survive very long. One of its most incisive critics was Sir Ivor Jennings, the world's then leading expert on constitutional law.

Premature Analysis

In 1951 the University of Madras invited Jennings to deliver a series of lectures on the just born Indian Constitution. Alladi Krishnaswamy Iyer, one of the chief architects of the Constitution, attended them and stayed through all his lectures which Jennings delivered in parts on three successive days. Alladi also made elaborate notes. Jennings began his address by summing up India's Constitution in one cynical sentence: "Too long, too rigid, too prolix." Over the course of three lectures, Jennings elaborated on his views. He focused on some primary aspects: The Constitution's rigidity and its superfluous provisions; fundamental rights and directive principles of state policy; and, finally, key aspects of India's federalism. Jennings finally handed down a largely unfavourable verdict. India's Constitution, he declared, was "far too large and therefore far too rigid", too caged by its history, and too unwieldy to be moulded into something useful through judicious interpretations. Overall, his judgment was that the Constitution would not endure. Alladi was distressed and distraught. He started writing a series of articles to counter Jennings' diatribe and to point out why the Constitution of India would be an enduring document of governance. However, destiny snatched away his mortal remains before he could complete the rejoinder. Posterity however proved him right. In the 1960s, the same Sir Ivor Jennings had been commissioned to write a new Constitution for Sri Lanka then known as "Ceylon". Despite all precautions taken in its drafting, that Constitution lasted about six years.

Findings of A Key Study

The endurance, lasting appeal and effectiveness of our Constitution is brought home to us in full force when we peruse a work of the University of Chicago titled "The Lifespan of Written Constitutions, by Thomas Ginsburg, Zachary Elkins, and James Melton" on the longevity of constitutions the world over. The study encompassed the constitutional history

of every independent state from 1789 to 2006. The study identified a "Universe of 792 new constitutional systems", of which 518 have been replaced, 192 still in force, 82 have been formally suspended ultimately to be replaced. The study discloses that constitutions, in general, do not last very long. The mean lifespan across the world since 1789 is, hold your breath, a mere 17 years. The estimates show that one half of constitutions are likely to be dead by age 18, and by age 50 only 19% will remain. A large percentage, approximately 7%, do not even make it to their second birthday. The study also discerns noticeable variations across generations and regions. The mean lifespan in Latin America (the source of almost a third of all constitutions) and Africa is 12.4 and 10.2 years, respectively. And 15% of constitutions from these regions perish in their first year of existence. The study however found that constitutions in western Europe and Asia, on the other hand, typically endure 32 and 19 years, respectively. The Organisation for Economic Co-operation and Development (OECD) countries have constitutions lasting 32 years on an average. Finally, unlike the trend of improving human health, the life expectancy of constitutions does not seem to be increasing over the last 200 years. Through the World War I years, the average lifespan of a constitution was 21 years, as against only 12 years since. Constitutions, are most likely to be replaced around age 10 and age 35. However, the risk of replacement is relatively high during most of this period, and it appears constitutions do not begin to crystallise until almost age 50. So, what do constitutions the world over generally do? The study finds that their most important function is to ring fence and then to limit the power of the authorities created under the constitution. Constitutions also define a nation and its goals. A third is to define patterns of authority and to set up government institutions. The study shows that there are primary mechanisms by which constitutional changes occur: formal amendments to the text and informal amendments that result from interpretive changes; that constitutional lifespan will depend on: occurrence of shock and crisis such as war, civil war or the threat of imminent breakup; structural attributes of the constitution, namely its detail, enforceability and its adaptability; structural attributes of the state. The study also finds that the specificity of the document, the inclusiveness of the constitution's origins, and the constitution's ability to adapt to changing conditions will be an important prediction of longevity. Constitutions whose provisions are known and accepted will more likely be self-enforcing, for common language is essential to resolving coordination problems. Constitutions, that are ratified by public reference enjoy higher levels of legitimacy. Constitutional durability should increase with the level of public inclusion both at the drafting stage and the approval stage. That the primary mechanism through which a constitution is interpreted is a court empowered with powers of constitutional judicial review.

Explaining India's Stability

It points to India being an example of the fact that fractionalised environments produce constitutional stability precisely because no single group can dominate others. Public ratification produces a more enduring constitution in democracies — but not in autocracies. Longer constitutions are more durable than shorter ones which suggest that specificity matters. In conclusion the study points out that constitutions work best when they are most like ordinary statutes: relatively detailed and easy to modify. The drafting committee of the Constitution headed by Dr. B.R. Ambedkar did not have the benefit of such an advanced study to guide its workings. However, one is deeply impressed with the fact that a distinguished group of seven members of the drafting committee and equally eminent members of the Constituent Assembly worked together and applied practically all yardsticks the study now

declares as being indispensable to impart durability to a constitution. What is noteworthy is the fact that inclusiveness during the formative years of the Constitution-making debates; specificity of the provisions that produced an excellent balance between redundant verbosity and confounding ambiguity; fundamental rights and judicial review being made sheet anchors of the instrument; a workable scheme for amending the constitutional provisions which the current study found among others important to ensure longevity of Constitutions, were all applied even in the 1940s by our Constitution makers. And all this happened when there was no erudite study to guide them on the path of Constitution-making. All that our founding fathers and mothers had to guide their work was their strong commitment to the welfare of our nation and their own experience during the long years of the freedom struggle. Justice Oliver Wendell Holmes was indeed right when he observed: "The life of the law has not been logic. It has been experienced."

What Fundamental Duties Mean

➔ Over the last one week, the government has been making a pitch for fundamental duties. In his Constitution Day address to a Joint Session of Parliament last week, Prime Minister Narendra Modi stressed the importance of constitutional duties, while making a distinction between seva (service) and these duties. On the same occasion, President Ram Nath stressed the difference between rights and duties, while Vice President M Venkaiah Naidu called for fundamental duties to be included in the school curriculum and the list of the duties to be displayed at educational institutions and at other public places. Also, on Constitution Day, Union Law Minister Ravi Shankar Prasad, writing in The Indian Express, called for citizens to remember their fundamental duties as they remember their fundamental rights. Fundamental Duties are described in the Constitution — an Emergency-era provision that was introduced by the Indira Gandhi government. Days before the pitches made on Constitution Day, The Indian Express had reported how the government has been dusting off this provision and asking ministries to spread awareness about Fundamental Duties.

How Were Fundamental Duties Incorporated in The Constitution?

The Fundamental Duties were incorporated in Part IV-A of the Constitution by the Constitution 42nd Amendment Act, 1976, during Emergency under Indira Gandhi's government. Today, there are 11 Fundamental Duties described under Article 51-A, of which 10 were introduced by the 42nd Amendment and the 11th was added by the 86th Amendment in 2002, during Atal Bihari Vajpayee's government. These are statutory duties, not enforceable by law, but a court may take them into account while adjudicating on a matter. The idea behind their incorporation was to emphasise the obligation of the citizen in exchange for the Fundamental Rights that he or she enjoys. The concept of Fundamental Duties is taken from the Constitution of Russia.

Under What Circumstances Was The 42nd Amendment Passed?

The amendment came at a time when elections stood suspended and civil liberties curbed. The government arrested thousands under MISA (Maintenance of Internal Security Act) and carried out anti-poverty programmes, slum demolition drives, and a forced sterilisation campaign. "With the opposition MPs locked away, a series of Constitutional amendments were passed to prolong Mrs Gandhi's rule," writes historian Ramachandra Guha in India after Gandhi. Apart from adding the Fundamental Duties, the 42nd Amendment also changed the

Preamble to the Constitution to include the words 'Socialist and Secular' to describe India, in addition to its being 'Sovereign Democratic Republic'. New 'Directive Principles' were added and given precedence over Fundamental Rights. Jurisdiction of the Supreme Court and High Courts to review constitutionality of the laws was curtailed. High Courts were prohibited from deciding on the constitutional validity of central laws. *A new Article 144A was inserted, prescribing a minimum of seven judges for a Constitution Bench, besides stipulating a special majority of two-thirds of a Bench for invalidating central laws.*

How Many of The Changes Made Under The 42nd Amendment Are Still in Effect?

In the 1977 elections, the manifesto of the Janata Party promised to restore the Constitution to its pre-Emergency form. However, after being voted to power, the Morarji Desai government did not have the numbers for a complete reversal. Reversal happened only in bits and pieces. *In 1977, the 43rd Amendment restored the jurisdiction of the Supreme Court and High Courts to review the constitutional validity of laws.* The following year, the 44th Amendment changed the grounds for declaring Emergency under Article 352, substituting "internal disturbance" with "armed rebellion", besides requiring of the President that he shall not do so unless the decision of the Union Cabinet is communicated in writing to him. Right to Liberty was strengthened by stipulating that detention under the Preventive Detention Act shall not be for more than two months. Right to Property was converted from a Fundamental Right to a legal right, by amending Article 19 and deleting Article 31.

Other Key Amendments to Constitution

First Amendment, 1951

Article 15 was amended by inserting Clause 4, empowering the state to make any special provision for the advancement of any socially and educationally backward classes or categories of SCs and STs notwithstanding anything in this Article or in Clause 2 of Article 29. Article 19 was amended to secure constitutional validity of zamindari abolition laws and to provide for new grounds of restrictions to the Right of Freedom of Speech and Expression and the right to practice any profession or to carry on any trade or business. Articles 31A and 31B, and the Ninth Schedule were inserted to give protection to land reform laws from being questioned on the ground that they are not consistent with Fundamental Rights.

24th Amendment, 1971

Articles 13 and 368 amended to remove doubts about Parliament's power to amend the Constitution including Fundamental Rights further to the judgment of the Supreme Court in the Golaknath case. The President was obligated to give assent to any Constitution Amendment Bill presented to him.

26th Amendment, 1971

It repealed Articles 291 and 362 dealing with privy purses, sums of rulers and rights and privileges of rulers of former Indian states.

Why Are There Objections to The Transgender Persons Bill?

➔ Parliament has made into law the Transgender Persons (Protection of Rights) Bill, 2019, which had been framed for the welfare of transgender persons. The Bill was passed in the Lok Sabha on August 5 this year, a month after its introduction in the House, and the Rajya

Sabha cleared it on November 26, with a last-minute move to refer it to a Select Committee being defeated in a voice vote. The community had organised protests across the country, urging changes to the Bill, claiming that in the form in which the Central government had conceived it, it showed a poor understanding of gender and sexual identity.

What Were the Objections to The Bill?

Activists had problems right from the beginning, starting with the name. 'Transgender' was restrictive, they argued, and it showed a lack of understanding of the complexities in people who do not conform to the gender binary, male/female. Charging that the Bill had serious flaws, because of this basic lack of comprehension about gender, some activists also wrote an alternative wish Bill, outlining their demands. The Bill was meant to be a consequence of the directions of the Supreme Court of India in the National Legal Services Authority vs. Union of India case judgment, mandating the Central and State governments to ensure legal recognition of all transgender persons and proactive measures instituted for their welfare. Activists harked back to this judgment of April 2014, chastising the Union government for failing to live up to the opportunity to ensure that fundamental rights are guaranteed to all people regardless of their sex characteristics or gender identity. Rejecting 'Transgender' as the nomenclature, they suggested instead that the title should be a comprehensive "Gender Identity, Gender Expression and Sex Characteristics (Protection of Rights) Bill", and in definition, sought to introduce the distinction between transgenders and intersex persons upfront. Members of the community perceive transgender as different from intersex, and were insistent that the distinction be made in the Bill. Transgenders have a different gender identity than what was assigned to them at birth, while intersex indicates diversity of gender based on biological characteristics — ambiguity in anatomical genitalia — at birth. There are also multiple variations in intersex itself. While the Act is progressive in that it allows self-perception of identity, it mandates a certificate from a district magistrate declaring the holder to be transgender. This goes against the principle of self-determination itself, activists argue, also pointing out that there is no room for redress in case an appeal for such a certificate is rejected. One long-pending demand has been to declare forced, unnecessary and non-consensual sex reassignment surgery illegal, and to enforce punitive action for violations. Transgender and intersex persons might require a range of unique health care needs, and that should have been incorporated into the Act, activists say. While the Act envisages the setting up of a National Council for Transgender Persons to provide the institutional framework for its implementation, suggestions on the composition of such a council, or the demand to set up a working group for a Council for Intersex Persons were also ignored.

What Is the Historical Context?

In 2013, the government set up an expert committee to study the problems of transgenders and recommend solutions. The committee, comprising experts from various fields and members of the community, also looked at past experience as in the State of Tamil Nadu, which had set up a welfare board for transgender persons, and made recommendations right from allowing a 'third gender' in official forms, to setting up of special toilets, and customising health interventions. In 2014, a private member Bill, The Rights of Transgendered Persons, was introduced in the Rajya Sabha by Tiruchi Siva, a Member of Parliament from Tamil Nadu, which looked at a range of entitlements of such persons, providing specifically for them in health, education sectors, skill development and

employment opportunities, and protection from abuse and torture. It was passed in the Rajya Sabha. In 2016, the Government introduced its own Bill in the Lok Sabha and it was referred to a Standing Committee, which made a number of recommendations including defining the term persons with intersex variations, granting reservations for socially and educationally backward classes, and recognition of civil rights including marriage, partnership, divorce and adoption. However, with the dissolution of the 16th Lok Sabha (2014-19), that Bill lapsed. Earlier this year, the Madurai Bench of the Madras High Court declared a ban on sex normalisation surgeries on intersex children and infants, relying on a petition to the National Human Rights Commission on the subject from Gopi Shankar, an intersex person, and activist. The Tamil Nadu government followed this up with issuing a Government Order banning such surgeries.

What is the Future?

While the community is miffed that the Bill has become an Act without any effort to make valid or relevant changes to its original composition, it worries about how implementation will address the pressing needs of the community. It only hopes that the National Council for Transgender Persons will allow for a more favourable implementation of the law, and thus provide more elbow room for genuine representations of the community that the Bill itself failed to accommodate.

BCCI's Reworked Constitution

➔ Indian cricket operates at two levels as its heroics on the field are often juxtaposed with a state of limbo off the turf. Virat Kohli's men have relished a scalding hot winning streak and it is a contrast to the slow wheels of change that coursed through the Board of Control for Cricket in India (BCCI) over the last few years. The introspective bout started with the spot-fixing scandal that rocked the IPL's 2013 edition. A few players and officials came under the scanner for under-performance and betting. The Supreme Court stepped in and appointed the Lodha Committee to devise corrective measures besides unveiling a set of administrative reforms within the BCCI. The Committee of Administrators helmed by Vinod Rai, oversaw the implementation of reforms that evoked dogged resistance from the BCCI's old guard. Eventually, a new dispensation led by president Sourav Ganguly and secretary Jay Shah took shape. And the much-delayed BCCI annual general meeting held at Mumbai, after a gap of three years, on Sunday, was expected to take the sporting behemoth forward. It partially did that by backing enhanced subsidies for State associations and a higher pay-scale for senior domestic cricketers. Yet, it turned out to be a sluggish exercise as the BCCI sought clarity from the Supreme Court on some constitutional amendments that the former seeks to make. The powers of its office-bearers, the tenure of its president and secretary, a relaxation of the age-cap of 70 specific to its representative at the International Cricket Council and an exemption from seeking the Supreme Court's approval for every amendment to its constitution are the various factors about which the board has requested a second gaze from the law. These issues were seemingly sorted through the Lodha Committee's reworked constitution but in seeking the court's clarification, the BCCI is pushing for a rollback without trying to be seen as confrontational. The Lodha reforms were aimed at removing the veil of bias that often blinds any old boys' club. Transparency was its byword but some of its suggested rules were constricting. For instance the insistence that an office-bearer who has served two terms of three years each, be it at the State or board level, has to compulsorily take a three-year cooling-off period can go against the grain of cumulative wisdom acquired

over the years. It is a rule that would mean the current president and secretary will have to relinquish office within a year as both Ganguly and Shah have already served five years in their respective State associations — Bengal and Gujarat. The Supreme Court may reshape some rules and its last word is essential to lubricate Indian cricket's conveyor belt.

