DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

Current Affairs, 23rd To 29th February, 2020

International

US Anti-Lynching Bill

➔ The US House of Representatives passed an anti-lynching Bill called the Emmett Till Anti lynching Act, which makes lynching a federal hate crime punishable by up to life in prison, a fine or both. Murder used to be an offence usually prosecuted at the state or local level. The new law, which will make lynching a federal offence, is the result of a century of efforts in the wake of incidents of lynching in which the victims were primarily African-Americans. The House passed the Bill with an overwhelming majority of 410-4. The Senate had passed a version called the Justice for Victims of Lynching Act last year. Once the two Bills are formally reconciled, the legislation can be sent to the Oval Office, where President Trump is expected to sign it into law, according to The New York Times.

Long History

The Bill notes that between 1882 and 1968, at least 4,700 people, predominantly African-Americans were reported lynched in the US and that 99 per cent of the perpetrators of these lynchings were not punished. Yet, since 1918, of the more than 200 anti-lynching Bills introduced in the US Congress, none had been passed until the current legislation. The 1918 Bill had been introduced by Representative Leonidas C Dyer, "to protect citizens of the United States against lynching in default of protection by the States". It was Dyer's Bill that provided the blueprint for subsequent anti-lynching measures by National Association for the Advancement of Coloured People. But in Congress, the legislation was "displaced by the indifference of its friends and the strategy of its enemies", a US government website quotes historian Robert Zangrando as saying. All such Bills were "consistently blocked, shelved or ignored, and the passage of time has rendered anti-lynching legislation increasingly symbolic", The NYT said.

Who was Emmett Till

Emmett Till was 14 years old when he was lynched in Mississippi in 1955. Visiting relatives in Mississippi. Till and cousins went to a grocery store where he is said to have whistled at a white woman named Carolyn Bryant. Later, Bryant's husband and brother-in-law kidnapped Till, brutally beat him and shot him. NAACP issued a statement saying that it found Till's "mangled corpse, with a seventy-five-pound cotton gin fan tied to the neck" from the bottom of the Tallahatchie river on August 31, 1955. Photographs were circulated nationwide and resulted in an uproar for change and for an end to discrimination. Later, Bryant's husband and brother-in-law were later acquitted of the charges against them. The jury was all-white.

A Step Forward in South Sudan

➔ The inauguration of a national unity government in South Sudan last week is a milestone following the country's independence from Sudan in 2011. But the durability of the peace in the world's youngest nation depends on reconciliation between the majority ethnic Nuer and Dinka communities under the terms of the 2018 peace deal. The first peace deal, attempted

in 2015, two years after Juba was plunged into a civil war in 2013 that cost an estimated 3,80,000 lives, collapsed. The implementation of the 2018 deal has been slow.

A Compromise

The formation of a unity government, the peace centrepiece of the 2018 agreement, was deferred twice last year over differences regarding demarcation of regional boundaries. The new formula reflects a compromise between the government of President Salva Kiir Mayardit of the Sudan People's Liberation Movement (SPLM) and opposition SPLM-IO (in Opposition). Under the new arrangement, the exiled rebel leader Riek Machar is the first vice president (among five), a position he had held until his removal in 2013 on suspicion that he was plotting a coup. A security guarantee for Mr. Machar and other opposition leaders, as also an invitation to the thousands of refugees to return home, are goodwill gestures from President Kiir. The new package also commits to fresh appointments to a jumbo-sized cabinet, gubernatorial positions for the nation's 10 states, and the chiefs of the three new administrative regions. The creation of administrative zones had proved contentious as recently as last week. Mr. Machar was apprehensive that such a reconfiguration was just another ruse to reward regime loyalists. President Kiir said last week that he would return to a system of 10 states from 32, a major opposition demand. The establishment of a tribunal to try war crimes is the other pillar of the 2018 deal. Describing the accord as a turning point, President Kiir had acknowledged that the prolonged conflict since 2013 and the humanitarian crisis was a betrayal of the aspirations behind South Sudan's independence.

Shortcomings

But last year the shortcomings of the 2018 accord became apparent. The European troika and the U.S. saw it as unrepresentative of a broad spectrum of interest groups in South Sudan, focused instead on the country's elites. A UN report exposed the recruitment of thousands of children into military units, highlighting how regional vested interests were violating the 2018 UN and U.S. embargo on arms sales to South Sudan. A human rights watchdog revealed the diversion of oil revenues to finance armed militias. No less damning is evidence released last week of civilian casualties, incidents of mass rape and abduction of

DreamIAS
Learning made simple...

www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

children documented by the UN Commission on Human Rights in South Sudan. Established in 2016, the body has said in its third report that while over a million people have been internally displaced, the deliberate obstruction of aid supplies has caused extreme hunger among more than half the population. In particular, the Commission draws attention to continued fighting between government and rebel forces in the Equatoria region, resulting in mass migration to areas bordering DR Congo. Recent executions depict a most ironic picture of a country that has been witness to mayhem and plunder. With many more remaining on death row, the Commission has called for a moratorium on the death penalty. There is much at stake in the unity government for South Sudan's vast majority reeling under hunger and malnutrition, and severe drought in recent years. The conduct of free and fair democratic elections in 2022 would be a critical test and confidence-building measure. Institutionalising a legitimate succession mechanism is an important element in that process, given that Mr. Kiir has remained President since independence. The people had voted for secession in a referendum nearly a decade ago. Their hopes cannot be belied by their leaders.