Kerala's ISIS Connection

➔ An NIA court in Kochi last week sentenced six accused in a case related to the so-called Islamic State to rigorous imprisonment of up to 14 years. Reports from Afghanistan's Nangarhar province suggest that ISIS fighters from Kerala are among the 600-odd militants who have recently surrendered before government forces. Ten of the 30 cases that have been investigated — or are under investigation — by the NIA in Kerala are ISIS-related. Several accused have been arrested, and charge sheets have been filed in some of these cases. Some of those arrested were brought back to India from the Middle East and Afghanistan, and some were picked up for allegedly planning terror attacks in Kerala. Recruitments allegedly happened through networks of families and friends; recruits typically came from particular rural pockets, where a local sympathiser of the terrorist group had influence. In some cases, brothers living under the same roof left for the "pilgrimage" together, along with their families.

ISIS's Kerala Numbers

Security agencies estimate that some 100-120 individuals from Kerala either joined, or tried to join, ISIS. Some of them moved to Syria or Afghanistan from the Middle East, where they were employed; others migrated from Kerala. Even in 2018, when ISIS was largely in retreat in Syria and Iraq, 10-odd people from Kerala made the journey. Many of those who joined the supposed holy war were killed over years. In August 2019, the family of Muhammed Muhsin, an engineering student from Malappuram, got a message that their only son had been killed in a US drone attack in Afghanistan. In 2014-15, security agencies identified 17 Indians who were suspected to have joined ISIS. Three of them were from Kerala — they had moved to Syria in 2013-14, when they were employed in the Middle East. In May-June 2016, some two-dozen people from Kerala, including women and children, left to join ISIS. Investigation unearthed the Kasaragod module of the ISIS (most of those who went missing belonged to that district) and led to other modules, involving separate networks, each with its own traits and mission. Members of the Kasaragod module moved to Afghanistan with their families "to escape from the land of the kafirs (non-Muslims)". Members of the Kannur module went, or attempted to go, to Syria to physically join the war on the side of the ISIS. The third module is the so-called Omar al-Hindi module, named after Manseed Muhamed of Chokli in Kannur, alias Omar al-Hindi. Members of this group — who were convicted last month — were allegedly spread across India and the Middle East, and wanted to establish an ISIS "vilayat" in Kerala known as "Ansar-ul-Khilafa KL".

Meals That Can Educate the Young (Krishna Kumar - Former Director Of The National Council Of Educational Research And Training (NCERT))

➔ Two decades have passed since the mid-day meal became a part of the daily routine in government schools nationwide. In this long passage of time, procedures have stabilised but accidents continue to occur. Funds from the Centre flow smoothly, though procurement of food items faces hurdles of different kinds. The latest in grotesque mid-meal stories concerns

milk. Government norms entitle every child to receive 150 ml of milk as part of the mid-day meal. However, a video revealed recently how one litre of milk was mixed in a bucketful of water so that it would suffice for the more than 80 children present that day in a school in rural Uttar Pradesh (U.P.). This was somewhat similar to the one reported from U.P. a couple of months ago. In the earlier incident, a video showed plain chapatis being served with salt. The two videos made it to the national media; they also proved useful for the officers who supervise the mid-day meal scheme since they also depend on unauthorised videographers to learn about the reality in schools. Each such revelation leads to the same reflexive official statement: punish the guilty, locate the video-maker and deal with him/her. A week ago, I happened to pass through the area of rural Bihar where a terrible mid-day meal horror had occurred six years ago. Everybody seemed to remember it, but no one knew where matters stood now. In that incident, 23 children died after eating a meal. Inquiry revealed that the oil used for cooking the meal was stored in a can that originally carried a pesticide. It was put to use without even being washed properly. After receiving global coverage in its immediate aftermath, the episode slipped out of the media, and even the regional press moved on. A former student who keeps me in touch with developments in Bihar told me that the criminal case against the headmistress has not concluded. Policies about cooking and distribution of food have not changed either. In the latest mid-meal story narrated above, authorities in U.P. have reportedly done the customary needful, i.e. they have fired the apparent culprit who is a para-teacher. The officiating headmaster will surely face an inquiry.

Making It Part of Curriculum

Ever since it was made compulsory under a Supreme Court order, the mid-day meal scheme has received considerable appreciation. It is the world's biggest scheme of its kind; hence we are expected to take its occasionally reported hiccups in our stride. Stories that appear in the media can be classified into three broad categories. First, there are cases of bad food, leading to food poisoning. The second kind of reports are about cheating. Then there is the third category, pertaining to caste bias and discrimination. Food is central to the caste system, so it is not surprising that in many schools, children are made to sit separately according to their caste status. Several parents ask their children to carry their own food as the school cook belongs to a lower caste. Apparently, little effort has gone into making the mid-day meal an aspect of the curriculum. There is so much to be learnt — food prices, quantities, cooking method, and so on. Data sorting is a part of the mathematics curriculum, and the meal provides ample data even if the quality of the food served isn't always great. As an occasion, collective eating could also serve as a time to relax and reflect. None of this happens. If you visit a school at meal time, you can sense how everyone is feeling hassled. The mid-day meal is a chore, to be carried out under difficult circumstances and constraints. The cook is miserably paid; the food items that qualify for selection are the cheapest available; and post-meal cleaning arouses no Gandhian memories in anyone's mind. The bottom line is that the scheme is perceived as charity, not a civic responsibility. With the growing shift of the better-off parents to private schools, government schools are viewed as places for the poor. Therefore, the mid-day meal is associated — both in public perception and state policies — with poverty. Like other schemes that serve the poor, this scheme is also covered by norms that insist on the cheapest. The menu, the money, the cook's remuneration, the infrastructure — they all show the value India places upon its children. Nor is the scheme conceived as a pedagogic resource. Otherwise, it would have been implemented at private schools as well. No one can argue that health and nutrition pose no problem in private

schools. As one might expect, there are regional variations. While the northern States strictly depend on the Central grant, the southern States augment it significantly. That is why horror stories from the south are less frequent than those from the north. Nowhere in the country, however, can one see a comfortable absorption of the mid-day meal in the school's daily life in a curricular sense. Even in educationally advanced States like Kerala and Tamil Nadu, you don't hear stories of teachers asking children to keep a weekly record of what they eat or using this record to assess the weekly intake of different nutrients. In some regions, you see the daily menu painted on the school wall. Writing letters to authorities and documenting the gap between the menu painted on the wall and what is actually served might be a great activity.

Hopes and Fears

UNICEF's executive director Henrietta Fore recently wrote an open letter to the world's children. It marked 30 years since the promulgation of children's rights by global consensus. The letter listed eight reasons why its writer is worried and also eight reasons why she is hopeful. Reading the two lists, you feel that there is a lot more to worry about than to feel hopeful about. The letter starts by acknowledging that poverty, inequality and discrimination still deny millions of children their rights. Food and education are among them. Then there are larger issues like the impact of conflicts, climate change, new technologies and their impact on the integrity of democratic procedures. As you go down the list of reasons causing worry, the text gets grimmer. The concluding part of the letter is about children's loss of trust in institutions. From fake news to divisive policy choices, the UNICEF chief's global letter evokes a wide range of local thoughts. Children receiving a litre of milk mixed in a bucketful of water will surely understand the concept of cheating better than that of fair play. Who is going to convince them that honesty is a good policy? In the meantime, the clamour for moral education has graduated to a new level of sophistication. Apps and short videos are the latest in a long series of material devices that claim to inject high values and tips for good conduct in young minds. A whole new industry, with due backing from public institutions, is now handling the supply side of public demand for moral training during the formative years of life. UNICEF must be aware that some of its sister agencies in the UN system are actively involved in the emerging neuroscience of ethics. We cannot charge fake news alone for waylaying the young.

In Meghalaya Living Root Bridges, Study Sees Global Potential. Can It Work?

➔ The jing kieng jri or living root bridges — aerial bridges built by weaving and manipulating the roots of the Indian rubber tree — have been serving as connectors for generations in Meghalaya. Spanning between 15 and 250 feet and built over centuries, the bridges, primarily a means to cross streams and rivers, have also become world-famous tourist attractions. Now, new research investigates these structures and proposes to integrate them in modern architecture around the world, and potentially help make cities more environment-friendly.

What Did the Study Look At, And Find?

Researchers from Germany investigated 77 bridges over three expeditions in the Khasi and Jaintia Hills of Meghalaya during 2015, 2016 and 2017. Taking into account structural properties, history and maintenance, morphology and ecological significance, the study, published in the journal Scientific Reports, suggests that the bridges can be considered a

reference point for future botanical architecture projects in urban contexts. "The findings relating to the traditional techniques of the Khasi people can promote the further development of modern architecture," said Professor Ferdinand Ludwig of the Technical University of Munich, one of the study authors and founder of a field of research called "Baubotanik" that promotes the use of plants as living building materials in structures. While stressing they are "not planning to create new living bridges for contemporary cities" right away, the researchers believe this extraordinary building technique can help facilitate "better adaptation to the impacts of climate change". "We see a great potential to use these techniques to develop new forms of urban green in dense cities," said Ludwig. "By understanding the growth history, we can learn how long the bridge has taken to grow to its current state and from there design future growth or repairs, or growth of other bridges," said Wilfrid Middleton, one of the co-authors.

What Is Extraordinary About These?

A root bridge uses traditional tribal knowledge to train roots of the Indian rubber tree, found in abundance in the area, to grow laterally across a stream bed, resulting in a living bridge of roots. "Let us redefine these bridges as ecosystems," said Bengaluru- and Shillong-based architect and researcher Sanjeev Shankar. In 2015, in one of the earliest studies on these structures, Shankar wrote, "The process begins with placing of young pliable aerial roots growing from Ficus elastica (India rubber) trees in hollowed out Areca catechu or native bamboo trunks. These provide essential nutrition and protection from the weather, and also perform as aerial root guidance systems. Over time, as the aerial roots increase in strength and thickness, the Areca catechu or native bamboo trunks are no longer required." Ficus elastica is conducive to the growth of bridges because of its very nature. "There are three main properties: they are elastic, the roots easily combine and the plants grow in rough, rocky soils," said Patrick Rodgers, an American travel writer who has done many solo expeditions to these areas since 2011 and has also contributed his expertise to the new study. What is crucial for a root bridge to survive is the development of an ecosystem around it. "Specifically the entire biology, the entire ecosystem, and the relationship between the people and the plants, which have, over the centuries, kept it going," said Shankar, who is working with the Meghalaya government along with indigenous communities and other academics to formalise policies and regulations for conservation and responsible development of these ecosystems.

Can This Really Be Replicated Elsewhere?

"Regarding the techniques and approaches of Living Root Bridges, we are in an early research phase. There are first concepts how to transfer the idea, but no concrete plans for projects yet," Ludwig said in an email. Shankar said: "We should ask: where will a plant be happy? Will it be happy in a highly toxic environment of a polluted city, where thousands will walk on it, where cars, trucks and buses are on it, or is the plant a living entity which grows in a specific microclimate?" A pointer might lie in the deteriorating health of certain root bridges in Meghalaya. While there are hundreds of such bridges, the two most popular (Riwai Root Bridge and Umshiang Double Decker Bridge) have borne the brunt of recent tourism growth. "Both these bridges have been adversely affected in the past ten years. This is because of the introduction of modern architecture such as new concrete footpaths, building etc around the bridge that have impacted that bridge health. There are cracks in them," said Morningstar Khongthaw, 23, a villager who started The Living Root Foundation in 2018. "My

ancestors made these bridges for a practical need: to cross streams and rivers. Now the bridges are too weak to accommodate people beyond a capacity," said Khongthaw.

Malaria Drop Is Sharpest in India

➔ Seven states account for about 90% of the burden of malaria cases in India, according to the World Malaria Report 2019 released by the World Health Organization (WHO). These are Uttar Pradesh, Jharkhand, Chhattisgarh, West Bengal, Gujarat, Odisha and Madhya Pradesh. Globally, there were 228 million cases of malaria in 2018, down from 251 million cases in 2010. More than 85% of the global malaria deaths in 2018 were concentrated in the 20 countries of WHO's African region and India. Compared to 2017, India reported 2.6 million fewer cases in 2018. This makes India the country with the largest absolute reductions among the countries that share 85% of the malaria burden. Nigeria had the highest burden of all malaria cases, at 24%. However, incidence of P vivax malaria (the second most common form of the disease) was the highest in India, which accounts for 47% of all cases in 2018, or roughly 3.5 million. India had more than four times as many cases as Afghanistan, the next highest at 11%. WHO region-wise, the highest estimated cases of all malaria forms were in Africa, at 93% of the cases (213 million), followed by South-East Asia (7.9 million), East Mediterranean (4.9), Western Pacific (1.98) and the Americas (9.29). The number of cases has increased from 206 million in 2016 and 212 million in Africa. It has declined in all other regions except Western Pacific, where it has risen from 1.7 million in 2016 and 1.8 million in 2017 to 1.98 million in 2018. In 2018 there were 4,05,000 deaths from malaria globally, compared to 4,16,000 in 2017 and 5,85,000 in 2010. Africa had the highest number of deaths due to malaria in 2018, at 3,80,000.

How CO_2 Emission Trend Reflects India Slowdown

➔ A new study unveiled says the growth in India's carbon dioxide emissions this year was likely to be considerably lower than in the last few years. The Global Carbon Project, which puts out emission estimates for across the world every year, has said India's emissions in 2019 (2.6 billion tonnes or gigatonnes) was likely to be only 1.8 per cent higher than in 2018. This is significantly lower than the 8% growth that India showed last year and the more-than-5% average growth over the last ten years. The growth in global carbon dioxide emissions too is likely to come down this year, to just 0.6% over last year, according to the report.

What Arrested the Growth

The lower growth in CO_2 emissions, though desirable, is only a positive fallout of the slowdown in the Indian economy, according to the report. Economic growth has been consistently weakening over the last few quarters, leading to reduction in activities that cause emissions. "Weak economic growth in India has led to slower growth in oil and natural gas use. With a weakening economy, growth in India's generation of electricity has slowed from 6 per cent per year to under 1 per cent in 2019, despite electrification of villages adding to potential demand. Moreover, the addition of a very wet monsoon led to very high hydropower generation and a decline in generation from coal," the report says, explaining the possible causes for decline in India's emissions growth. Economic slowdown has been blamed for a lower emission growth in the rest of the world as well, and also in China, the world's largest emitter. "China had low growth and unexpected declines in CO_2 emissions over the period 2014 to 2016, but in 2017 and 2018, its CO_2 emissions rose again by 1.7 per

cent and 2.3 per cent respectively. In 2019, China's CO_2 emissions are expected to rise by 2.6 per cent (range 0.7 to 4.4 per cent). Chinese emissions could have been growing faster if it were not for slower economic growth," the report says.

Why the Report Matters

The numbers put out by Global Carbon Project are estimates, and not official. But these offer important indicators to global trends in carbon dioxide emissions in near-real time. Collection, collation and calculation of emissions take considerable time, and in any case, official numbers are put out by the governments. In India's case, the most recent official numbers relating to all kinds of emissions pertain to 2014. Those were submitted to the UN climate body just last year. According to those numbers, India's carbon dioxide emissions in 2014 was 1.99 billion tonnes, while its total greenhouse gas emissions, which include other greenhouse gases like methane and nitrous oxide, was 2.6 billion tonnes of carbon dioxide equivalent. The Global Carbon Project estimates the carbon dioxide emissions in 2019 alone to be about 2.6 billion tonnes. They do not give the estimates of emissions of other greenhouse gases. The near-real time estimates put out by the project are based on datasets that monitor production and consumption trends of key indicators like electricity, oil and gas, cement, and chemicals and fertilisers.

Taking Stock of The Anti-AIDS Fight (K. Srinath Reddy - President, Public Health Foundation of India, And Author Of 'Make in India: Reaching A Billion Plus')

➔ The Sustainable Development Goals (SDG), adopted by member countries of the United Nations in 2015, set a target of ending the epidemics of AIDS, Tuberculosis and Malaria by 2030 (SDG 3.3). The key indicator chosen to track progress in achieving the target for HIV-AIDS is "the number of new HIV infections per 1,000 uninfected population, by sex, age and key populations". In the terminology of HIV prevention and control, the phrase "key populations" refers to: men who have sex with men; people who use injected drugs; people in prisons and other closed settings; sex workers and their clients, and transgender persons.

Bridging Gaps

In order to infuse energy and urgency into global efforts to combat HIV-AIDS and complement the prevention target set by the SDGs, an ambitious treatment target was also adopted through UNAIDS, the lead UN agency that coordinates the battle against HIV. The "90-90-90" target stated that by 2020, 90% of those living with HIV will know their HIV status, 90% of all people with diagnosed HIV infection will receive sustained anti-retroviral therapy and 90% of all people on such therapy will have viral suppression. The gaps in detection, initiation of drug therapy and effective viral control were to be bridged to reduce infectivity, severe morbidity and deaths from undetected and inadequately treated persons already infected with HIV, even as prevention of new infections was targeted by SDG 3.3. Where are we, at the end of 2019, on the road to the 2020 and 2030 targets? While much success has been achieved in the past 20 years in the global battle against AIDS, there has been a slowdown in progress which seems to place the targets out of reach. There has to be a fresh surge of high-level political commitment, financial support, health system thrust, public education, civil society engagement and advocacy by affected groups — all of which were part of the recipe for rapid progress in the early part of this century.

High and Low Points

It is the confluence of those ingredients that made it possible for the world to achieve a reduction in new HIV infections by 37% between 2000 and 2018. HIV-related deaths fell by 45%, with 13.6 million lives saved due to Anti-Retroviral Therapy (ART). Not only were effective drugs developed to combat a disease earlier viewed as an inescapable agent of death but they also became widely available due to generic versions generously made available by Indian generic manufacturers, led by the intrepid Yusuf Hamied. A rush of public and private financing flowed forth in a world panicked by the pandemic. Ignorance and stigma were vigorously combated by coalitions of HIV-affected persons who were energetically supported by enlightened sections of civil society and the media. Never before had the world of global health resonated so readily to the rallying cry for adopting a rights-based approach and assuring access to life-saving treatments. According to a recent report by UNAIDS, of the 38 million persons now living with HIV, 24 million are receiving ART, as compared to only 7 million nine years ago. Why then the concern now? At the end of 2018, while 79% of all persons identified as being infected by HIV were aware of the fact, 62% were on treatment and only 53% had achieved viral suppression — falling short of the 90-90-90 target set for 2020. Due to gaps in service provision, 770,000 HIV-affected persons died in 2018 and 1.7 million persons were newly affected. There are worryingly high rates of new infection in several parts of the world, especially among young persons. Only 19 countries are on track to reach the 2030 target. While improvements have been noted in eastern and southern Africa, central Asia and eastern Europe have had a setback, with more than 95% of the new infections in those regions occurring among the 'key populations. Risk of acquiring HIV infection is 22 times higher in homosexual men and intravenous drug users, 21 times higher in sex workers and 12 times more in transgender persons.

Complacency, New Factors

There are several reasons for the slowdown in progress. The success achieved in the early part of this century, through a determined global thrust against the global threat, led to a complacent assumption of a conclusive victory. The expanded health agenda in the SDGs stretched the resources of national health systems, even as global funding streams started identifying other priorities. Improved survival rates reduced the fear of what was seen earlier as dreaded death and pushed the disease out of the headlines. The information dissemination blitz that successfully elevated public awareness on HIV prevention did not continue to pass on the risk-related knowledge and strong messaging on prevention-oriented behaviours to a new generation of young persons. Vulnerability of adolescent girls to sexual exploitation by older men and domineering male behaviours inflicting HIV infection on unprotected women have been seen as factors contributing to new infections in Africa. Even the improved survival rates in persons with HIV bring forth other health problems that demand attention. Risk factors for cardiovascular disease are high among survivors as they age, with anti-retroviral drugs increasing the risk of atherosclerosis. Other infectious diseases, such as tuberculosis can co-exist and cannot be addressed by a siloed programme. Mental health disorders are a challenge in persons who are on lifelong therapy for a serious disease that requires constant monitoring and often carries stigma.

Need for Vigil in India

The Indian experience has been more positive but still calls for continued vigilance and committed action. HIV-related deaths declined by 71% between 2005 and 2017. HIV infection now affects 22 out of 10,000 Indians, compared to 38 out of 10,000 in 2001-03. India has an estimated 2.14 million persons living with HIV and records 87,000 estimated new infections and 69,000 AIDS-related deaths annually. Nine States have rates higher than the national prevalence figure. Mizoram leads with 204 out of 10,000 persons affected. The total number of persons affected in India is estimated to be 21.40 lakh, with females accounting for 8.79 lakh. Assam, Mizoram, Meghalaya and Uttarakhand showed an increase in numbers of annual new infections. The strength of India's well-established National AIDS Control Programme, with a cogent combination of prevention and case management strategies, must be preserved. Drug treatment of HIV is now well founded with an array of established and new anti-viral drugs. The success of drug treatment to prevent mother-to-child transmission, pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP), and male circumcision, especially among MSM population, is well-documented. Given the wide diversity of the HIV virus strains, development of a vaccine has been highly challenging but a couple of candidates are in early stage trials. However, mere technical innovations will not win the battle against HIV-AIDS. Success in our efforts to reach the 2030 target calls for resurrecting the combination of political will, professional skill and wide-ranging pan-society partnerships that characterised the high tide of the global response in the early part of this century. The theme of the World AIDS day this year ("Ending the HIV/AIDS Epidemic: Community by Community) is a timely reminder that community wide coalitions are needed even as highly vulnerable sections of the community are targeted for protection in the next phase of the global response.

Antibiotic Prescription Rate High in Private Sector

➔ The private sector continues to clock high levels of antibiotic prescription rates — (412 per 1,000 persons per year), with the rate being highest for children aged 0–4 years (636 per 1,000 persons) and the lowest in the age group 10–19 years (280 per 1,000 persons), according to a new study by researchers at the Public Health Foundation of India (PHFI). The study is the first ever estimate of outpatient antibiotic prescription rates and patterns in the private sector and has been published this month in PLOS One titled — "Outpatient antibiotic prescription rate and pattern in the private sector in India". The authors used the 12-month period (May 2013-April 2014) medical audit dataset and concluded that the prescription rates for certain classes are on a higher side in India as compared to the developed nations. The study said the percentage of prescriptions for wide-spectrum antibiotics like cephalosporins and quinolones (38.2% and 16.3%) was significantly higher than the U.S. (14.0% and 12.7%) and Greece (32.9% and 0.5%). Unusually high prescription rates of beta-lactams-penicillin's and cephalosporins in uncomplicated upper respiratory infections in children is in stark contrast to the prescription rates and pattern reported in Europe. India is considered to be one of the top users of antibiotics and there is a growing problem of antimicrobial resistance. The study noted that the per capita antibiotic consumption in the retail sector has increased by around 22% in five years from 2012 to 2016. Though clinical guidelines on judicious antibiotic use explicitly mentions that they should not be prescribed for common cold, non-specific upper respiratory tract infection (URI), acute cough illness and acute bronchitis, the study shows a high rate of prescriptions for respiratory infections in primary care. The study highlighted that of the 519 million antibiotic prescriptions, the majority were dispensed for

the diseases of the respiratory system (55%), followed by genitourinary system (10%) and symptoms, signs and abnormal clinical findings (9%); generally, these infections are viral in origin and self–limiting in nature. Dr. Shaktivel Selvaraj, director – Health Financing and Economics, PHFI and one of the authors of the study said: "Irrational prescription and use of antibiotics has its origins in production and selling tactics of pharma companies. This has severe implications for safety and cost to patients in particular and society in general. There is a need to target antimicrobial stewardship programmes to specific constituencies and stakeholders to raise awareness on antibiotics and prevent its misuse." The misuse of antibiotics and easy access fuels antimicrobial resistance (AMR) which is a growing concern worldwide and in India. The findings also highlight that primary care physicians in the private sector can play a key role in reducing antibiotic misuse and overuse.

Not So Swachh

➔ The latest National Statistical Office (NSO) survey on sanitation debunked the claims of an open defecation-free or ODF India made by the Centre's flagship Swachh Bharat scheme, although it did record great progress in toilet access and use in rural areas. The survey, released on Saturday, showed that about 71% of rural households had access to toilets at a time the Centre was claiming 95%. On October 2, 2019, Prime Minister Narendra Modi declared that the whole country was ODF with complete access to toilets. The NSO survey was carried out between July and December 2018, with a reference date of October 1. Large States which had been declared ODF – that is, 100% access to toilets and 100% usage – even before the survey began included Andhra Pradesh, Gujarat, Maharashtra and Rajasthan. Others which were declared ODF during the survey period included Jharkhand, Karnataka, Madhya Pradesh and Tamil Nadu. According to the NSO, almost 42% of rural households in Jharkhand had no access to a toilet at that time. In Tamil Nadu, the gap was 37%, followed by 34% in Rajasthan. In Gujarat, which was one of the earliest States declared ODF, back in October 2017, almost a quarter of all rural households had no toilet access, the NSO data showed. The other major States listed also had significant gaps: Karnataka (30%), MP (29%), Andhra Pradesh (22%) and Maharashtra (22%). In the first week of October 2018, the Swachh Bharat Abhiyan (Grameen) said 25 States and Union Territories had been declared ODF, while toilet access across the country touched 95%. In reality, the NSO said 28.7% of rural households had no toilet access at the time. With regard to this data, the NSO noted, "There may be respondent bias in the reporting of access to latrine as question on benefits received by the households from government schemes was asked prior to the question on access of households to latrine." The 71% access to toilets was still a significant improvement over the situation during the last survey period in 2012, when only 40% of rural households had access to toilets. The NSO's statistics on toilet usage are also encouraging. It said 95% of people with access to toilets in rural India used them regularly, indicating that the Swachh Bharat Abhiyan's efforts to change behaviour have borne fruit. Only 3.5% of those with toilet access in rural India said that they never used them. This was aided by the fact that water was available around the toilet in more than 95% of cases. NSO data indicates that the next big challenge may lie in the disposal of waste. More than 50% of rural Indian households with toilets had septic tanks, while another 21% used single pits, both of which need to be cleaned and produce faecal sludge that must be disposed of safely. Only 10% of toilets were built with the twin leach pit system pushed by the Swachh Bharat scheme, which safely composts waste on its own without any need for cleaning or disposal.

What is Blue Water Force?

➔ On December 4, Navy Day, the office of Defence Minister Rajnath Singh posted on Twitter: "Indian Navy is the Formidable Blue Water Force. Navy Day Greetings to all Men and Women in White." In a video presentation about its capabilities, the Navy too, called itself a "formidable blue water force". Blue Water Navy: A Blue Water Navy is one that has the capacity to project itself over a much bigger maritime area than its maritime borders. Simply put, it is a Navy that can go into the vast, deep oceans of the world. However, while most navies have the capacity to send ships into the deep oceans, a Blue Water Force is able to carry out operations far from its borders, without being required to return to its home port to refuel or re-stock. While it is evident that Blue Water navies belong to the most powerful nations, there is no one internationally agreed upon definition. Owning one or more aircraft carriers is sometimes seen as a marker. Navies are classified in terms of colours. A navy whose operations are restricted close to the shore, where the water is muddy, is called a Brown Water Force. A navy that can go farther out is called a Green Water Force. And then there is a Blue Water Force.

13 War Rockets of Tipu Era on Display

➔ As many as 13 unused metal war rockets belonging to the times of Hyder Ali and Tipu Sultan have been put up for public viewing in a museum belonging to Department of Archaeology, Heritage and Museums on the premises of Shivappa Nayaka Palace in Shivamogga city. The rockets were found in an open well at Nagara in Hosanagar taluk in 2002. 160 cylindrical-shaped metal objects were found during desilt work taken up in the open well at an agriculture land belonging to Nagaraja Rao in Nagara village taluk. Mr. Rao had handed them over to the department. The objects were studied by a group of history experts who came to conclusion that they were unused war rockets belonging to the period of Hyder Ali and Tipu Sultan. In July 2018, 1,700 more unused rockets were found in the same open well. Nagara, earlier called Bidanur, was an important administrative and commercial centre during the rule of Hyder Ali and Tipu Sultan. Tipu had also established a mint and an armoury here. Shejeshwara R., Assistant Director of the Department, told The Hindu that after the fourth Anglo-Mysore war, Tipu's army may have dumped the rockets in the open well to stop the British East India Company from laying their hands on them. The department's 'Nagara Bidanur rocket gallery' at the museum provides information on the evolution of rocket technology-based warfare, in English and Kannada. Gun powder and fuse used in the Mysorean rockets, metal casings, and augur drill are also on display. Mr. Shejeshwara said iron-casing rockets were used for the first time by the Mysore army and became popular as Mysorean rockets. The usage of metal casing gave the rockets higher thrust, longer range, and an enhanced bursting intensity.

Business & Economics

Behind The 'Halt' On Spending Survey Results

➔ On November 15, the government announced that in view of "data quality issues" the Ministry of Statistics and Programme Implementation had decided not to release the results of the all-India Household Consumer Expenditure Survey conducted by the National

Statistical Office (NSO) during 2017-2018. It asserted that any findings from the survey that had been referred to in media reports were essentially "draft in nature". It also noted that these reports had concluded that the results had been withheld due to the 'adverse' findings in the survey which showed consumer spending was falling. The Central government decided to junk the survey findings. It also said it was "separately examining the feasibility of conducting the next Consumer Expenditure Survey (CES) in 2020-2021 and 2021-22 after incorporating all data quality refinements in the survey process".

What Is The CES?

The CES is traditionally a quinquennial (recurring every five years) survey conducted by the government's National Sample Survey Office (NSSO) that is designed to collect information on the consumption spending patterns of households across the country, both urban and rural. The data gathered in this exercise reveals the average expenditure on goods (food and non-food) and services and helps generate estimates of household Monthly Per Capita Consumer Expenditure (MPCE) as well as the distribution of households and persons over the MPCE classes.

How Is It Useful?

The estimates of monthly per capita consumption spending are vital in gauging the demand dynamics of the economy as well as for understanding the shifting priorities in terms of baskets of goods and services, and in assessing living standards and growth trends across multiple strata. From helping policymakers spot and address possible structural anomalies that may cause demand to shift in a particular manner in a specific socio-economic or regional cohort of the population, to providing pointers to producers of goods and providers of services, the CES is an invaluable analytical as well as forecasting tool. It is, in fact, used by the government in rebasing the GDP and other macro-economic indicators.

What Exactly Do the Surveys Show?