Crisis in Malaysia

➡ The abrupt resignation of Malaysian Prime Minister Mahathir Mohamad has triggered the first major political crisis in the country since the 2018 general election and could upturn the reform process initiated by the coalition government. Though the nonagenarian leader has not said why he submitted the resignation even after the ruling Pakatan Harapan coalition had reaffirmed its support for his premiership, his decision appears to be a calculated move to prevent handing over power to Anwar Ibrahim, his one-time colleague-turned-nemesis-turned coalition partner. Mr. Mahathir, who was in power from 1981 to 2003, and Mr. Anwar, who had once served in Mr. Mahathir's cabinet until he was jailed for sodomy in the late 1990s, joined hands prior to the 2018 election to take on the Malay nationalist United Malays National Organization (UMNO), which had ruled the country for six decades. The Pakatan Harapan coalition consisting of nationalist, centrist and ethnic Chinese parties, represented the diversities of the Malaysian society and promised voters a pluralistic, corruption-free government. After the surprise victory, Mr. Mahathir became the Prime Minister again, but with support from both Mr. Anwar's People's Justice Party and the Democratic Action Party. The understanding: Mr. Mahathir would form the government and hand over power to Mr. Anwar later. The source of the crisis is this delicate power-sharing deal. Mr. Mahathir refused to give a firm commitment or timeline to hand over power to Mr. Anwar despite requests from the latter's party. The coalition was in trouble as a rival bloc within Mr. Anwar's party had accused him of trying to topple Mr. Mahathir. As the crisis worsened, Mr. Mahathir announced his resignation and his party, the Malaysian United Indigenous Party, quit the coalition. So, in effect, the Pakatan Harapan has collapsed. It is not clear what the next moves of Mr. Mahathir and Mr. Anwar will be; neither of them has a majority on their own. A new coalition will need 112 seats for majority in the 222-member Parliament. Mr. Mahathir's party has only 26 lawmakers. Mr. Anwar's party had won 50 seats in 2018, but it is not clear now whether he has the support of all his party lawmakers. This means Malaysia is expected to see some dirty political fights in the coming days. And if neither side manages to win a majority, the country will go to the polls. This crisis could have been avoided had the Pakatan Harapan leaders lived up to the promises they made to themselves and to the voters. The coalition government had a promising beginning with a wider representation of minority groups and its bid to root out corruption in a country that is yet to recover from the 1MDB

Shatabdi Tower, Sakchi, Jamshedpur

+91 9334622397
+91 7004749538
www.youtube.com/c/DreamIAS
www.dreamias.co.in

scandal. Ideally, Mr. Mahathir should have honoured the understanding he reached with his partners and allowed the coalition to complete its term. But it does not seem to be his priority any more.

Is the Endgame Near in Syria's Civil War?

➔ Recent advances by Syrian government forces in the in Idlib, the last major rebel-held territory war-torn country, have triggered a massive displacement besides raising the possibility of a wider conflict with neighbouring Turkey. The Syrian is government of President Bashar al-Assad backed by Russia and Iran in the operation to recapture Idlib, while some rebel factions within the province get support from Turkey. Ankara's protests have also threatened to disrupt the delicate Turkish-Russian cooperation, which had gained traction in recent years. However, despite Turkey's protests and mounting international concerns, the Syrian government seems determined to press ahead with the operation.

Why Is Idlib Strategically Important?

The province in north-western Syria that borders Turkey fell into rebel hands in 2015 at the height of the Syrian civil war. The Assad regime at that time was on the verge of defeat. Rebels and jihadists had captured huge swathes of the country from the regime, including parts of Aleppo, Hama, Homs, the outskirts of Damascus, the capital, and several towns in the south near the Jordan border. But since the arrival of the Russians in September 2015, the regime forces have recaptured almost all of these territories from the rebels. The Kurdish region in northern Syria is run by an autonomous government but the Kurdish rebels, under attack by Turkish forces and pro-Turkish rebels, recently bought peace with Damascus. So in effect, Idlib is the last rebel stronghold, which is also the seat of the Syrian Salvation Government, the rebel administration that claims to represent the whole of Syria. If the government forces recapture Idlib, the Syrian civil war would practically be over, handing final victory to Mr. Assad. With Idlib under control, the regime can also take over, or come close to taking over, the 130-km border the province shares with Turkey. The government will also have control over the key highways that run through Idlib connecting Aleppo, which before the civil war was the commercial capital of Syria, to Damascus. The government version is that it wants to "liberate" Idlib from terrorists.

Who Controls Idlib?

There have been several rival rebel and jihadist factions present in Idlib ever since it fell from government control. The dominant group among them is Hayat Tahrir al-Sham (HTS) whose roots go back to al-Qaeda's Syria branch. The group is commanded by Abu Mohammad al-Joulani, who was originally sent to Syria in the early years of the civil war by Abu Bakr al-Baghdadi, the then chief of the Islamic State in Iraq (ISI), to establish an al-Qaeda branch in

Syria. Joulani set up Jabhat al-Nusra, which emerged as the most ferocious jihadist group in the Syrian theatre. When Baghdadi announced the Islamic State of Iraq and Syria (ISIS), Joulani broke links with him and continued to command the Nusra Front, which remained the official Qaeda unit. Al-Nusra later rechristened itself a few times to shed the al-Qaeda tag and operate as a Syrian nationalist front. In January 2017, the Jabhat Fateh al-Sham (another name for al-Nusra) and a few other Salafi-jihadist groups merged to create the HTS. The group has implemented a strict Sharia code in Idlib and has been ruling the province through fear and force ever since. Though the HTS has renounced al-Qaeda ties, it is still widely seen as the Syrian front of the transnational jihadist group. The Free Syrian Army and other pro-Turkish rebel groups are also part of the alternative government in Idlib, in an uneasy alliance with the HTS.

Why is Turkey Protesting?

There are largely two aspects to Turkey's strong opposition to the Syrian government's bid to take Idlib. First, the humanitarian angle. Turkey already hosts more than three million Syrian refugees. It always feared that an attack on Idlib would trigger another refugee exodus towards its borders. The UN estimates that about one million people have already been displaced in Idlib over the past three months. Turkey has now shut its border with the province. But the pressure on Turkey will mount to open the border if more and more displaced people move towards it. Ankara does not want that situation to arise. The second is strategic. Turkey has made it clear that it wants the Syria-Turkish border to be controlled by pro-Turkish rebels, not by the Syrian government, nor by the Syrian Kurds. It had launched a few military offensives in the past to carve out buffer zones on the border. If the Syrian government recaptures Idlib, it will alter the balance of power in the border region, giving an upper hand to the Syrians, and of course, the Russians. The pro-Turkish rebels will be weakened, which means Turkey's ability to manoeuvre in the Syrian conflict will be enfeebled. Turkey's President Recep Tayyip Erdoğan wants to prevent such an outcome.

What Is Putin's Game Plan?

Russian President Vladimir Putin, the main backer of the Syrian regime, has always maintained that his single most priority in the Syrian civil war is to help the government win the war. The Russians had taken tactical retreats in the past, like the de-escalation agreement they reached with Turkey to reduce violence in Idlib in 2017 or the pact reached between the two sides to neutralise Kurdish rebels in northern Syria. But Mr. Putin, it seems, never backed off from recapturing Idlib, and seal off the civil war. With the focus of the United States turning towards domestic issues in an election year, Mr. Putin and Mr. Assad have a window of one year to achieve this goal. This explains the timing of the attack. Turkey's protests were predictable. But the question is whether Mr. Erdoğan has the wherewithal to stave off the Russians within Syria. Even if Turkey makes a limited intervention along with the rebels, it may be able to delay the Syrian-Russian advances, not deter them. And if Turkey launches a full-scale war, the consequences would be disastrous for all sides.