Since the government has questioned the quality of the data obtained in the latest survey, it would be instructive to look back at the findings from the previous CES (undertaken between July 2011 and June 2012) to obtain an insight into the kind of information the survey produces. Apart from the omnibus 'Key Indicators of Household Consumer Expenditure in India, 2011-12' the Ministry released as many as six detailed reports on varied aspects of household consumer expenditure based on the survey. These included the 'Level and Pattern of Consumer Expenditure 2011-12', 'Household Consumption of Various Goods and Services in India, 2011-12' and the invaluable 'Nutritional Intake in India, 2011-12'. There were also detailed findings on the energy sources used by households for cooking and lighting and another report on the Public Distribution System and other sources of household consumption. At a broad level for instance, the survey showed that average urban MPCE (at ₹2,630) was about 84% higher than average rural MPCE (₹1,430) for the country as a whole. Similarly, while food accounted for about 53% of the value of the average rural Indian household's consumption during 2011-12, in the case of urban households it accounted for only 42.6% of the average consumption budget. And while education accounted for 3.5% of the rural household's average spending, an urban household spent almost 7% of its monthly consumption budget on it. The most noticeable rural-urban differences in the 2011-12 survey related to spending on cereals (urban share: 6.7%, rural share: 10.8%), rent (urban: 6.2%,

rural: 0.5%) and education. Several researchers had also pointed to the widening inequality revealed by the 2011-12 survey: in terms of sharp variations between States with better socio-economic indices and those still aiming to improve, the urban-rural divide and the gap between the highest spending and the lowest spending percentile. For instance, in the case of rural households, the 5th percentile (the bottom 5%) of the MPCE distribution was estimated at ₹616, while the top 5% reported MPCE above ₹2,886. Similarly, in urban India, the 5th percentile of the MPCE distribution was at ₹827, the median was ₹2,019 and only the 95th percentile reported MPCE above ₹6,383. The report on nutritional intake also showed a big gulf in the consumption patterns of urban and rural households and a similar chasm between the top 5% and the bottom 5% on food products contributing to nutrition. On an average, the top 5% population in rural India spent ₹7.09 a day on cereals and ₹2.39 a day on pulses and pulse products. The bottom 5% on the other hand spent ₹3.43 per day on cereals and ₹0.72 on pulses and pulse products. In urban areas, the poorest 5% spent ₹118.42 per month on cereals while the top 5% spent ₹224.51 on that food type. Average protein intake per capita per day was seen to rise steadily with MPCE levels in rural India from 43 g for the bottom 5% of population ranked by MPCE to 91 g for the top 5%, and in urban India from 44 g for the bottom 5% to about 87 g for the top 5%.

Why Has the Latest Survey Become Controversial?

Media reports citing a leaked version of the 2017-18 survey have posited that the data revealed a decline in the MPCE, making it the first such drop since 1972-73. In real terms (adjusted for inflation) the MPCE slid by 3.7% from ₹1,501 in 2011-2012 to ₹1,446 in 2017-2018. While the inflation-adjusted consumption expenditure in rural areas declined by 8.8% over the six-year period, urban households reported a marginal 2% increase, the media reports showed. The government, in its November 15 statement clarifying the official position, said the survey results had been reviewed. The Ministry said, "It was noted that there was a significant increase in the divergence in not only the levels in the consumption pattern but also the direction of the change when compared to the other administrative data sources like the actual production of goods and services." The government added, "Concerns were also raised about the ability/sensitivity of the survey instrument to capture consumption of social services by households especially on health and education. The matter was thus referred to a committee of experts which noted the discrepancies and came out with several recommendations including a refinement in the survey methodology." Economists have questioned the government's contention on 'data quality' and pointed to other macro-economic indicators including data from the NSSO's Periodic Labour Force Survey (PLFS), released in May, that clearly revealed a decline in employment and stagnation in wage levels. And the Centre's own GDP estimates from the April-June quarter of the current fiscal year had shown that private final consumption expenditure, the mainstay of demand in the economy, had slumped to an 18-quarter low.

What Happens Next?

The government's decision to withhold the survey's findings deprives policymakers of invaluable contemporary consumption data that would have helped drive their intervention strategies. Instead of a six-year gap, the next survey's findings — depending on when the Ministry decides to actually undertake it, 2020-21 or 2021-22 — would end up coming after 9 or 10 years after the 2011-12 round. Also, as a subscriber to the International Monetary Fund's Special Data Dissemination Standard (SDDS), India is obliged to follow good practices

in four areas in disseminating macroeconomic statistics to the public. These comprise the coverage, periodicity, and timeliness of data; public access to those data; data integrity; and data quality. With the IMF's 'Annual Observance Report' for 2018 already having flagged concerns about India's delays in releasing economic data, the country risks falling afoul of its SDDS obligations. With the Advisory Committee on National Accounts Statistics also having separately recommended that 2017-18 would not be used as an appropriate year for rebasing of the GDP series, the very credibility of GDP data going forward could come under greater scrutiny.

Economy in Doldrums

➔ The latest estimates on economic output and growth, while not a surprise, reaffirm the fact that the ongoing six-quarter slump is still in search of a bottom. Gross Domestic Product (GDP) expanded by 4.5% from a year earlier in the July-September quarter, marking the slowest pace of expansion in six-and-a-half years. If one were to strip out government final consumption expenditure, which jumped by 15.6%, real GDP growth would have been an even more anaemic 3.1%. Of serious concern should be the stagnation in investment, reflected in the mere 1% growth in gross fixed capital formation. While the government's decision in September to cut the corporate tax, rate was clearly aimed at spurring the private sector, the indications till now are far from encouraging. Clearly, with consumption spending, the mainstay of demand, yet to regain traction, companies are likely opting to retain any gains from a lower tax outgo as cash for a rainy day rather than raise capacity or make new investments. While the National Statistical Office's data on private final consumption expenditure suggests a slight pick-up to a 5.1% expansion, from the preceding quarter's 3.1%, it is still only about half the year-earlier period's 9.8% rate. Also, the sustainability of the uptick in consumption spending remains a moot point given that several other pointers, including tepid retail sales during the Deepavali festival season, offer little room for cheer. An analysis of the Gross Value Added (GVA) reveals that six of the eight sectors posted decelerations from the fiscal first quarter. And even though agriculture, forestry and fishing grew by 2.1% in the second quarter, nudging up from 2% in the April-June period, the pace was underwhelming when seen both in the context of the 5.1% pace posted a year earlier and the above average monsoon rains in 2019. Significantly, manufacturing shrank by 1%, in marked contrast to the year-earlier period's 6.9% growth, again pointing to the widespread demand drought. A separate release from the government, showing output at the eight infrastructure industries that constitute the core sector contracted by 5.8% in October belies all the brave talk on the part of government officials that the momentum would revive in the third quarter. While six of the eight segments reported year-on-year declines, of particular worry is the 12.4% contraction in electricity output, hinting as it does at a lack of demand for power at the nation's factories. It is high time officials helming the economy put aside the bravado and bluster and acknowledge the seriousness of the structural elements behind the slowdown by initiating meaningful policy reforms, even while taking steps to spur consumption through innovative fiscal measures.

India's Forex Reserves Cross $450 Billion For the First Time

➔ The country's foreign exchange reserves crossed the $450-billion mark for the first time ever on the back of strong inflows which enabled the central bank to buy dollars from the market, thus checking any sharp appreciation of the rupee. "India's foreign exchange reserves were

at $451.7 billion on December 3, 2019 — an increase of $38.8 billion over end-March 2019," RBI Governor Shaktikanta Das said at the post monetary policy press conference. At $451.7 billion, the country's import cover is now over 11 months. The rise in foreign exchange reserves will give the central bank the firepower to act against any sharp depreciation of the rupee, currency analysts said. The Reserve Bank has always maintained that it intervenes in the foreign exchange market to curb volatility and does not target a particular level of exchange rate. Net foreign direct investment rose to $20.9 billion in the first half of 2019-20 from $17 billion a year ago while net foreign portfolio investment was $8.8 billion in April-November 2019 as against net outflows of $14.9 billion in the same period last year. "Net investment by FPIs under the voluntary retention route has amounted to $6.3 billion since March 11, 2019," Mr. Das said. During the taper tantrums of 2013, (or the collective reactionary panic after the U.S. Federal Reserve said it would apply the brakes on its Quantitative Easing programme), India's foreign exchange reserves fell to $274.8 billion in September of 2013, prompting the Centre and RBI to unleash measures to attract inflows. It has been a steady rise for the reserves since then, with $175 billion added in the last six years.

E-Toll for The Road

➔ From December 15, 2019, FASTag, a prepaid rechargeable tag for toll payments, on national highways will become mandatory for all vehicles. The Ministry of Road Transport and Highways extended the earlier deadline of December 1 on Friday.

What is FASTag?

It is a prepaid radio-frequency identification-enabled tag that facilitates automatic deduction of toll charges. The new system will now do away with a stop-over of vehicles and cash transactions at toll plazas. Projected as the 'Aadhaar' card for vehicles, the FASTag electronic toll collection programme is being implemented by the Indian Highways Management Company Limited (IHMCL), a company incorporated by the National Highways Authority of India (NHAI), and the National Payments Corporation of India in coordination with Toll Plaza Concessionaires, tag issuing agencies and banks. Service providers have developed a 'My FASTag' mobile application to provide a one-stop solution to users. An NHAI prepaid wallet has also been launched, giving users the option of not linking the tags to their bank accounts. FASTag has a validity of five years. Over 70 lakh FASTags had been issued till November 27.

Why Does It Matter?

A joint study in 2014-15 by the Transport Corporation of India and the Indian Institute of Management-Calcutta (launched by the Minister of Road Transport and Highways and Shipping Nitin Gadkari in 2016) estimated the cost of delay on Indian roads at $6.6 billion per year. The cost of additional fuel consumption due to delays was also put at $14.7 billion per year. The study said: "The average cost of delay, including the shipper's expenses, was ₹151.38 an hour. The figure may seem insignificant. However, the effect of delay on the economy is not insignificant... as per the Road Transport Year Book 2011-12, available on the Ministry of Road Transport and Highways website, there were about 7.6 million goods vehicles as on March 31, 2012, increasing at 8-9% per annum in the last couple of years. If we consider a conservative 8% growth, the number of goods vehicles as on March 31, 2015 is estimated at about 9.6 million, which means that the annual cost of delay to the Indian economy could be a whopping ₹432 billion or $6.6 billion." It added: "If mileage can be

improved by increasing fuel efficiency, improving road conditions and reducing stoppage delays, the impact on the economy could be huge." The report had suggested that to expedite the toll collection process, India should gradually move towards electronic toll collection, which would not only reduce congestion and queues at toll plazas but also reduce operating costs for toll operators and plug revenue leakages.

How Did It Come About?

The electronic toll collection system was initially implemented as a pilot project in 2014 on the Ahmedabad-Mumbai stretch of the Golden Quadrilateral. It was gradually extended to other parts of the country. The tag is currently accepted at more than 500 National Highways and about 40 State highway toll plazas. Till September, the total collection through FASTag was over ₹12,850 crore.

What Are the Benefits?

Apart from plugging revenue leakages and reducing the cost of delays and fuel consumption, which is also likely to cut down the nation's GDP loss, according to the government, the tag helps remove bottlenecks, ensures seamless movement of traffic and saves time. The centralised system provides authentic and real-time data to government agencies for better analysis and policy formulation. It also helps reduce air pollution and the use of paper besides cutting the cost of managing toll plazas.

What Lies Ahead?

On October 14, 2019, the IHMCL and GST Network signed a memorandum of understanding for integrating FASTag with the e-way Bill system. The arrangement has been made for a more efficient 'track-and-trace' mechanism involving goods vehicles. It will also check revenue leakage at toll plazas. The integration, which will become mandatory across the country from April 2020, will help revenue authorities check whether goods vehicles are actually headed to the specified destination. Suppliers and transporters will also be able to keep track of their vehicles through SMS alerts generated at each tag reader-enabled toll plaza. The Central government also plans to enable the use of FASTag for a range of other facilities such as fuel payments and parking charges. Several States have already signed memoranda of understanding to join the system.

What New Airport Brings to the NCR

➔ On November 29, the Swiss company Zurich International Airport AG won the bid for a new airport in Jewar in Greater Noida, near Delhi. The airport is being planned as India's largest, with a proposed six to eight runways once it is fully operational.

What Is the Need for An Airport at Jewar?

The Jewar Airport primarily aims to reduce the load on Delhi's Indira Gandhi International (IGI) Airport. It will be the third airport in the National Capital Region, after IGI Airport and the newly opened Hindon Airport (in Ghaziabad). Traffic at Jewar Airport is estimated at 12 million passengers per annum in the first phase of the project, and expected to go up to 70 million ppa once all phases are completed. The IGI Airport is set to reach its peak capacity of 110 million in the next six or seven years. Hindon Airport in Ghaziabad, which became operational in October this year, is currently limited to two airlines.

What Led to The Choice of The Location?

Jewar Airport will be about 72 km from IGI Airport, 40 km from Noida and Ghaziabad, 28 km from Greater Noida, and 65 km from Gurgaon. It will be an alternative not only for passengers within NCR (or fliers travelling to NCR from the airport) but also for several cities in western Uttar Pradesh. For Agra, Bulandshahar or Aligarh, Jewar Airport will be within 150 km and therefore closer than IGI Airport. For connectivity, the Yamuna Expressway Development Authority is looking at options that include a rapid rail transport system and dedicated bus routes. The Delhi Metro Rail Corporation, in cooperation with the Noida Metro Rail Corporation, is carrying out an expert study into the feasibility of extending the Metro's Pink Line until Jewar. For those travelling by road, Jewar is connected to the rest of Greater Noida by the Yamuna Expressway.

Since When Has It Been Planned?

The idea had been in the pipeline for 18 years. It was mooted in 2001, during Rajnath Singh's tenure as Uttar Pradesh Chief Minister. In 2010, CM Mayawati proposed a Taj Aviation Hub, an idea that did not take off. Between 2012 and 2016, the Samjwadi Party government took forward the idea of an international airport in Agra, and the Jewar project fell out of focus. During the UPA regime, the project was again delayed by a clause in the Civil Aviation Ministry guidelines for greenfield airports, which placed restrictions on setting up a civilian airport within 150 km of an existing one. In 2016, the NDA government relaxed these norms. In 2017, the Jewar Airport got clearance from the Ministry. Later, the process of land acquisition too progressed slowly amid protests from farmers. Zurich International Airport AG, or Flughafen Zürich AG, outbid three Indian companies — Delhi International Airport Ltd, Adani Enterprises Ltd and Anchorage Infrastructure Investments. Flughafen Zürich AG, which is currently managing eight airports abroad, will build and manage Jewar Airport under a 40-year concession.

Cabinet Okays Bond ETFs

➔ The Union Cabinet approved the government's plan to create and launch India's first corporate bond exchange traded fund (ETF) — Bharat Bond ETF. "The Cabinet Committee on Economic Affairs has given its approval for creation and launch of Bharat Bond Exchange Traded Fund (ETF) to create an additional source of funding for Central Public Sector Undertakings (CPSUs), Central Public Sector Enterprises (CPSEs), Central Public Financial Institutions (CPFIs), and other government organisations," the government said in a release. "Bharat Bond ETF would be the first corporate bond ETF in the country," it added. The ETF will comprise a basket of bonds issued by the CPSEs, CPSUs, CPFIs, and other government organisations and all will be initially AAA-rated bonds. Each ETF will have a fixed maturity date and initially they will be issued in two series, of three years and 10 years. "Bond ETF will provide safety (underlying bonds are issued by CPSEs and other government-owned entities), liquidity (tradability on exchange) and predictable tax efficient returns," the government release added. The low unit value of ₹1,000, it said, would help deepen India's bond market as it will encourage the participation of those retail investors who are currently not participating in bond markets due to liquidity and accessibility constraints. On the issuer side, the bond ETFs are expected to offer CPSEs, CPSUs, CPFIs and other government organisations an additional source of meeting their borrowing requirements, apart from bank financing. "It will expand their investor base through retail and HNI [high net worth

individual] participation, which can increase demand for their bonds," the government added. "With increase in demand for their bonds, these issuers may be able to borrow at reduced cost thereby reducing their cost of borrowing over a period of time."