#metoo

➔ Former Hollywood producer Harvey Weinstein has been convicted of two felony sex crimes and potentially faces 29 years in prison. His New York courtroom trial, during which six women testified that he assaulted them, was a touchstone for the global #MeToo movement

and for holding powerful, wealthy men accountable for the sexual harassment and assault of women. The prosecution's case was tricky because, given the length of time that had passed since the alleged incidents, there was a lack of physical and forensic evidence that might have supported the allegations against Mr. Weinstein. As a result, the trial became a painful struggle for the survivors to prove their credibility. Matters were complicated by some of the survivors acknowledging having had consensual sex with him after being attacked by him, which gave the defence opportunities to argue that the women had wanted to further their careers. However the survivors, including a production assistant who said he had forced her to have sex in 2006, and a former actress who said he had raped her at a hotel in 2013, said that he was a predator whose premeditated actions included not only the attacks on the survivors but also attempts to leverage his power over their professional lives to buy their silence. While he was ultimately found guilty of a criminal sex act in the first degree and of rape in the third degree, he was acquitted of the more serious charges of predatory sexual assault involving two other women. *The #MeToo movement was kicked off in 2006 by activist Tarana Burke as a battle against traumatic, widespread and under-reported incidents of assault on women, in many — but not all — cases in the workplace.* While it began in Hollywood and mostly in the U.S., it spread like wildfire and reverberated through India too. Soon, social media platforms became the means for women to tell their stories about high-profile men, specifically allegations of sexual impropriety detailing the alleged acts, and naming the men involved publicly. The outpouring of stories of abuse — often by multiple accusers for one man — centred on men of considerable professional standing in India. In many cases the accused person was fired or resigned, or, less often, has filed a lawsuit alleging defamation. If anything, the Weinstein conviction and the #MeToo movement have unearthed the seamy workplace culture of sexual abuse and harassment. Regardless of the shape that the movement now takes, that very act of shining a light on a dark social reality has given pause for thought to a generation of men who might have earlier adopted a more cavalier attitude about consent.

US – China Relations

➡ Since 2017, the United States government has released a few reports and fact sheets on its new Indo-Pacific Strategy. It's impossible to analyse these texts and the speeches by high officials of the U.S. government because they are largely made up of empty phrases. For instance, what does the U.S. mean when it says that the Indo-Pacific Strategy is going to promote "free, fair, and reciprocal trade"? Each of these terms — 'free', 'fair', and 'reciprocal' — need elaboration. But over hundreds of pages there is no explanation of any of these phrases. Buried in these documents is a much deeper agenda of the U.S. government: to use three large Asian states — Australia, India, and Japan — to isolate China. There is nothing else to it.

Scale of Chinese Investment

The U.S. government has made it clear that what it finds most objectionable is China's Belt and Road Initiative (BRI), which has signed on more than 70 countries in the world. Adopted in 2013, the BRI is intended as a mechanism to end China's reliance upon the markets of the West and to develop new markets in other continents; it is also intended to use China's massive surpluses to build infrastructure in key parts of Africa, Asia, and Latin America. By 2027, according to estimates by Morgan Stanley, China will spend about $1.3 trillion on this

ambitious construction project. Even Saudi Arabia, a close ally of the U.S., has made the BRI one of the cornerstones of its Saudi Vision 2030 plan. While China has invested $68 billion to build the China-Pakistan Economic Corridor from Xinjiang to Pakistan's Gwadar Port, Saudi Arabia has agreed to invest $10 billion in the port itself. The scale of Chinese investment, and the participation of a range of countries with different political identities in the BRI, is staggering. At the Indo-Pacific Business Forum in July 2018, which was hosted by the U.S. government — tellingly in Washington, D.C. — the U.S. bragged that it has spent $2.9 billion through the Department of State and the USAID (United States Agency for International Development). It has lined up hundreds of millions of dollars more through its U.S. Millennium Challenge Corporation (MCC) and the Overseas Private Investment Corporation. If you add up all the money that the U.S. intends to spend for economic projects, it is still a fraction of the amount spent by China. There is no appetite in Washington, D.C., with its 'America First' attitude, to funnel more money towards investments in the region currently being built by the BRI.

Military Claims?

It appears as if U.S. investments will come only with military claims. Nepal is currently debating whether it should accept $500 million from an MCC grant; will this money mean that the Nepali government would have to allow U.S. troops and U.S. bases in the country? This would be objectionable to the Communist government in Kathmandu. A few years ago, Nepal discovered a large amount of *uranium in Mustang,* near the Nepal-China border; this has certainly motivated U.S. interest in Nepal's economy. If the U.S. money comes with U.S. military presence, this will create a serious flashpoint in the Himalayas. Unable to outspend the Chinese, the U.S. government is making a rhetorical argument that it has more respect for "transparency, human rights, and democratic values" than China, which "practices repression at home and abroad" ('A Free and Open Indo-Pacific', November 2019). Documents such as these are plainly rhetorical. It is hard to imagine the U.S. being "transparent" with its trade deals. It is equally hard to imagine the U.S. being able to argue that it would not put countries into debt. Libraries are filled with documents that show how the U.S. government enabled a massive Third World debt crisis in the 1980s, which was then used by the U.S.-driven International Monetary Fund's Structural Adjustment Programs to strangle countries in Africa, Asia, and Latin America. This history is alive, and it makes a mockery of the U.S.'s attempt to say that its own approach is superior to that of China's. Apart from that, the U.S. government has already indicated that it is uninterested in multilateral deals — it withdrew from the Trans-Pacific Partnership in 2017, for instance. Australia and Japan shrugged, and then put their energy into the Regional Comprehensive Economic Partnership, which sidelines the U.S. In May 2018, the U.S. military's Pacific Command was renamed the Indo-Pacific Command, a symbolic gesture that provides a military aspect to the Indo-Pacific Strategy. The U.S. government has made it clear that for all its talk of a "free and open Indo-Pacific", what it actually wants is an Indo-Pacific with fewer Chinese ships and more U.S. warships. Just before this renaming, the U.S. National Security Strategy of 2017 noted that "China seeks to displace the United States in the Indo-Pacific region", and so the Indo-Pacific Strategy intends for the U.S. to fight for its dominance in the Pacific Ocean, the Indian Ocean, and in the Asian rim. This is a very dangerous war that the U.S. seeks to impose on Asia.