Who Is A Farmer? Government Has No Clear Definition

➔ Who is a farmer? What is the government's definition of a farmer, and how many farmers are there in India by that definition? Agriculture Minister Narendra Singh Tomar failed to answer that question in Parliament last week. The government's ambiguity has serious implications for the design and beneficiaries of the schemes meant to help them, including its flagship PM-KISAN (Pradhan Mantri Kisan Samman Nidhi). In a written response, the Minister only noted that the Centre provided income support to all farmer families who owned cultivable land through PM-KISAN. MPs pointed out that the number of land holdings did not necessarily equate with the number of farming households. In fact, there is a clear and comprehensive definition available in the National Policy for Farmers drafted by the National Commission of Farmers headed by M.S. Swaminathan and officially approved by the Centre in 2007. It says, "For the purpose of this Policy, the term 'FARMER' will refer to a person actively engaged in the economic and/or livelihood activity of growing crops and producing other primary agricultural commodities and will include all agricultural operational holders, cultivators, agricultural labourers, sharecroppers, tenants, poultry and livestock rearers, fishers, beekeepers, gardeners, pastoralists, non-corporate planters and planting labourers, as well as persons engaged in various farming related occupations such as sericulture, vermiculture and agro-forestry. The term will also include tribal families/persons engaged in shifting cultivation and in the collection, use and sale of minor and non-timber forest produce." Farmer leaders and researchers point out that the definition of a farmer is not merely a philosophical or semantic question, but rather has practical implications. "There is a deliberate dragging of the feet to avoid this pre-existing official definition which is there in black and white," said Swaraj India president Yogendra Yadav, who also heads the Jai Kisan Andolan, referring to the Agriculture Minister's evasive response. He noted that most schemes meant for farmers' welfare, including the procurement of wheat and paddy at minimum support prices, are effectively available only for land owners. According to Census 2011, there are 11.8 crore cultivators and 14.4 crore agricultural workers. "There is a need to convert the M.S. Swaminathan Commission's definition into a legal and actionable tool for identification. Already, the revenue department is supposed to annually record who is actually cultivating each piece of land. In an era of GPS, GIS and Aadhaar, this should not be that difficult. It simply takes political will," said G.V. Ramanjaneyulu, executive director, Centre for Sustainable Agriculture. "Linking the identity of a farmer to land ownership has devastating consequences for another category: women farmers. Some studies estimate that 60%-70% of farmers are actually women, but their names are rarely on ownership documents," noted Devinder Sharma, an agriculture scientist.

Bullet Train: Where Things Stand

➔ Maharashtra Chief Minister Uddhav Thackeray has announced a "review" of the bullet train project, sending out signals of uncertainty over the prestigious enterprise. Controversy is not new for India's bullet train. From its inception, the National High-Speed Rail Corporation Limited (NHSRCL), the body implementing the project, has been facing controversies over

land acquisition in tribal-dominated areas, and cases filed by farmers in court. There is fundamental opposition to the idea of a ₹1.1 lakh crore train corridor between Mumbai and Ahmedabad — even though the project is being funded by an 80% loan from Japan. Even so, the project has made some headway. The initial plan was to complete the land acquisition process by December 2018; this strategy was, however, revised to link land acquisition to tender requirements. The implementing company now says it is on course to do a trial run between Surat and Bilimora in Gujarat in August 2022, and to open the full service to the public around December 2023. NHSRCL officials say they are hopeful of getting most of the land required for the project by the time tenders are finalised in mid-2020.

How Much Land Has Been Acquired?

The project needs land in Gujarat, Maharashtra, and a little in Dadra and Nagar Haveli. Of the total 1,380 hectares required, 705 hectares have already been acquired. In Gujarat, out of the required 940 hectares, 617 hectares have been acquired; in Maharashtra, out of the total 431 hectares required, 81 hectares have been acquired. In Dadra and Nagar Haveli, of the total 8.7 hectares needed, 6.9 hectares have been acquired.

So Why Has Land Acquisition Moved Slowly in Maharashtra?

Mainly because of problems in Palghar district, where the project requires 286 hectares. However, much of the past one year has been spent in holding parleys with the landowners, and many have agreed over the past few months. With the offer of various schemes like providing health facilities for villagers, village development expenses, and other outreach programmes in addition to the compensation package, 31 out of the required 286 hectares in Palghar have been acquired. Of the 73 villages in which the project needs land, joint measurement surveys have been done in 65. Joint measurement surveys are considered a major breakthrough, because they involve the landowner and the project engineers jointly measuring the land, physically on the ground. The company has appointed a manager just for issues related to Palghar. In Gujarat, the process was smoother after the High Court dismissed 120 petitions by farmers by upholding the validity of the Land Acquisition Act as amended by the state government in 2016. The land across the alignment is divided into 7,000 plots, in 195 villages in Gujarat and 104 villages in Maharashtra.

Can the New Maharashtra Government Scrap the Project?

Maharashtra is not investing any money per se in the project. Its equity is through land. Both Gujarat and Maharashtra own 25% each in the project, while the remaining 50% is owned by the Government of India. The state government can change the rules for land acquisition, as that is within its purview. However, the contract with Japan that the Centre has entered into, cannot be impacted. That said, a change in government may affect the priority that is accorded to the project in the state's scheme of things. When the BJP's Devendra Fadnavis was Chief Minister, the bullet train project was in the CM's "war room" — meaning it was directly monitored by the CMO. Officials said that this helped a lot in land acquisition efforts — anything to do with the bullet train got priority treatment at every level from the Secretariat in Mumbai to the administration in the district. The Shiv Sena is politically strong in Palghar. The MP, Rajendra Gavit, is from the Shiv Sena. The party has in the past joined the chorus against the project in Palghar and nearby areas. Sena leaders have had altercations with NHSRCL officials working on the ground.

Can the Project Change the Alignment to Avoid Problem Areas?

While the government decides which places to link with a train corridor, the precise alignment is a technical reality that has been frozen after scientific surveys and measurements. It cannot be tampered with at will. The high-speed alignment, for instance, needs to be as free of curves as possible. Any speed upwards of 300 kph requires a straight alignment.

How Can the Acquisition Process Be Expedited?

NHSRCL has adopted the strategy of land acquisition by consent, and not by invoking the various laws that empower government agencies to acquire land for public purposes. The provisions of the central Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, would have allowed the linear project to acquire land even without the consent of certain parties, if needed, against the payment of compensation. But the company is not looking to invoke such provisions, officials said.

UDAN 4 To Focus on Hill States, Islands

➔ Of the 688 routes awarded under the UDAN-Regional Connectivity Scheme in the last three years, only 232 are operational as of today, according to data provided by the Ministry of Civil Aviation (MoCA). The ministry has now launched Round 4 of UDAN-RCS and officials said that the north eastern region, hill States of Himachal Pradesh and Uttarakhand, Jammu and Kashmir, Ladakh and the islands of Lakshadweep and Andamans will be treated as priority areas. MoCA officials said they now aim to operationalise 1,000 routes and over 100 airports in the next five years. UDAN launched the scheme on October 21, 2016, presently connects to 106 airports and 31 heliports. Of these 76 are unserved airports, 20 are underserved and 10 are water aerodromes. Baramati, and Aamby Valley in Lonavala are among the 20 airports and two water aerodromes in Maharashtra. "This would be achieved by focusing on operationalising routes in the priority areas. The Airports Authority of India would focus on developing no-frills airport in the future and routes connecting such airports would be prioritised for award of viability gap funding (VGF). The market would be incentivised to develop short haul routes only, providing connectivity to nearby airports," officials said. Many of these routes are expected to be operationalised during the winter schedule of 2019. The ministry has revised provisions for the cap on VGF. Under the change, the provision of VGF for aircraft having more than 20 seats has been enhanced for operation of RCS flights in priority areas. The VGF cap applicable for various stage lengths for operation through aircraft having below 20 seats has also been revised to further incentivise the operation of small aircraft under the scheme. MoCA officials said that the provision of VGF would be restricted for routes with stage length up to 600 km, for operation of 20-seater plus aircraft and beyond it no monetary support would be provided. The Selected Airline Operator (SAO) would also be allowed to change the frequency of flight operation, during the tenure of flight operation of the given route.

A Strategic Repo Rate Pause

➔ After a breathless run of five consecutive rate cuts, beginning February, the Reserve Bank of India (RBI) decided to pause and catch its breath in the December policy announced on Thursday. And rightly so too. Though growth concerns are still paramount, a lot has changed between the earlier policies and now — inflation is rearing its head up again and the

government's approach to the fiscal deficit glide path is still unclear even as the macro numbers indicate a considerable slippage in the target of 3.3% for this fiscal. Monetary policy works with a lag and the 135 basis points cut since February needs to percolate down through the system and its impact analysed. The RBI runs the risk of blunting the repo rate weapon if it continues to cut rates without the cuts being transmitted down the line. The Monetary Policy Committee (MPC) has taken care to point out that "there is monetary policy space for future action" and that the accommodative stance will continue. This should smoothen the ruffled feathers of the market which was expecting a 25-basis point cut. In that sense, the RBI has surprised the market after a long time, but also clearly indicated that facilitating growth is still at the top of its agenda. Though the Governor, Shaktikanta Das, went out of his way to clarify that fiscal concerns were only one input in the decision, it is obvious that the MPC wants to watch the government's moves in the budget before easing rates again. A cut now followed by a big slippage on the fiscal deficit would have complicated matters for the MPC. Acknowledging the dismal growth in the second quarter, the MPC has revised the growth projections for fiscal 2019-20 sharply downwards to 5% from the 6.1% it had projected in the October policy. How did the MPC go so much off the mark? The Governor has referred to green shoots in the economy such as in the rise in the November Purchasing Managers' Index for manufacturing and the late catch-up in rabi sowing. He also referred to a study of the unaudited financial results of 1,539 listed companies which shows companies shifting funds from financial investments into fixed assets indicating a possible revival in the capex cycle. But these are early days yet and incoming data need to be watched carefully before a final assessment can be made. On inflation, the central bank has projected a significant rise in the second half of this fiscal but it is sanguine that the spike is temporary driven largely by rising prices of food items due to unseasonal rains that destroyed standing kharif crops. All things considered, this seems to be a strategic pause by the MPC to watch how inflation moves and what the government does in the budget. The rate cut cycle still has some steam left.

RBI Lays Down Guidelines for Payments Banks' SFB Licence

➔ Payments banks willing to convert themselves into small finance banks (SFBs) can apply for such a licence only after five years of operations, the Reserve Bank of India (RBI) said on Thursday in the final guidelines on on-tap licensing for SFBs. The minimum capital for setting up an SFB has been mandated at ₹200 crore, the RBI said, adding for primary (urban) co-operative banks (UCBs), which wish to become SFBs, the initial requirement of net worth will be ₹100 crore, which will have to be increased to ₹200 crore within five years from the date of commencement of business. Separately, the banking regulator said, to reduce the concentration risk in the exposures of primary (urban) co-operative banks and to further strengthen the role of UCBs in promoting financial inclusion, certain regulations will be amended. "The guidelines would primarily relate to exposure norms for single and group/interconnected borrowers, promotion of financial inclusion, priority sector lending, etc," the Reserve Bank said. A draft circular proposing the changes will be issued shortly. The banking regulator also added that it decided to bring UCBs with assets of ₹500 crore and above, under the reporting framework of the Central Repository of Information on Large Credits (CRILC).

A Potential Seedbed for Private Profits (R. Ramakumar - NABARD Chair Professor at The Tata Institute of Social Sciences, Mumbai)

➔ After passing through at least two versions, Seeds Bill 2019 is now under Parliament's consideration. The earlier versions of the Bill, in 2004 and 2010, had generated heated debates. The present version promises to be no different. In 1994, India signed the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). In 2002, India also joined the International Union for the Protection of New Varieties of Plants (UPOV) Convention. Both TRIPS and UPOV led to the introduction of some form of Intellectual Property Rights (IPR) over plant varieties. Member countries had to introduce restrictions on the free use and exchange of seeds by farmers unless the "breeders" were remunerated.

Balancing Conflicting Aims

TRIPS and UPOV, however, ran counter to other international conventions. In 1992, the Convention on Biological Diversity (CBD) provided for "prior informed consent" of farmers before the use of genetic resources and "fair and equitable sharing of benefits" arising out of their use. In 2001, the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) recognised farmers' rights as the rights to save, use, exchange and sell farm-saved seeds. National governments had the responsibility to protect such farmers' rights. As India was a signatory to TRIPS and UPOV (that gave priority to breeders' rights) as well as CBD and ITPGRFA (that emphasised farmers' rights), any Indian legislation had to be in line with all. It was this delicate balance that the Protection of Plant Varieties and Farmers' Rights (PPVFR) Act of 2001 sought to achieve. The PPVFR Act retained the main spirit of TRIPS viz., IPRs as an incentive for technological innovation. However, the Act also had strong provisions to protect farmers' rights. It recognised three roles for the farmer: cultivator, breeder and conserver. As cultivators, farmers were entitled to plant-back rights. As breeders, farmers were held equivalent to plant breeders. As conservers, farmers were entitled to rewards from a National Gene Fund. According to the government, a new Seeds Bill is necessary to enhance seed replacement rates in Indian agriculture, specify standards for registration of seed varieties and enforce registration from seed producers to seed retailers. While these goals are indeed worthy, any such legislation is expected to be in alignment with the spirit of the PPVFR Act. For instance, a shift from farm-saved seeds to certified seeds, which would raise seed replacement rates, is desirable. Certified seeds have higher and more stable yields than farm-saved seeds. However, such a shift should be achieved not through policing, but through an enabling atmosphere. Private seed companies prefer policing because their low-volume, high-value business model is crucially dependent on forcing farmers to buy their seeds every season. On the other hand, an enabling atmosphere is generated by the strong presence of public institutions in seed research and production. When public institutions, not motivated by profits, are ready to supply quality seeds at affordable prices, policing becomes redundant. But this has not been the case in India. From the late-1980s, Indian policy has consciously encouraged the growth of private seed companies, including companies with majority foreign equity. Today, more than 50% of India's seed production is undertaken in the private sector. These firms have been demanding favourable changes in seed laws and deregulation of seed prices, free import and export of germplasm, freedom to self-certify seeds and restrictions on the use by farmers of saved seeds from previous seasons. Through the various versions between 2004

and 2019, private sector interests have guided the formulation of the Seeds Bill. As a result, even desirable objectives, such as raising the seed replacement rates, have been mixed up with an urge to encourage and protect the business interests of private companies. Not surprisingly, many of the Bill's provisions deviate from the spirit of the PPVFR Act, are against farmers' interests and in favour of private seed companies.

Problematic Provisions

I shall, for illustration, highlight six examples where the Bill, despite revisions, continues to be tilted against farmers' interests. First, the Seeds Bill insists on compulsory registration of seeds. However, the PPVFR Act was based on voluntary registration. As a result, many seeds may be registered under the Seeds Bill but may not under the PPVFR Act. Assume a seed variety developed by a breeder, but derived from a traditional variety. The breeder will get exclusive marketing rights. But no gain will accrue to farmers as benefit-sharing is dealt with in the PPVFR Act, under which the seed is not registered. Second, as per the PPVFR Act, all applications for registrations should contain the complete passport data of the parental lines from which the seed variety was derived, including contributions made by farmers. This allows for an easier identification of beneficiaries and simpler benefit-sharing processes. Seeds Bill, on the other hand, demands no such information while registering a new variety. As a result, an important method of recording the contributions of farmers is overlooked and private companies are left free to claim a derived variety as their own. Third, the PPVFR Act, which is based on an IPR like breeders' rights, does not allow re-registration of seeds after the validity period. However, as the Seeds Bill is not based on an IPR like breeder's rights, private seed companies can re-register their seeds an infinite number of times after the validity period. Given this "ever-greening" provision, many seed varieties may never enter the open domain for free use. Fourth, while a vague provision for regulation of seed prices appears in the latest draft of the Seeds Bill, it appears neither sufficient nor credible. In fact, strict control on seed prices has been an important demand raised by farmers' organisations. They have also demanded an official body to regulate seed prices and royalties. In its absence, they feel, seed companies may be able to fix seed prices as they deem fit, leading to sharp rises in costs of cultivation. Fifth, according to the PPVFR Act, if a registered variety fails in its promise of performance, farmers can claim compensation before a PPVFR Authority. This provision is diluted in the Seeds Bill, where disputes on compensation have to be decided as per the Consumer Protection Act 1986. Consumer courts are hardly ideal and friendly institutions that farmers can approach. Sixth, according to the Seeds Bill, farmers become eligible for compensation if a plant variety fails to give expected results under "given conditions". "Given conditions" is almost impossible to define in agriculture. Seed companies would always claim that "given conditions" were not ensured, which will be difficult to be disputed with evidence in a consumer court.

The Way Ahead

Given the inherent nature of seeds, farmer-friendly pieces of seed legislation are difficult to frame and execute. This is particularly so as the clout of the private sector grows and technological advances shift seed research towards hybrids rather than varieties. In hybrids, reuse of seeds is technically constrained. The private sector, thus, has a natural incentive to focus on hybrids. In such a world of hybrids, even progressive seed laws become a weak defence. On the other hand, strong public agricultural research systems ensure that the choices between hybrids, varieties and farm-saved seeds remain open, and are not based on

private profit concerns. Even if hybrids are the appropriate technological choice, seed prices can be kept affordable. For the seed sector and its laws to be truly farmer-friendly, the public sector has to recapture its lost space.

The Issues, Debate Around Data Protection Bill

➔ Global negotiations today revolve around debates about the transfer of data. India's first attempt to domestically legislate on the topic, the Personal Data Protection (PDP) Bill, 2019, has been approved by the Cabinet and is slated to be placed in Parliament this winter session. The Bill has three key aspects that were not previously included in a draft version, prepared by a committee headed by retired Justice B N Srikrishna.

Why Does Data Matter?

Data is any collection of information that is stored in a way so computers can easily read them (think 011010101010 format). Data usually refers to information about your messages, social media posts, online transactions, and browser searches. The individual whose data is being stored and processed is called the data principal in the PDP Bill. This large collection of information about you and your online habits has become an important source of profits, but also a potential avenue for invasion of privacy because it can reveal extremely personal aspects. Companies, governments, and political parties find it valuable because they can use it to find the most convincing ways to advertise to you online. It is now clear that much of the future's economy and law enforcement will be predicated on the regulation of data, introducing issues of national sovereignty.

Who Handles My Data, And How?

Data is stored in a physical space similar to a file cabinet of documents, and transported across country borders in underwater cables that run as deep as Mount Everest and as long as four times the Indian Ocean. To be considered useful, data has to be processed, which means analysed by computers. Data is collected and handled by entities called data fiduciaries. While the fiduciary controls how and why data is processed, the processing itself may be by a third party, the data processor. This distinction is important to delineate responsibility as data moves from entity to entity. For example, in the US, Facebook (the data controller) fell into controversy for the actions of the data processor — Cambridge Analytica. The physical attributes of data — where data is stored, where it is sent, where it is turned into something useful — are called data flows. Data localisation arguments are premised on the idea that data flows determine who has access to the data, who profits off it, who taxes and who "owns" it. However, many contend that the physical location of the data is not relevant in the cyber world.

How Does the PDP Bill Propose to Regulate Data Transfer?

To legislate on the topic, the Bill trifurcates personal data. The umbrella group is all personal data — data from which an individual can be identified. Some types of personal data are considered sensitive personal data (SPD), which the Bill defines as financial, health, sexual orientation, biometric, genetic, transgender status, caste, religious belief, and more. Another subset is critical personal data. The government at any time can deem something critical, and has given examples as military or national security data. In the Bill approved by the

Cabinet, there are three significant changes from the version drafted by a committee headed by the Justice B N Srikrishna Committee.

- The draft had said all fiduciaries must store a copy of all personal data in India — a provision that was criticised by foreign technology companies that store most of Indians' data abroad and even some domestic start-ups that were worried about a foreign backlash. The approved Bill removes this stipulation, only requiring individual consent for data transfer abroad. Similar to the draft, however, the Bill still requires sensitive personal data to be stored only in India. It can be processed abroad only under certain conditions including approval of a Data Protection Agency (DPA). The final category of critical personal data must be stored and processed in India.
- The Bill mandates fiduciaries to give the government any non-personal data when demanded. Non-personal data refers to anonymised data, such as traffic patterns or demographic data. The previous draft did not apply to this type of data, which many companies use to fund their business model.
- The Bill also requires social media companies, which are deemed significant data fiduciaries based on factors such as volume and sensitivity of data as well as their turnover, to develop their own user verification mechanism. While the process can be voluntary for users and can be completely designed by the company, it will decrease the anonymity of users and "prevent trolling", said official sources.

What Are Its Other Key Features?

The Bill includes exemptions for processing data without an individual's consent for "reasonable purposes", including security of the state, detection of any unlawful activity or fraud, whistleblowing, medical emergencies, credit scoring, operation of search engines and processing of publicly available data, official sources said. The Bill calls for the creation of an independent regulator DPA, which will oversee assessments and audits and definition making. Each company will have a Data Protection Officer (DPO) who will liaison with the DPA for auditing, grievance redressal, recording maintenance and more. The committee's draft had required the DPO to be based in India. The committee's draft had several other significant keywords that are expected to be in the Bill. "Purpose limitation" and "collection limitation" limit the collection of data to what is needed for "clear, specific, and lawful" purposes or for reasons that the data principal would "reasonably expect". It also grants individuals the right to data portability, and the ability to access and transfer one's own data. Finally, it legislates on the right to be forgotten. With historical roots in European Union law, this right allows an individual to remove consent for data collection and disclosure. After the Cabinet approval of the bill, an official source said this concept is still "evolving" and has not been "concretised" yet. Government sources said they were open to the "widest debate on this Bill".

What Are the Two Sides of The Debate?

For Data Localisation

A common argument from government officials has been that data localisation will help law-enforcement access data for investigations and enforcement. As of now, much of cross-border data transfer is governed by individual bilateral "mutual legal assistance treaties" — a process that almost all stakeholders agree is cumbersome. In addition, proponents highlight security against foreign attacks and surveillance, harkening notions of data

sovereignty. The government doubled down on this argument after news broke that 121 Indian citizens' WhatsApp accounts were hacked by an Israeli software called Pegasus. Even before that, the argument was used prominently against WhatsApp when a spate of lynchings across the country linked to rumours that spread on the platform in the summer of 2018. WhatsApp's firm stance on encrypted content have frustrated government officials around the world. Many domestic-born technology companies, which store most of their data exclusively in India, support localisation. PayTM has consistently supported localisation (without mirroring), and Reliance Jio has strongly argued that data regulation for privacy and security will have little teeth without localisation, calling upon models in China and Russia. Many economy stakeholders say localisation will also increase the ability of the Indian government to tax Internet giants.

Against the Bill

Civil society groups have criticised the open-ended exceptions given to the government in the Bill, allowing for surveillance. Moreover, some lawyers contend that security and government access are not achieved by localisation. Even if the data is stored in the country, the encryption keys may still be out of reach of national agencies. Technology giants like Facebook and Google and their industry bodies, especially those with significant ties to the US, have slung heavy backlash. Many are concerned with a fractured Internet (or a "splinternet"), where the domino effect of protectionist policy will lead to other countries following suit. Much of this sentiment harkens to the values of a globalised, competitive internet marketplace, where costs and speeds determine information flows rather than nationalistic borders. Opponents say protectionism may backfire on India's own young start-ups that are attempting global growth, or on larger firms that process foreign data in India, such as Tata Consulting Services and Wipro.

The Neglected Foot Soldiers of a Liberalised Economy (Alok Ray - Kolkata-Based Lawyer and Labour Law Expert)

➔ Editorials and articles have been written on the proposed merger of BSNL and MTNL. Permanent employees of the two telecommunication companies are planning to opt for lucrative voluntary retirement schemes and a generous package also awaits the senior employees. But what about the thousands of contract labourers, contractual and temporary workers — who have served the two organisations for several years for far less wages and without any substantial social security benefits? It is not an exaggeration to say that these workers constituted the rudimentary service pool of these organisations. But now, after doing unpaid work for many months, many of the desperate employees are committing suicide. The BSNL-MTNL case is not an aberration. There are thousands of employees in the informal sector, a majority of them engaged through contractors, working in precarious service conditions. But who will rehabilitate these victims of an emerging market economy where most graduates are not employable due to skill deficiency and there is an acute shortage of job opportunities?

Non-Compliance

The Contract Labour (Regulation and Abolition) Act, 1970 and the Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 have been in place for long; but non-compliance is the order of the day. Similarly, manual scavengers, most of

them employed as contract labourers, are still forced to do cleaning jobs under the most inhumane conditions, despite this barbaric practice having been outlawed through successive pieces of legislation. The Supreme Court, in judgment after judgment, has ruled that contract workers should be paid the same wages as permanent employees for similar jobs, but these orders seem to exist only to be taught in law classes, not for compliance by employers. Similarly, Unorganised Workers' Social Security Act, 2008, has largely been a cosmetic exercise. The second National Commission on labour, in the year 2002, had strongly recommended abolition of the exploitative contract labour system in course of time and, in the meantime, suggested implementation of a comprehensive social security scheme. It had very rightly recommended that after two years of working for an organisation, a contract worker should be treated as a permanent worker. However, the apex court in SAIL vs. National Union of Water front Workers and others (2001) overruled some of its earlier judgments and decided that the law does not provide for automatic absorption of contract labourers upon its abolition and that the principal employer has no liability to regularise them.

Hire and Fire the Norm

It is true that our labour laws are stringent and protective, but this statement applies only to the fortunate permanent employees, who constitute roughly 10% of the total workforce. Hire and fire is the rule for the contract labourers. Laissez faire is in full bloom. Paradoxically, a rigid labour law system has also contributed to greater contractualisation of the workforce. And, engaged in substantial numbers as contract labourers are people from vulnerable caste groups. The Contract Labour Act, 1970, is applicable only to organisations and contractors who are employing 20 or more workers. Hence, the number of such workers could be much more than what the numbers suggest. In the liberalised Indian economy of the 21st century, such labourers are treated as sacrificial goats. Pay Commissions are always very gracious to upgrade the salary structure of permanent employees on a periodical basis, but the genuine needs of contract workers are repeatedly ignored by the state. Unless our policymakers ensure strong enforcement of policies linked to such workers, suicides, as in the BSNL-MTNL case, will continue. Parliament has already enacted the Code on Wages, 2019. Indeed, we do need reform in our labour laws to enhance globalisation. But, at the same time, we also need a comprehensive umbrella of social security for these foot soldiers of growth and development.

In Telecom, Time to Send the Right Signals (Ashok Jhunjhunwala, A Padma Shri For His Work on Wireless Telephony, Is A Professor at IIT Madras)

➔ In the early 1990s, India had merely seven million telephones with a waiting time of seven to eight years to get a connection. The simple reason was that the cost of installing a landline telephone was too high and the required average revenue per user (ARPU) just to break even was ₹1,250 per month, which was too high for most Indians at that time. Indian telecom grew at a slow pace through government budgets and subsidies. It is in this context that wireless telephony was introduced. This would bring down the capital cost, make telephones affordable in India, would be easier to install and bring in private investments for a potentially profitable business.

Rapid Growth

The results have been nothing short of dramatic. The telecommunications sector has grown at a rapid pace, riding on a virtuous cycle of growing demand and increasing competition that has pushed down prices to levels not seen anywhere else in the world. Today, the sector is at a turning point. The troubles of today are rooted in the fast-paced growth of yesterday and regulation that increased tele-density by pushing down ARPUs. This drove businesses to work with a single mind focus on consumer acquisition as the base of users ballooned. It is important to take a historic look if one is to understand the imbroglio of today. The first telecom auctions for private players were in 1995. The financial bids were unbelievably high; some international consultants proposed large licence fees without understanding Indian affordability. As the dust settled, the winners realised that the bids were economically unsustainable. Several legal ploys were used to stop the payment against bids, cases multiplied, and the telecom dream was stillborn. In 1999, when Atal Bihari Vajpayee became Prime Minister, a group of telecom academics and professionals advised him that the only way out of this imbroglio was to cancel the licence fees due to the government and introduce the "revenue share" model. He was worried that he would be accused of selling the country and causing huge "loss of revenue". But this group egged him on saying that India needed this bold step for telecom to thrive and he could do this only in his first hundred days. The Prime Minister took the bold step and licensees were offered an option to switch to revenue-share instead of upfront licence fees. This bold step got mobile telephony going. The installation cost of wireless telephony was less than one-fourth of a landline telephone. Low ARPU was no longer a big concern. By around 2003, India had around 300 million telephone lines and the urban market was saturating. Airtel, Vodafone and Idea, with their GSM mobile-licence, were the leaders. The CDMA mobile licensees had grown slowly, stuck with a technology without a future and could not compete. Rural markets required lower tariff, but the GSM trio were happy with the urban market and resisted reduction in tariffs. The market grew at a slow pace since then. It was around 2007 that the then government saw this imbroglio and found ways to give new GSM licences using primarily revenue-share. These newcomers, primarily Reliance Communications (RCOM) and Tata Teleservices, dropped tariffs and introduced per-second billing. Others had to follow. The market grew quickly to 900 million lines. Indian telecom was thriving. The operators were making decent money, even with lower tariffs. Till then, India was using only 2G telephony. Data and Internet was at very low speed; 3G telephony was just being introduced and operators were haggling for more 3G spectrum in 900 MHz and 1800 MHz bands. The government was periodically conducting auctions since 2010, fetching large spectrum bids.

Old Versus New Players

Around 2013, the Government made available some spectrum in the 2300-2500 MHz band. This was not considered suitable for 3G telephony then; 4G was in its infancy and there was some concern about technology standards and technology readiness. A new company, Reliance Jio, betted on it and won the whole spectrum pan-India through a partner company at a relatively lower price as there was little interest from established operators. Jio had to wait four years to get the technology ready and launched the 4G service late in 2016 and caught the imagination of users. It made voice calls almost free and offered good quality video on smart handsets at very low tariffs. Others did follow suit but paid higher amounts for spectrum in later auctions. Jio has been gaining market share since then. The older operators have been on the defensive, facing serious erosion in market share and

profitability. RCOM and Tata Teleservices have been wiped out. Vodafone and Idea merged to just about survive. Airtel, the strongest operator two years back, continues to lose market share and profitability.

Issue of Penalties

It is at this time that the revenue-sharing agreement that companies like Airtel, Idea, Vodafone and others signed in 2001 has come to haunt them. The Supreme Court ruled this October that these companies are liable to pay revenue share not just on telecom revenue but all revenues of the company — sales proceeds on handsets, renting of their towers, infrastructure sharing, and even on dividend incomes from any investment. Furthermore, they have to pay huge late-fees and penalties, totalling ₹1.3 lakh crore. While the court has rightly interpreted the written agreement of 2001, the amounts are enormous that when paid, is likely to bankrupt these players. The industry is already saddled with debt of ₹7 lakh crore. Once again India is faced with the prospect of a telecom monopoly or duopoly. Further, except that it says so in a contract, it makes little sense to pay revenue share to the government on unrelated businesses. If the operators ever thought otherwise, they would have hived off these businesses to a sister company as many have done since then. It is precisely in such a precarious situation, that the government needs to act, just like it did in 1999. They could offer the operators payment of principal in instalments and waive off interest and penalties. It is critical for the nation to have multiple players compete in telecom services. Besides, the time has come to relook the role of telecom in the country. The Prime Minister has rightly emphasised the role digital connectivity plays in society. If India is to reap the benefit of being fully digital, government's taxes and earnings from telecom should be limited. Today, in addition to corporate taxes, the government's telecom revenue includes Goods and Services Tax, spectrum auction, revenue share as licence fees, amounting to about 30% of customer bill. The government should not look at the telecom sector primarily as a revenue-earner. The money could be better spent by operators to improve today's average service-quality. This would help telecom reach the remotest parts of the country and the service needs to continue to be affordable.