Shatabdi Tower, Sakchi, Jamshedpur

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

Inching Away

As the military aspect of the Strategy increased, both Australia and Japan edged away from full-scale adoption of the U.S. project. Japan has begun to use the term "Indo-Pacific" without the word "Strategy", while Australia has signed onto a "comprehensive strategic partnership" with China. Only India remains loyal to the agenda set by U.S. President Donald Trump, who has arrived here with nothing but a bag full of tricks. In all the documents released by the U.S. government and in all the speeches by officials, there is no discussion of the strategy to contain China. There is only rhetoric that skates into belligerent territory. India would be advised to study the U.S. project rather than jump into it eagerly. Room for an independent foreign policy for India is already narrowed, and room for an independent trade policy is equally suffocated. To remain the subordinate ally of the U.S. suggests that India will miss an opportunity to be part of a reshaped Asia.

➔ The rise of China is an epochal development that could change the international system drastically. If China was primarily an agrarian, feudal, backward country in 1949 at the time of the revolution, it is radically different today. Decades of economic reforms under the tight control of the Communist Party has transformed the country into an industrial and technological powerhouse. It is only a matter of time before China overtakes the U.S. to become the world's largest economy. This economic rise has had strategic consequences as well. China, the world's second-largest military spender after the U.S., has established itself as the mightiest force in the Asia-Pacific, with the clear ambition of becoming a global superpower. This rapid rise has upset the existing equilibrium of the global order, which has been largely centred around the U.S., at least since the collapse of the Soviet Union in 1991. These events have historical parallels. The rise of imperial Germany in the late 19th century and the rise of the Soviet Union in the 20th century shaped the global order too. While the roots of the First World War can be traced back to imperial Germany's quest to become a superpower, the Soviet Union challenged the U.S.'s hegemony after the Second World War, pushing the world into the Cold War. With China rising as the next superpower, these comparisons are often brought in, sometimes with alarming warnings.

The German Example

Imperial Germany's rise as an industrial and military power after the Franco-Prussian War of 1870 and the subsequent unification of Germany disrupted the power dynamic in Europe, which was dominated by Great Britain and France. Germany's quest for new markets (colonies) for its products, backed by the national big business and the financial oligarchy, heightened tensions between colonial powers. The economic tensions spilled into the military arena, with Germany adopting Weltpolitik (world politics, its expansive foreign policy doctrine). Threatened by a resurgent Germany, Britain and France joined Russia to form the Triple Entente. This, in turn, heightened Germany's paranoia that its natural rise was being curtailed. To break this 'maximum moment' (where its natural rise had come to a stall), Germany was ready to go to war. The result was the First World War. Similar to how imperial Germany's rise upset Great Britain, China's rise has upset the reigning superpower, the U.S. And similar to how Britain and France joined hands with Russia to contain Germany, the U.S. is doing its best, through alliances in the Pacific, to contain China.

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

Then and Now

Yet, there are fundamental differences between the rivalries of the 19th and 20th centuries and those of today. The tensions between imperial Germany and Britain were primarily a result of the race for new economic territories between the colonial powers, which Lenin called "inter-imperialist rivalry". Both countries were supported by their national industrial and financial oligarchies, or monopoly capital. Today, it's not a competition between colonial powers. Both China and the U.S. are closely integrated into the global economic system. They are each other's biggest trading partners. Second, imperial Germany was ready to go to war because it thought war was the only way to break its 'maximum moment'. But in reality, Germany's rise was halted by the First World War. The country was humiliated internationally. Anger and discontent led to the revolution in Germany, the establishment of the Weimar Republic, the rise of Adolf Hitler and the Second World War. On the contrary, China is still a growing power. In 40 years, it hasn't fought a war. And the path to growth and development is still open for China. Does this mean that the competition between the U.S. and China could lead to a new Cold War? It's likely, but in a different global scenario. During the Cold War, the U.S. and the Soviet Union were the two pillars of the global system. There was no major third pole. Most countries, including those part of the Non-Aligned Movement, were drawn closer to either of these two blocs. The Cold War was the defining phenomenon of the post-war world. Today's situation is different. First, China is not seeking to build an ideological bloc against the U.S. Its focus is on its own economic rise and in reshaping the international order. Second, the world is more dynamic today. There are many regional powers on the rise: Russia continues to be a geopolitical hegemon in Central Asia and Eastern Europe with global ambitions; India is a rising big power in South Asia; and Turkey seeks to be a dominant power in West Asia. In effect, the U.S. and China are competing in a multidirectional world, dissimilar to the bipolar world which saw the Soviet-American rivalry. The U.S. would still want to contain China, like it did the Soviet Union, as China represents the biggest challenge to the western international order. During the Cold War, the U.S. aided the redevelopment of western Europe, built trans-Atlantic military alliances, forced the Soviet Union into an arms race which hurt its economy, exploited the Sino-Soviet rift, and launched an anti-communist crusade across the globe. Now, it's trying to build a strategic alliance in the Asia-Pacific, mainly with India, Japan and Australia, to tackle China, and has taken the battle into the trade and technological realms. But there are at least three problems with this new containment strategy.

Containment 2.0

First, an anti-China strategic alliance is yet to take shape despite the U.S.'s earnest efforts. Even India is wary of joining an American defence bloc aimed at containing China. This is largely because the global system is multipolar. There's no NATO yet in the Asia-Pacific. Second, even the trade and tech wars launched by the U.S. are not meeting their declared goals. Earlier this year, after months of a tariff war, the U.S. and China agreed to sign phase one of a trade deal. China agreed to buy more American goods and the U.S. suspended upcoming tariffs, while core issues such as technology transfer remained unresolved. The U.S.'s attempts to isolate Chinese tech giant Huawei have also failed with most major economies, including India, the EU, and the U.K. deciding not to ban Huawei from rolling out 5G. Third, one of the key aspects of the containment during the Cold War was the U.S.'s ability to exploit the rift in the Communist bloc. George Kennan, the author of America's containment strategy, warned in 1954 against the "association of resources" in Europe and

Shatabdi Tower, Sakchi, Jamshedpur

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

Asia against America. He was warning against a potential Sino-Soviet alliance. During the Cold War, it didn't materialise, and the U.S. reached out to China. But today, the Sino-Russian alliance which Kennan had warned about is already in place. Today's Russia is not the China of the 1970s. It is much more powerful and has trans-continental ambitions. It will not be easy for the U.S. to wean the Russians away from the Chinese. In effect, the U.S. is facing a rising China, far from its maximum moment, in a multipolar world. It's an all new challenge.