Making Air India's Disinvestment Work (Jitender Bhargava - Former Executive Director of Air India)

➔ The once-iconic Air India has, in the last four decades, witnessed a calamitous fall. The diminution had been gradual when it operated in a near-monopoly environment but the pace of descent intensified when it faced competition. In the late 1990s, the government recognised the gradual decline in the airline's service standards and referred it to the newly set up Disinvestment Commission of India, which recommended dilution of government ownership to 40%. The effort of the-then National Democratic Alliance government did not, however, succeed due to bureaucratic shenanigans and the role of a private airline promoter who saw in a resurgent Air India competition for his then-fledgling airline. Had the disinvestment efforts succeeded, Air India would have today been a professionally managed successful airline. The period commencing 2004 hastened the airline's descent due a series of reckless decisions, like acquisition of aircraft in numbers far more than what it could afford or gainfully deploy; and the merger with Indian Airlines, which was scripted to fail from the word go. Competitively, the airline was also placed on a weaker wicket due to a liberal doling

out of seats by the then administration to foreign airlines (the matter is under investigation by both the CBI and Enforcement Directorate), allowing them to dominate the Indian skies.

Lack of Strategic Direction

Air India's precarious financial situation was first made public in June 2009 by the then-Chairman Arvind Jadhav. But the government, instead of tackling the core problem — the lack of a strategic and operational direction within the airline — decided to focus on a financial package. This was like applying a fresh coat of paint to a crumbling house. The bailout package of over ₹30,000 crore, which is being infused over an eight-year span ending 2021, has not helped Air India evolve into a robust carrier. The reality is that the airline's survival depends on several factors, most notably the induction of a professional management with an effective leadership, a sound financial package that does not come with political interference in its day-to-day operations, and unions allowing changes in work conditions and pay packages. In 2017, Niti Aayog recommended disinvestment but the government, in its wisdom, decided to not only retain 24% equity, it also wanted the acquirer to absorb a major chunk of the non-aircraft related debt. The simple logic that a proposal for sale has to suit the acquirer as much as the seller was conveniently overlooked and the offer found no takers. Now, the government has, once again, put Air India on the block for disinvestment. However, it still doesn't appear to be convinced of the airline's strengths. The disinvestment process is largely driven by the Centre's anxiety to get rid of the airline, so that it can spare itself of the responsibility of further infusion of funds. Besides playing to its strengths, the government ought to — if it is sincere about making the exercise a success — ensure that it exits totally, giving freedom to the potential acquirer to transform it into a successful player. The cost of further infusion of funds if the exercise is allowed to fail mustn't be overlooked. To evoke interest in a product that still commands a sizeable market share and has an extensive global network that no other Indian carrier can match, the government also needs marketing skills.

Explaining It to Stakeholders

Air India evokes emotions and a lot of people are averse to its sale. They cite its glorious past, the yeomen service it has provided to the nation by evacuating Indians stranded anywhere in the world, etc. It is therefore critical that an environment is created where in all major stakeholders are convinced that disinvestment is the best way forward. The unfortunate reality is that major stakeholders are being kept in the dark. Besides the Opposition political parties, unions, not necessarily all employees that they represent, are also opposed to disinvestment. The threat of marginalisation can be the biggest and single most reason for convincing any naysayer. With only one in nine passengers currently patronising Air India, it will be only one in 12 in the next three years as capacity augmentation is undertaken at a frenetic pace by private airlines which cannot simply be matched by funds-starved Air India. Will any well-wisher of Air India take pride in the airline if it becomes irrelevant and marginalised in the Indian aviation market? Successive Chairpersons have 'claimed a turnaround' in Air India's fortunes, which is now being cited as a reason by unions and politicians for opposing the disinvestment course. The stark truth of the airline's performance without government props needs to be effectively explained with facts and figures. The government also can't absolve itself of the blame. While not taking the other stakeholders on board, it is also not paying attention to the legitimate grievances. For

example, it hasn't as yet firmed up as to how it will address the medical related concerns of serving and retired employees even though disinvestment has been in the works for three years now. One sincerely hopes that the disinvestment exercise this time is thought of wisely, pursued with determination, and is successful, because with it is linked the prospect of transforming Air India into a robust carrier that we all can justifiably be proud of once again. The stakes are high because failure will mean doom through further marginalisation.

Life & Science

PSLV Gearing Up for Its 50th Flight

➔ The Indian Space Research Organisation (ISRO) is preparing for the 50th flight of the Polar Satellite Launch Vehicle (PSLV), popularly dubbed the space agency's trusted workhorse. The PSLV-C48 mission is scheduled for lift-off on December 11. To date, 49 PSLV missions have lifted off from the Satish Dhawan Space Centre, Sriharikota. They include the initial three developmental flights — designated PSLV D1, D2 and D3 — and 46 operational flights. The total count includes two failed missions and the PSLV variants such as PSLV-XL and PSLV-CA, officials of the Vikram Sarabhai Space Centre (VSSC), ISRO's lead agency for launch vehicles, says. By all rights, the PSLV-C47 mission that flew on November 27 this year should have been logged as the 50th flight had the ISRO stuck to the natural progression of numbers. After the PSLV-C12 flight on April 20, 2009, the space agency nimbly leap-frogged to the C14 mission. ISRO lore goes that the number 13 was bypassed allegedly due to its association with ill luck! Along with heftier sibling Geosynchronous Satellite Launch Vehicle (GSLV), the PSLV continues to remain the mainstay of the Indian space programme. In a 'career' spanning nearly three decades, the PSLV has launched more than 45 Indian payloads — including Chandrayaan 1 and Mars Orbiter Mission (Mangalyaan) spacecrafts — and 310 foreign satellites. The C37 mission has the credit of placing a whopping 104 satellites in orbit, a record. The 50th flight would have on board 10 satellites, including India's RISAT-2BR1 and nine small satellites from abroad, VSSC officials said. Successor to the SLV and ASLV, the PSLV is ISRO's third-gen launch vehicle, capable of placing payloads in different orbits including the Geosynchronous Transfer Orbit (GTO).

Searching for Vikram, Pixel by Pixel

➔ The modest two-bedroom apartment of Shanmuga Subramanian, a 33-year-old techie in Chennai, was choc-a-bloc on Tuesday morning, packed with journalists eager to speak to him about his 'clue' that led to the discovery of the Vikram Lander's debris on the moon. On curious questions about how he stumbled upon the debris, which has provided a sort of on the date of the Lander, he casually says that what he did was not rocket science. According to Mr. Subramanian, all it took was two computers and roughly 30 hours of effort to spot what looked like the debris of the Lander. NASA confirmed it this Tuesday morning, crediting Shan, as he likes to be called, for the clue. Mr. Subramanian, a native of Madurai and a Mechanical Engineering graduate from Government College of Engineering in Tirunelveli, has always been curious about space science. He was one of the thousands of Indians, who were awake throughout the night and following minute-by-minute updates of the Chandrayaan 2 mission's landing on the lunar surface on September 7. He was heartbroken when the Lander went incommunicado during the landing. Though he was reading up and

following updates on the mission from space scientists and enthusiasts across the globe, his curiosity peaked when NASA released images from its Lunar Renaissance Orbiter (LRO) that flew over the area of Vikram Lander's landing. "LRO flew over the area on September 17 and NASA released the images through a blog on September 29," he said. Over the next three to four days, Shan spent 7 to 8 hours a day comparing this image with images taken by LRO of the same area before Vikram Lander had crashed. The images were of roughly 1.5 GB size and had a resolution of 1.25 square metre per pixel. There were vertical and horizontal lines with each square marking an area of one square kilometre. "While I was initially not sure where to look, later I found the intended landing site of Vikram Lander and started looking in the adjacent squares for differences," he said. He learnt from the information he read from multiple sources that the crash landing must have happened to the north of the intended landing site. This led him to further narrow down the area of research. He says he did not use any advanced software tools apart from basic image viewing tools. "I thought about developing an image processing tool for this purpose. But then decided that it was too much effort," Shan, who says he has developed multiple tools for weather monitoring and clutter-free viewing of websites on mobile phones, said. "The method I used was very crude. Just have the images open side by side and go through pixel after pixel," he added. On October 3, he tweeted tagging NASA and ISRO about a spot, which he believed could have part of the debris. On October 18, he emailed NASA. "But I couldn't email ISRO since I did not have the right contact." In the early hours of Tuesday, NASA confirmed his finding and emailed him. Mr. Subramanian said his colleagues did not take him seriously when he told them that he was trying to find the Lander. "Now, I can go to office and tease them back," he quipped.

What is Extra Neutral Alcohol (ENA)?

➔ Alcohol manufacturers have written to NITI Aayog asking for reduction in import duty. Anticipating shortage of domestic supplies, they have sought a reduction in duty to make it cost-effective for them to import Extra Neutral Alcohol from global markets. Extra Neutral Alcohol (ENA) is the primary raw material for making alcoholic beverages. It is a colourless food-grade alcohol that does not have any impurities. It has a neutral smell and taste, and typically contains over 95 per cent alcohol by volume. It is derived from different sources — sugarcane molasses and grains — and is used in the production of alcoholic beverages such as whisky, vodka, gin, cane, liqueurs, and alcoholic fruit beverages. ENA also serves as an essential ingredient in the manufacture of cosmetics and personal care products such as perfumes, toiletries, hair spray, etc. Given its properties as a good solvent, ENA also finds industrial use and is utilised in the production of some lacquers, paints and ink for the printing industry, as well as in pharmaceutical products such as antiseptics, drugs, syrups, medicated sprays. Consultancy firm IMARC Group's estimates put the ENA market in India at a volume of 2.9 billion litres in 2018. Like ethanol, ENA is a by-product of the sugar industry, and is formed from molasses that are a residue of sugarcane processing. In its letter to NITI Aayog anticipating lower supplies, the Confederation of Indian Alcoholic Beverage Companies has cited the diversion of ethanol for bio-fuel blending by oil marketing companies, and recent floods in Maharashtra and Karnataka that have adversely affected sugarcane crop in the region.

A Wild Hunt for Food Plant Genes

➔ Scientists have been on a global search for the wild relatives of our food crops, hoping to bolster their defences against disease and climate change, a study said. Human have domesticated wild plants for some 10,000 years to provide food but in doing so they have bred out many of their natural defences, leaving them and us – potentially exposed. "We live in an independent world. No single country or region harbours all of the diversity that we need," said Chris Cockel coordinator of the Crop Wild Relatives project at the Kew Gardens Millennium Seed Bank, which has so far distributed nearly 3,300 samples of 165 species. "A wild relative of one of these crops, in the Americas, Africa or Asia, cold be the source of say, pest resistance, which can benefit all of us in the future," Mr. Cockel said in the report. By going back to the original source plants of some 28 foods – for example, of rice, potatoes, oats, groundnuts – researchers collected as wide a variety of seeds as possible in 25 countries to fill in the gaps in existing banks.

When Elephant Mothers Worry

➔ Stress in adult female Asian elephants is directly proportional to the number of calves and inversely proportional to the number of adult females in a herd, reveals a study by scientists from Indian Institute of Science, Bengaluru. The study states that physiological stress on female elephants is significantly influenced by the number of calves and adult females present in the herd, seasonality, and lactational status. Sanjeeta Sharma Pokharel, co-author of the paper, said, "With a higher number of calves, there's greater danger of predation, so female elephants have to be more vigilant, whereas a higher number of female elephants in a herd may mean better social bonds, as the presence of experienced adult females or the matriarch results in more effective competitive and defence behaviours to perceived threats." The scientists recorded stress in female elephants by measuring their faecal glucocorticoid metabolite (fGCM). Glucocorticoids are hormones secreted by mammals during periods of stress. A total of 145 fresh faecal samples were collected from 123 identified adult female elephants inhabiting the Bandipur and Nagarhole National Parks in south India, between the years 2013 and 2015. "fGCM levels were negatively correlated with the number of adult females (herd size) and positively correlated with the number of calves in a herd and the active lactational status of an adult female. fGCM levels of adult female elephants were higher during the dry season (February to May) than the wet season (August to December)," the study said. Another interesting observation made in the study was that the levels of fGCM were higher in lactating females than in non-lactating females. Ms. Sharma Pokharel said that the findings of the study "highlight the importance of maintaining the social structure of elephants in the wild to avoid detrimental effects on their physiological health". Insights from such assessments could be used to evaluate the stress in elephants that are involved in direct conflict with humans to take steps for mitigating conflicts, she added. "Management of elephant-human conflicts, such as through selective capture of elephants from herds or splitting herds through chase, could potentially increase stress levels directly as well as through disruption in the social structure of the herd," the paper states.

Nearly 3 Out Of 5 Babies and Children in India Are Anaemic

➔ As many as 58.5% of children between the ages of 6 months and 59 months, and 53.1% of women between the ages of 15 and 49 years, are anaemic in the country, the government told Lok Sabha last week. As per the details of anaemic women and children in urban and

rural India given by the government, 29.8% of children in rural India suffer from moderate anaemia, and 40.3% of women in the villages are mildly anaemic. The data, based on the findings of the National Family Health Survey (NFHS) IV (2015-16), divide the incidence of anaemia into 'Mild', 'Moderate' and 'Severe' kinds for both rural and urban India. Answering a question by Chandigarh BJP MP Kirron Kher, Minister for Health and Family Welfare Harsh Vardhan said that the union government had, in 2018, launched the "Anaemia Mukt Bharat (AMB) Strategy under POSHAN Abhiyaan with the aim to reduce anaemia prevalence by three percentage points every year till 2022". AMB, the Minister said, "is a 6x6x6 strategy that is targeting six age groups, with six interventions and six institutional mechanisms". The six age groups include pre-school children (6-59 months), children (5-9 years), adolescent girls (10-19 years), adolescent boys (10-19 years), women of reproductive age group (15-49), and pregnant women and lactating mothers. Among the six interventions are prophylactic iron folic acid supplementation, periodic deworming, and addressing non-nutritional causes of anaemia in endemic pockets, with special focus on malaria, haemoglobinopathies and fluorosis, the Minister said. Institutional mechanisms include a National Anaemia Mukt Bharat Unit, and a National Centre of Excellence and Advanced Research on Anaemia Control.

1,275 Gangetic Dolphins In UP, Another 962 In Assam Rivers

➔ At last count, the rivers of Assam and Uttar Pradesh respectively had 962 and 1,275 Gangetic dolphins, India's national aquatic dolphin. These numbers were tabled in Parliament recently by Minister of State for Environment and Forest Babul Supriyo. BJP member Rajiv Pratap Rudy had asked whether the government has carried out an assessment of the population and habitation areas of the Gangetic dolphin in the country; Supriyo replied that such assessments are done by respective state Forest Departments and the data are not collated in the Union ministry. He tabled the figures for Assam and UP based on information received from the two state governments. The population assessment in Assam was done between January and March 2018, while the UP count of 1,272 is for 2015, up from 671 in 2012. In Assam, the assessment was carried out in three rivers, with the Brahmaputra accounting for 877 of the 962 dolphins. In addition to the species being India's national aquatic animal, the Gangetic dolphin has been notified by the Assam government as the state aquatic animal, too. Silting and sand lifting from rivers in Assam has been stopped to maintain its population. The International Union for Conservation of Nature has listed the Gangetic dolphin as an endangered species in India. According to the WWF, the main threat to the Gangetic dolphin is the creation of dams and irrigation projects. The ministry reply said the Conservation Action Plan for the Gangetic Dolphin, 2010-2020, identified threats to these dolphins that include the impact of river traffic, construction of irrigation canals and depletion of their prey-base.

Operation 'Clean Art' To Crack Down on Illegal Trade in Mongoose Hair

➔ On October 24, 2019, about 200 officials, including policemen, gathered at Sherkot in Uttar Pradesh's Bijnor district. It was a planned raid, not to apprehend criminals, but to check on organised factories that were making paint brushes with mongoose hair. By the end of the day, ten manufacturing units in Sherkot were raided and approximately 26,000 brushes and over 100 kg of raw mongoose hair was seized. About 26 people were arrested in connection with illegal trade in mongoose hair. Raids were carried out not only in Uttar Pradesh, but also at Jaipur in Rajasthan, Mumbai and Pune in Maharashtra, and in Kerala, on the same day.