➔ With US President Donald Trump on his maiden visit to India, the two countries are expected to have discussed the Blue Dot Network, a proposal that will certify infrastructure and development projects. Observers have referred to the proposal as a means of countering China's Belt and Road Initiative (BRI), which was launched over six years ago.

What is the Blue Dot Network?

Led by the US's International Development Finance Corporation (DFC), the Blue Dot network was jointly launched by the US, Japan (Japanese Bank for International Cooperation) and Australia (Department of Foreign Affairs and Trade) in November 2019 on the sidelines of the 35th ASEAN Summit in Thailand. It is meant to be a multi-stakeholder initiative that aims to bring governments, the private sector and civil society together to promote "high quality, trusted standards for global infrastructure development". The Indian Express reported that the network is like a "Michelin Guide" for infrastructure projects. This means that as part of this initiative, infrastructure projects will be vetted and approved by the network depending on standards, as per which, the projects should meet certain global infrastructure principles. The projects that are approved will get a "Blue Dot", thereby setting universal standards of excellence, which will attract private capital to projects in developing and emerging economies.

Countering China's Belt and Road Initiative?

The proposal for the Blue Dot network is part of the US's Indo-Pacific strategy, which is aimed at countering Chinese President Xi Jinping's ambitious BRI. Probal Dasgupta, a strategic expert and author, told The Indian Express that while Blue Dot may be seen as a counter to BRI, it will need a lot of work for two reasons. First, there is a fundamental difference between BRI and Blue Dot — while the former involves direct financing, giving countries in need immediate short-term relief, the latter is not a direct financing initiative and therefore may not be what some developing countries need. "The question is if Blue Dot is offering first-world solutions to third-world countries?" Secondly, Dasgupta mentions that Blue Dot will require coordination among multiple stakeholders when it comes to grading projects. "Given the past experience of Quad, the countries involved in it are still struggling to put a viable bloc. Therefore, it remains to be seen how Blue Dot fares in the long run." (Quad is an informal strategic dialogue between the US, Japan, Australia and India)

US Foreign Policy Towards China

Prior to 2001, US foreign policy was focussed towards integrating China into its plan, but this changed after China's emergence as a global superpower. Under Barack Obama, US foreign policy started shifting focus to Asia, where the US wanted to counter China's growing influence. In fact, the National Security Strategy (NSS) under Trump says the following, "China seeks to displace the United States in the Indo-Pacific region, expand the reaches of its state-driven economic model, and reorder the region in its favour." From the US's point

DreamIAS
Learning made simple…

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

of view, the Indo-Pacific region, which stretches from India's west coast to the west coast of the US, is the most economically dynamic and populous part of the world. Further, the US sees China's infrastructure investments and trade strategies as reinforcing its geopolitical aspirations, including efforts to build and militarise outposts in the South China Sea, which as per the US, restricts the free movement of trade and undermines regional stability.

Foreign Affairs

Commentaries on Trump's Visit

➜ A tectonic shift in America's relations with China under Donald Trump's presidency — one that Indian officials believe is here to stay and will outlast the current U.S. President — is providing a new impetus to defence, security, trade and technological cooperation between New Delhi and Washington in the region. The U.S.-China trade and technology war is the clearest manifestation of the change, and the sense in Delhi is this widening rift is neither a Trump phenomenon nor transient. The new U.S. approach to China is bipartisan and likely here to stay regardless of the outcome of November's elections. In fact, Trump is being seen as far from the most hawkish voice on China in Washington, given his well-known proclivity for wanting to "cut a deal". Shared concerns about China's rise are not new, and have underpinned India's relations with the United States going back to the 1950s. These concerns provided the backdrop for the landmark nuclear deal finalised during George W. Bush's 2006 visit, as well as for the joint strategic vision unveiled during Barack Obama's visit in 2015. But "the dynamic has now changed in a fundamental way", said former Indian Ambassador to China Ashok Kantha. In 2005, the U.S. and China were largely cooperative despite differences. Now, the U.S. is clearly looking at China as a strategic "competitor" and "revisionist power", as a 2017 national security strategy put it. This offered opportunities and challenges for India, which has carefully expanded ties with America while reluctant to upset China — a neighbour with which it shares an unresolved border. Quad Initiative with the U.S., Australia and Japan, is being "revitalised" including through expanded cooperation on maritime security "to ensure a free and open Indo-Pacific". Mr. Kantha said India should do more with the Quad, starting with including Australia in the trilateral naval Exercise Malabar with the U.S. and Japan and working more closely in humanitarian and disaster relief and protecting sealines of communication. "Working on such initiatives does not mean we are looking to contain China and will in no way undermine India's strategic autonomy," he said, adding that India had no reason to be overly sensitive to China's concerns, noting how China considered Indian sensitivities in its ties with Pakistan.

➜ Today, the two countries are collaborating on issues ranging from maritime security to international terrorism, and have recently signed a number of agreements, including the Logistics Exchange Memorandum of Agreement (LEMOA) and the Communications Compatibility and Security Agreement (COMCASA), to push the levels of strategic collaboration to wider fields. In the last few years, the U.S. has categorised India as a 'Major Defence Partner' and granted it the 'Strategic Trade Authorisation-1' status. Trade between the two countries has reached a new high. Total two-way trade flows increased to $142.3 billion in 2018, with 2019 figures estimated to be even higher, inclusive of India's recent liquefied natural gas (LNG) and aircraft purchases. This is expected to go up further with India agreeing to buy naval helicopters from the U.S.

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

FDI from U.S.

Steady inflows of capital from the U.S. attest to India's attractiveness as an investment destination for American companies. The U.S. is the fifth-largest source of Foreign Direct Investment (FDI) to India, with a cumulative capital stock of $28 billion. The presence of U.S. companies is found across diverse sectors of the Indian economy including defence and aviation, agriculture, health, education, and insurance. Preliminary findings from a recent CII survey indicate that nearly 86% of U.S. firms are 'very bullish' or 'moderately bullish' about India's economic outlook, with approximately 73% of U.S. firms surveyed viewing India as a favourable investment destination and planning to invest more in the next 12 months. For their part, Indian companies are expanding their investments in the U.S. as well, with the CII's data reflecting historic rates of investment and job creation, numbering over $18 billion and 1,13,000, respectively. Their investments in research and development as well as Corporate Social Responsibility activities are on the rise, and they are well-integrated with local communities and economies of many U.S. States. The goal of $500 billion in two-way trade is within sight. CII research suggests that in an improved trade scenario, this target could be reached as early as 2030. Businesses from both sides must come together to explore joint strategies and opportunities to resolve issues and facilitate further business. The two most promising sectors for future cooperation are energy and defence. In energy, India would continue to rely on U.S. liquefied natural gas of which it is already the sixth-largest buyer. Indian companies have invested $4 billion in the shale gas sector in the U.S. already. With four working groups set up for oil and gas, energy efficiency, renewable energy and sustainable development, the energy partnership is set to undergo a further jump. In the defence sector, India has built up its sourcing from the U.S. The recent 2+2 dialogue led to three agreements being inked under the Defence Technology and Trade Initiative to co-develop and co-produce critical technologies.

➔ President George W Bush came to India less than a year after he and Prime Minister Manmohan Singh announced the India-US nuclear deal, and wanted to consolidate the gains from the Indian PM's visit. He praised India's "wise" economic reforms, welcomed its rise, and spoken out against protectionism — since many in the United States had raised concerns on job losses due to outsourcing. President Bush also asked for lifting caps on foreign investment, and for making rules more transparent and lowering tariffs to get more market access. One of the major themes in President Bush's address, understandably, was terrorism — recalling the September 11, 2001 attacks on the US, and on India's Parliament on December 13 that same year. "The terrorists have misunderstood our countries. America and India love our freedom, and we will fight to keep it," he said famously. Bush's visit came five years after President Bill Clinton visited. The Americans were dealing with an India in which PM Singh headed a coalition government that was being supported by the Left parties. Since Bush was visiting after the US war on terror in Afghanistan and the invasion of Iraq, his visit was marked by protests by leaders within the government, as well as by many student groups. In that atmosphere, Bush said that the best way to counter resentment was to allow peaceful expression. He spoke of human rights and the value of democracy, and said that the world needed India's leadership in that direction. Since he was also going to Pakistan after his India trip, Bush also talked about the US's "close relationship" with Pakistan. He said he believed that a prosperous, democratic Pakistan would be a peaceful neighbour for India, and a force for freedom and moderation in the Muslim world. President Bush also talked about the 2 million Indian Americans, and praised their contributions.

Shatabdi Tower, Sakchi, Jamshedpur

DreamIAS
Learning made simple...

www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

Barack Obama, 2015 & 2010

Obama is the only US President to have visited India twice while in office; he was also the first US President to be the Chief Guest at the Republic Day celebrations. In 2015, Obama interacted with the newly elected Prime Minister Narendra Modi. His speech was marked with a call for working together on a vast range of issues. A firm believer for lifting up people, he talked about the "historic opportunity" for India to lead the way to end the injustice of extreme poverty. He also talked about America wanting to be India's partner in the next wave of growth, and closer partners in ensuring mutual security.

➔ Donald Trump is the first US President to visit India on a stand-alone visit in the seven decades of Indo-US diplomatic ties. US Presidents who came to India before him, from Dwight Eisenhower to Barack Obama, all had other stops in the region.

Visits Before 2000, And Later

Between 1947 and 2000, the first 53 years of India-US ties, there were only three visits by US Presidents to India — Dwight Eisenhower in 1959, Richard Nixon in 1969 and Jimmy Carter in 1978. In the 20 years since 2000, there have been four visits by three US Presidents — Bill Clinton in 2000, George W Bush in 2006, and Obama in 2010 and 2015. While only three of the nine US Presidents during 1947-2000 visited India, every President in the last two decades has visited India at least once. Many reasons could be ascribed to the higher frequency of visits — a shift in global geo-politics in the post-Cold War era, India's economic ascent, rise of an assertive China, and New Delhi's place on the global high table.

Bush, Obama, Trump

In 2003-04, the first seeds of the Next Steps of Strategic Partnership were sown during the Atal Bihari Vajpayee regime. The relationship peaked with the Indo-US nuclear deal in 2008, which was negotiated during 2005-08 between the Manmohan Singh government and the Bush administration, and is considered the game-changer. The Obama administration carried forward the relationship, and during his visit in 2010 hosted by Singh, the US promised support to India for a UN Security Council membership. When Narendra Modi became PM in 2014, Obama navigated the transition and visited again in 2015, when he was the chief guest for the Republic Day celebrations. After Trump came to power in 2016, there was a shift in the US political landscape as his unpredictability defined his presidency. The Indian government moved fast, and Modi visited the White House in June 2017. Trump promised Modi that he would visit during his term in office. It is in this backdrop that the visit is taking place in a year that will witness US presidential elections. Though the leaders have met several times in the last three-and-a-half years, the frequency of meetings has really increased in the last eight months since Modi's re-election.

Support Against Terrorism

This intense engagement has helped achieve robust support from the US against terrorism. This was evident after the Pulwama attack last year, leading to designation of Jaish-e-Mohammed chief Masood Azhar as a global terrorist under UN Security Council Resolution 1267, and the placing of Pakistan on the grey-list of the Financial Action Task Force. While Trump was once very critical on Pakistan, he has nuanced his position on Pakistan in the last seven months. And now, with a deal between the US and the Taliban likely on February 29,

DreamIAS
Learning made simple...

www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

his approach towards Pakistan, long-time benefactor of the Taliban, will be tested in the months to come. Pakistan has consistently lobbied with Trump to mediate between India and Pakistan on the issue of Jammu and Kashmir. Last year, with Pakistan PM Imran Khan at his side, Trump said he would love to mediate and that Modi had asked him to do so. Since then, Trump has backtracked and brought his personal position in line with the US position, that Washington will be ready to help if both sides want. New Delhi has consistently maintained that India sees no scope or role for third-party involvement on Kashmir.

Defence and Energy

For India, its relationship with the US on defence issues has strengthened. India has procured over $18 billion worth of defence items from the US, almost half of this in the last five years. India conducts more bilateral exercises with the US than with any other country. And, under Trump, the announcement of India's elevation to Tier I of the Strategic Trade Authorization licence exception has opened up US defence technologies from the time when India faced a technology-denial regime. The other area where the relationship has grown in recent years is energy. The bilateral Strategic Energy Partnership was launched in April 2018; India has started importing crude and LNG from the US from 2017 and 2018 respectively. The total imports are estimated at $6.7 billion — having grown from zero. The US is also India's sixth largest source of crude oil imports, with hydrocarbon imports rising to $7 billion in the last two years. Overall bilateral trade has grown. The US is India's largest trading partner, goods and services combined. Bilateral trade in goods and services grew by more than 10% per annum over the past two years to reach $142 billion in 2018.