"Operation Clean Art was the first pan India operation to crack down on the smuggling of mongoose hair in the country. There are six species of mongoose found in India and we have mostly recovered [in the raids] grey mongoose [hair]," H. V. Girisha, Regional Deputy Director, Wildlife Crime Control Bureau (WCCB), New Delhi, told The Hindu.

'Organised Crime'

Mr. Girisha said that an adult mongoose yields over 30-40 gm of long hair, from which only 20-25 gm of "brush-making hair" is recovered. Operation Clean Art was conceived by WCCB with the singular aim of ensuring that the mongoose hair brush trade be closed down across the country. Describing the making of brushes with mongoose hair an "organised crime", the official said most of these animals were poached by "hunting communities" across the country. The mongoose is listed in Schedule II Part 2 of the Wildlife Protection Act and any smuggling or possession of its body part is a non-bailable offence. Persons using brushes made of mongoose hair should be aware of it, he added. For about 150 kg of mongoose hair, at least 6,000 animals would have been killed, Mr. Louise said.

Postal Department

There have been instances in which mongoose hair has been transported using courier companies. Postal authorities are also trying to involve the Postal Department to spread awareness and identify illegal trade in wildlife. There is also a campaign on social media where concerned organisations are urging artists to take a pledge to refrain from using brushes made of mongoose hair.

'Alternatives Needed'

Well-known sculptor and painter Bimal Kundu said the reason painters prefer brushes made of mongoose hair is because they are superior and hold colour better. "I completely endorse the idea that painters should shun brushes made of mongoose hair because animals are being mercilessly killed in the process of making such tools," Mr. Kundu said. "But, the alternatives available in the market are not of good quality. More research should be done to make paint brushes that fit the requirements of an artist," the Kolkata-based artist said.

Losing Nemo? His World Is Changing Too Fast

➔ The clownfish, made so popular by the animated film Finding Nemo and its sequel Finding Dory, cannot be expected to be able to adapt to a rapidly changing environment, a new study has concluded. It does not have the genetic capacity to do so, scientists report in the journal Ecology Letters.

Habitat Under Threat

While clownfish are found in various parts of the Indian and Pacific Oceans, including the Great Barrier Reef, only some species are widespread and most of the others have restricted distributions. Clownfish typically live at the bottom of shallow seas in sheltered reefs or in shallow lagoons. It is this habitat that is under threat. Clownfish breed only in sea anemones, sharing a symbiotic bond. "It is a strong, obligate symbiosis," study co-author Geoffrey Jones said, by email. "Clownfish shelter in the anemone and are the only fish that do not get stung by the nematocysts of the anemone. The anemone benefits because clownfish can defend the anemone from fish that might eat it. They never live anywhere but, in the anemone," said

Professor Jones, of the Australian Research Council (ARC) Centre of Excellence for Coral Reef Studies at James Cook University. And now the anemones, like coral reefs in general, are under direct threat from the impacts of climate change. It works like this: The anemones share another symbiotic bond, with algae. Under stress in warming waters, the algae leave the anemones. If the algae stay away too long, the anemone starve to death. Which leaves the clownfish without a home?

Clownfish Fail Test

What the study sought to find out was whether there are genetic variants of clownfish that can breed faster than others. There aren't, it concludes after 10 years of research on the coral reefs of Papua New Guinea. Family trees were established for the entire clownfish population at an island in Kimbe Bay. Working with about 280 breeding pairs, the scientists identified each fish individually and sampled its DNA to establish who was related to whom over five generations. It was comprehensive — all individuals including adults and juveniles were sampled; offspring were almost always assigned to both parents who cohabit in the same anemone. From the family tree, the researchers were able to assess the ability of the population to persist and the genetic potential to adapt to increasingly rapid environmental change. The potential is almost nil. "... We find that Nemo is at the mercy of a habitat that is degrading more and more every year. To expect a clownfish to genetically adapt at a pace which would allow it to persist is unreasonable," co-author Dr Serge Planes, a Director of Research at France's National Centre of Scientific Research (CNRS), said in a statement from the ARC Centre of Excellence.

The Home, Not the Genes

"There are no particular genetic variants that contribute more offspring to the next generation. The quality of the host anemone contributes most to the ability of the clownfish to renew its population," Prof Jones said in the statement."

Oxygen Bars Are Surely Not A Solution for Pollution

➔ The popularity of packaged air began around four years ago when a Canadian company launched 'canned air' for people in China when air pollution in many cities became alarmingly high. The newer addition — oxygen-bar — a recreational parlour or cafe which serves 'pure oxygen' is becoming a more attractive destination, particularly in cities with dangerous levels of air pollution. At times, the oxygen comes in different scented flavours. In cities with highly polluted air, the business of 'canned oxygen' or 'oxygen-bar' is flourishing. The recent launch of such a recreational oxygen parlour in Delhi amidst the city's infamously bad air condition has caught significant media attention. But how safe are they and are any benefits at all? First, do we really need this extra oxygen? The simplest answer is no. Unlike conventional oxygen therapies used in respiratory conditions that is administered for a short or long period in hospital or at home, people take oxygen for an ultra-short period in these bars (30 minutes or less). As per the standard clinical procedure, oxygen supplementation can be administered only in case of hypoxemia (lowering of oxygen saturation in the arterial blood below 95%) and it does not have any consistent beneficial effect on non-hypoxemic patients.

Placebo, At Best

It must and should be remembered that the oxygen level does not alter in the air even when the pollution level is high. The same applies to our health — oxygen saturation in blood remains unchanged in healthy people in normal conditions, and such recreational oxygen cannot provide any health improvement. It can at best have a placebo effect. Though users and proponents of purified oxygen claim several benefits such as relieving stress, headache and migraine, and help in achieving better energy and mood, there is no clinical evidence available so far in support of the beneficial effects of recreational oxygen use. Most importantly, the use of scented oxygen might not be safe. To add scent to oxygen, the oxygen is bubbled through a liquid containing scented additives or aroma oil. Users will seldom know the properties of the oils or the components of the additives used. Scented oxygen can be harmful to people, particularly to those with allergies and lung diseases. Fragrant materials very often contain aromatic hydrocarbons, many of which are potential allergens and can trigger asthma and allergic symptoms. Moreover, the aromatistion of oxygen generates ultrafine droplets of essential oils which, when inhaled with oxygen, get deposited in the lungs and accumulate in the alveoli leading to a respiratory condition known as *"lipoid pneumonia".* In this condition, deposited oil droplets can cause severe inflammation, damage alveolar septa (thin single cell lining between two adjacent alveoli) and interstitium (the area between an alveolus and its adjacent capillary) and lead to fibrosis. Long-term exposure to such exogenous oil substances may cause chronic lipoid pneumonia in which the patients remain asymptomatic and are often diagnosed at a very late-stage, and that too, incidentally, due to other illnesses. Among people with a lung condition, even a short-term acute exposure to such exogenous fragrance or oils can be life-threatening. It must be borne in mind that oxygen-bars are sole-proprietorship ventures and are not legalised to administer oxygen for therapeutic purposes. These bars are not endorsed by local or federal healthcare systems and are not obliged to follow clinical bylaws, and thus cannot be held liable for any unwarranted health effect or an acute medical condition that occurs in the bars. Moreover, there are no statutory warnings or guidelines available at these bars about the potential adverse effects, particularly applicable to vulnerable population such as children, aged and person with allergies or lung conditions.

Captivating Yet Unscientific

It is unfortunate that no medical community has come forward to spread awareness among people for this increasingly captivating yet unscientific business with no known or established clinical benefit. It definitely calls for serious vigilance by the clinicians and policy makers to ensure the safety issues associated with recreational oxygen use, particularly flavoured oxygen in such bars, parlours and spas.

Climate Meet: Agenda & Beyond

➔ The annual two-week climate change conference, known by the abbreviation COP25, begins in Madrid amid fresh warnings that the world has not been doing enough to save itself from catastrophic impacts of climate change. A series of reports from the Intergovernmental Panel on Climate Change (IPCC) and other agencies have been reiterating through the year that unless countries scale up their actions significantly, there is little hope of keeping average global temperatures within 2°C higher than pre-industrial trends. That, however, will not be directly on the agenda of the climate change negotiators, who will be meeting in Madrid with

the prime objective of completing the rule-book to the 2015 Paris Agreement so that it starts getting implemented from next year.

What Issues Have These Reports Been Highlighting?

The most dire and recent warning has come from the annual Emissions Gap Report, produced by the UN Environment Programme, that says that the goal of keeping average temperatures within 1.5°C from pre-industrial times, an aspirational target enshrined in the Paris Agreement, was "on the brink of becoming impossible". To achieve that target, global greenhouse gas emissions in 2030 should not be more than 25 billion tonnes of carbon dioxide equivalent. But from the current rate of growth of emissions, the total is projected to touch 56 billion tonnes by that time, more than twice what it should be. Accordingly, the world needs to reduce its emissions by at least 7.6% every year between now and 2030 to reach the 25-billion-tonnes level. Considering that overall emissions are still increasing, such major reductions are extremely unlikely unless the countries do something completely drastic. The World Meteorological Organization, meanwhile, has pointed out that atmospheric concentrations of carbon dioxide and other greenhouse gases reached new records in 2018. The concentration of carbon dioxide in the atmosphere reached 407.8 parts per million in 2018, compared to 405.5 ppm the previous year. This was 147% of the pre-industrial level of 1750. The concentration of methane was 259% of the 1750 level while nitrous oxide was at 123% above. On May 18 this year, the daily average carbon dioxide concentration touched 415 ppm for the first time ever. It has come down from that level since then. Several other reports in the last few months, including three special reports by IPCC, and another major one on state of nature by Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, have all pointed to the deteriorating scenario.

Will All This Not Come Up at COP25?

While there would no doubt be pressure on countries meeting in Madrid to scale up their efforts, and some of them can indeed announce some additional measures or targets for themselves, the actual negotiation process is about settling the unresolved issues of the Paris Agreement rulebook. The rulebook, which contains the processes, mechanisms and institutions through which the provisions of the Paris Agreement would be implemented, had been finalised in Katowice last year. But some of the issues had remained unresolved and had left for negotiators to settle over the next one year. The most important one relates to the tussle over new carbon markets to be created under the Paris Agreement. A carbon market allows countries, or industries, to earn carbon credits for emission reductions they make in excess of what is required of them. These credits can be traded to the highest bidder in exchange of money. The buyers of carbon credits can show the emission reductions as their own and use them to meet their own emission reduction targets. A carbon market already existed under the 1997 Kyoto Protocol, the earlier climate agreement that will expire next year and get replaced by Paris Agreement. In the last one decade, as several countries walked out of the Kyoto Protocol and no one was feeling compelled to meet their emission reduction targets, the demand for carbon credits had waned. As a result, developing countries like India, China and Brazil had accumulated huge amounts of carbon credits. These credits are now in danger of getting redundant.

What Happens to The Carbon Credits Already Accumulated?

Brazil has been arguing that these accumulated carbon credits should remain valid under the new carbon market to be instituted. But the developed countries have been resisting this, claiming that the weak verification mechanisms under the Kyoto Protocol had allowed dubious projects to earn credits. India, which has accumulated 750 million certified emission reductions (CERs), is backing Brazil's position on this. Resolution of this tussle is key to the success of the Madrid meeting. But there are other pending issues as well, like those related to ensuring transparency in the processes, and methods of reporting information. Developing countries will also try to ensure that there is greater appreciation and recognition of the issue of loss and damage. They are trying to institute a mechanism to compensate countries that suffer major losses due to climate change-induced events like cyclones or floods.

What About Commitments by Countries?

The conference will be most keenly watched for the resolve that countries show in scaling up their efforts to fight climate change. Over the last few months, there has been growing pressure on countries to do more, especially the big emitters. The pressure has yielded some results with at least a few countries promising to commit to long-term action plans. So far, a total of 71 countries, most of them small emitters, have committed themselves to achieving net-zero emissions by 2050. It is expected that some more countries would do so at the Madrid conference. However, the most crucial players — China or India — are widely being seen as unlikely to announce any enhanced targets. These countries have been arguing that their current efforts are already much more than what they should have been asked to do, while many other rich and developed countries, which are mainly responsible for creating the climate problem, are doing proportionately less, especially when it comes to providing finance and technology to the less developed world.

Faultline's in #Metoo

➔ When a movement is based on the premise that a woman must be believed simply because she is a woman, it carries the seeds of self-destruction. As a series of tweets unravelled over the last few weeks, it became evident that not all women had been entirely honest when jumping on the #MeToo bandwagon. Worryingly, at least one had played a leading role in the 'amplifying' of complaints. 'Amplifiers' were those who had called for accusations, collected and broadcast them. It turns out that some of them did not verify the narratives they received; and one amplifier's own story has been challenged now. It's disturbing to find that one woman deleted her part of an online chat to make it seem like a one-sided solicitation, and that another concealed what might be a history of consensual sexting with the accused. Of the many whose accounts are being disputed, at least two have apologised.

Fallout of The Movement

None of this is surprising to those who observed the direction the storm was taking last year. Within days it had become a free-for-all mud fest where asking for substantiation soon became a crime against feminism. But the latest developments again make it clear that the fiercest, newest methods of justice delivery cannot eschew the oldest tenets of ethics. Accusations must be proven before judgment is pronounced. #MeToo, unfortunately, took all charges at face value. It was alarming at the time to see the ferocity with which more and

more denouncements were demanded, putting immense pressure on women to take part or be cast out of Feminism 4.0. It looks now as if many young women felt forced to submit questionable narratives just to participate in a heady moment in history. The fallout of the movement wasn't light: men lost reputations, careers, friends and incomes. When it happened to powerful men who had preyed on women for years, it felt justified. But it also affected young men like the one at the centre of the new revelations. He confesses that he contemplated suicide at one point. He talks of his debts, of ostracism, of the impossibility of getting a job. If the charges against him are false, it is impossible to dismiss him as collateral damage. The least that responsible leaders could have done last year was to ask for detailed accounts, get background, establish context. Even if naming and shaming was hit upon as the only method that would work, it could have been reserved for cases where channels of justice and mediation had already been tried. Some diligence could have ensured that only genuine cases went public. And it's not as if we don't have a phenomenally large number of those. Instead, too many episodes in #MeToo seemed mystifying even then. They came from women with agency, who could have refused to send a nude photo, halted a chat that became explicit, repelled an unwanted embrace. In many cases, the men had no power over the women; often they hadn't even met. The worst you could say was that the men were creeps or womanisers, but neither creepiness nor philandering is a crime. Sexting, for instance, is a big part of the modern relationship landscape. To participate in consensual sexting and then say you are traumatised by an intimate photograph sounds disingenuous.

Rewriting Rules of Engagement

There is no denying that #MeToo rewrote the rules of engagement. It forced men to take the idea of consent seriously. It pushed organisations to sit up and take notice of sexual harassment. It ensured that due process mechanisms were set up in institutions. Besides taking this agenda further, we could perhaps now explore how boundaries can be drawn and respected in far more explicit ways by all genders in new-age sexual relationships. The digital age needs different mores. We are at a point in history when more numbers of women are educated, empowered and independent than ever before. Many liberated, self-reliant young women now live alone in metropolises, working hard, partying hard, living life on their own terms. Yet, #MeToo was flooded with women from just this demographic. This might, one suspects, be an indicator of a deeper social malaise or the symptoms of a struggle to cope with singledom and sexual liberation. Is the free-sex concept putting a different kind of pressure upon women? If so, it needs some serious study. More urgently, the women need understanding and a helping hand. It takes tremendous courage to retract false statements, knowing how readily misogynists will pounce upon it, but one hopes more women will do so. A clean-up can only help strengthen the movement, while giving all sides a measure of personal peace.