Areas of Contention

The US feels that India is a high tariff country, and wants these reduced and a more predictable regime to conduct business. Although the growth is 10% per year, many feel the potential is much higher. The other area of contention has been the movement of Indian skilled professionals to the US under the H1B programme. While the US President has always made immigration a key campaign theme, it has not led to any major barriers for Indians so far. But in an election year in the US, the rhetoric could sharpen. Civilian nuclear cooperation has not taken off either, despite the historic nuclear deal, because of the nuclear liability law in India and Westinghouse's bankruptcy. Reviving that conversation could help meet India's energy needs.

Ties with Others

What has differentiated Trump's engagement with India vis-a-vis US' allies and strategic allies is that there has been more strategic alignment with New Delhi than with some of Washington's closest partners. From Indo-Pacific to China, from Maldives to Bangladesh, the two countries are somewhat on the same page. On Afghanistan, there have been differences in the process. But the situation, South Block insiders feel, is different now since India is much more in the US' calculus than in 1990. There is a sense of cautious optimism that Washington will not hurt India's interests in the long term; this premise will be tested. The strong strategic partnership is also based on an idea of "shared values" of democracy, rule of law, religious freedom and protection of minorities. The revocation of Article 370 and the new citizenship law and the NRC is testing this "shared values" principle. India's position that these matters are "internal to India" has so far meant the Trump administration has not criticised India

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

openly and sharply. But criticism from the US Congress and some parts of US civil society is pushing the US administration to tell India to bring Kashmir to normalcy and not go ahead with the new citizenship law followed by the NRC, which many see as aiming to exclude minorities.

➔ Mr. Modi would have been particularly pleased on three counts: with Mr. Trump's refusal to speak about restrictions in Kashmir, about the arson over the CAA that darkened Delhi's skies even as the two leaders met, and Mr. Trump's endorsement of Mr. Modi's belief in "religious freedom". This was some relief given earlier briefings by U.S. officials that these would be raised. In contrast, the visit's concrete outcomes were not as dramatic or historical as the Trump-Modi rally images were. Although the External Affairs Ministry had said at least five MoUs would be ready for signing, the three made ready were two on health care, and one Letter of Cooperation on LNG pipeline infrastructure. There were a few major deals signed around the visit as well, and at least two that had been expected could not be completed — the conversion of an MoU for Petronet to invest in American gas company Tellurian into an agreement, as well as a commercial agreement for Westinghouse to build six nuclear reactors in Andhra Pradesh. The agreement signed for defence purchases worth $3-billion, including American helicopters, has led to both sides signalling more cooperation in defence, military exercises and technology sharing. And while the two leaders shared strong language in references aimed at China's hegemony in the South China Sea as well as the Belt and Road Initiative, they did not broach the next steps in the Indo-Pacific partnership including possible militarisation as well as joint funding to counter the challenge from Chinese loans in the region. The two governments must now strive to complete the unfinished agreements and set the course for their newly designated 'Comprehensive Strategic Global Partnership'. More immediately, with the political backing of both leaders, negotiators must move towards the much anticipated yet elusive trade deal.

➔ At a broad level, U.S.-India trade in goods and services has grown at a steady clip from $16-billion to $142-billion during 1999-2018. At the heart of Mr. Trump's foreign policy strategy are concerns about the trade deficit that the U.S. has with its economic partners worldwide. Although India does not rank among the top 10 in this regard — for example, its 2019 trade deficit with the U.S. of $23.3-billion is dwarfed by China's corresponding figure of $346-billion — there have been a series of skirmishes between Washington and New Delhi over tariffs in specific sectors, and that has destabilised the bilateral balance to a certain extent.

What Is the Chronology of U.S.-India Trade Squabbles?

In March 2018, the Trump administration slapped "national security" tariffs of 25% on $761-million worth of steel and of 10% on $382-million of aluminium imported from India. Despite formal World Trade Organisation disputes initiated by India protesting these tariffs, Washington ended a year-long review of the U.S. Generalised System of Preferences (GSP) in June 2019 by removing India from the tariff concession system. This is said to have impacted nearly $5.8 billion of India's exports, or more than 12% of exports to the U.S. in 2017. India immediately imposed higher retaliatory tariffs on 28 U.S. products including almonds, walnuts, cashews, apples, chickpeas, wheat, and peas. Besides other agricultural products such as dairy, the Trump administration remains wary of India's position on intellectual property rights protection, barriers to free-flowing foreign direct investment, symbolically important trade sectors such as Harley-Davidson motorcycles and medical devices. The U.S. also recently changed the status of India, among other countries, to a "developed" country, to further reduce trade concessions that it could receive from the U.S.

Shatabdi Tower, Sakchi, Jamshedpur

The other side of the coin is the concern that India has expressed on multiple occasions regarding restrictions on visas for highly skilled professionals seeking to take up employment in the U.S. — even though the laws that brought in restrictions, for example by imposing higher visa fees, were passed before Mr. Trump entered office.

Keep Up the Pressure

➜ The decision by global watchdog, the Financial Action Task Force (FATF), at its plenary in Paris, to keep Pakistan on its "greylist" for monitoring its record against terror financing was no surprise. While the Pakistan government has yet to complete the 27-point action plan it was given in June 2018, it has, according to the FATF, made some progress. As a result, the 39-member group that includes India decided to extend Pakistan's September 2019 deadline until June 2020. Actions Pakistan still needs to carry out include tightening security and banking restrictions to block loopholes through which designated groups including the Taliban, al-Qaeda, Lashkar-e-Taiba and Jaish-e-Mohammad access funding. It also calls on Pakistan to begin prosecutions against terrorists and sanction entities that are flouting the UNSC's rules for designated terror organisations. The FATF Chairman's final comment says Pakistan must comply with all 27-action points — it has cleared about 14 — in the next four months or face financial strictures by being placed on the "blacklist". Pakistan is one of 12 countries on the greylist; Iran and North Korea are on the blacklist. The FATF's sharp language is significant, yet according to the force's consensus rules, Pakistan believes it might be able to slip through the deadlines if it is able to ensure that three countries, China, Turkey and Malaysia, which have pledged support, veto any move to blacklist it. Pakistan also appears to have benefited from playing a role in U.S.-Taliban talks as it seems the U.S. and its allies are not enforcing the deadline to complete the action plan as before. A senior U.S. official's statement in January welcoming Pakistan's progress in its FATF commitments may have set the stage for the final plenary decision. While the FATF's Chairman's wording was strong, it was a repetition of the threat he served Pakistan last year, and there is a danger that Pakistan, a country that has not sustained punitive action against thousands of designated terrorists and entities, will feel immunity from the process. The Pakistani court's hurried conviction of LeT chief Hafiz Saeed on terror financing charges just before the Paris meet appeared to be a command performance, and its shocking submission to the FATF that it cannot trace Masood Azhar must be scrutinised further by the international body.

Regional Bonding

➜ At a time when India has more or less shut down all conversations on the South Asian Association for Regional Cooperation (SAARC) and walked away from the ASEAN-led Regional Comprehensive Economic Partnership (RCEP), former Sri Lankan Prime Minister Ranil Wickremesinghe's push for regional economic integration and for India-Pakistan dialogue should be studied carefully by New Delhi. Speaking at The Hindu 's Huddle conclave last week, Mr. Wickremesinghe set out a number of suggestions. He blamed India-Pakistan tensions for bringing economic integration within the SAARC region to a "standstill", explaining that the original purpose of the South Asian group was to build a platform where bilateral issues could be set aside in the interest of regional growth. Decrying the lack of economic integration in South Asia, and the failure of SAARC, as well as BIMSTEC (which includes Bangladesh, Bhutan, India, Myanmar, Nepal, Sri Lanka and Thailand), to engender more intra-regional trade, Mr. Wickremesinghe suggested an even smaller sub-grouping of

four countries with complementary economies: India, Sri Lanka, Bangladesh and Thailand, to begin the process of reducing tariffs and demolishing non-tariff barrier regimes. When it comes to the intra-regional share of total trade, SAARC and BIMSTEC languish behind groupings such as ASEAN, EU and MERCOSUR. The Sri Lankan leader also suggested that with India's leadership, a more integrated South Asian region would be better equipped to negotiate for better terms with RCEP so as not to be cut out of the "productivity network" in Asia, and envisioned an Economic Integration Road Map to speed up the process. Given the current policy trajectory of the Modi government, it is unlikely that any of the suggestions will be welcomed. The government has made it clear that talks with Pakistan are strictly off the table, and that a SAARC summit, which has not been held since 2014, is unlikely to be convened anytime soon. Second, the government, which has taken a protectionist turn on multilateral trade pacts, is relying more on direct bilateral deals with countries rather than overarching ones that might expose Indian markets to flooding by Chinese goods. For any regional sub-grouping in South Asia to flourish, it is India that will have to make the most concessions given the vast trade deficits India's neighbours have at present, which it may not wish to do. However, the overall projection that India's global reach will be severely constrained unless it is integrated with its neighbours, and tensions with Pakistan are resolved, cannot be refuted. India needs to be more accommodative for the realisation of its ambitions.

Nation

When A Court Pronounces A Verdict, Without Giving Reasons (Anmolam - Lawyer, Running A Non-Profit Organisation, BDLAAAW. Shivam - Research Scholar at The Faculty of Law, Delhi University)

➔ In a highly unusual move, a nine-judge Bench of the Supreme Court resorted to a non-speaking order as it ruled affirmatively on the preliminary issue arising out of the Sabarimala review petition. The importance of a 'reasoned decision' in a constitutional democracy committed to the rule of law, besides being self-evident, cannot be overstated and this curious departure from the norm merits close analysis. Time and again, the Supreme Court has unequivocally endorsed and underlined the requirement of giving reasons in support of an order. It has often chastised subordinate institutions for their failure to supplement their orders with reasons.

Juristic Basis

The juristic basis for this has also been explored in a number of cases. In various decisions, the court has ruled that speaking orders promote "judicial accountability and transparency"; "inspire public confidence in the administration of justice"; and "introduce clarity and minimise the chances of arbitrariness". In addition to being a "healthy discipline for all those who exercise power over others", recording of reasons has been described by the Supreme Court as the "heartbeat of every conclusion"; the "life blood of judicial decision making"; and a cherished principle of "natural justice". In his dissenting opinion in the Madhya Pradesh Industries Ltd case, Justice Subba Rao K. stated: "The condition to give reasons introduces clarity and excludes or at any rate minimises arbitrariness; it gives satisfaction to the party

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

against whom the order is made; and it also enables an appellate or supervisory court to keep the tribunals within bound… A speaking order will at its best be reasonable and at its worst be at least a plausible one." The need for a court to provide an intellectual substrate for its decisions is also implicit in the expression "pronounce judgment" in Supreme Court Rules, 2013. According to settled decisions, the same signifies "judicial determination by reasoned order". However, when it came to applying the principle to its own verdict, the apex court has inadvertently devalued the importance of concurrent reporting of reasons. The court seems to have downplayed the fact that it may be coming across as inarticulate at best and indecisive at worst. Besides undermining institutional integrity, a decision's authority as a binding precedent is also potentially compromised by this omission.

Culture of Justification

Pius Langa, former Chief Justice of the Constitutional Court of South Africa, argued that "transformative constitutionalism" entails a transformation of legal culture from one "based on authority" to the one "based on justification". Karl Klare (the scholar who coined the term) posited that it may be legitimately expected of constitutional adjudication to "innovate and model intellectual and institutional practices appropriate to a culture of justification". In the light of the above, it can be concluded that the practice of issuing non-speaking orders and giving post-hoc rationalisations later is an anathema to the principle of constitutional governance. Duty to give reasons is an incident of the judicial process and constitutional justice should not be a matter of afterthought.

Rights, Duties and The Constitution (Gautam Bhatia - Delhi-Based Lawyer)

➔ At the height of the Emergency, Indira Gandhi's government enacted sweeping changes to the Constitution, through the 42nd Amendment. These changes were intended to entrench the supremacy of the government, permanently muzzle the courts, and weaken the constitutional system of checks and balances which was designed to avoid concentration and abuse of power. And in the Amendment's Statement of Objects and Reasons, one line stands out: "… it is also proposed to specify the fundamental duties of the citizens and make special provisions for dealing with anti-national activities." "Fundamental duties" and "anti-national activities" came into the world fused at the hip. And

➔ while Indira Gandhi's Emergency regime has long been consigned to the dustbin of history, its legacies endure. "Anti-national" has become a boundlessly manipulable word, that, in the spirit of Humpty Dumpty, can mean whatever those in power want it to mean. "Fundamental duties" have been making a comeback as well: at an International Judicial Conference 2020 this weekend, the Chief Justice of India, S.A. Bobde, drew attention to the Constitution's Fundamental Duties chapter. He then went further, and citing Gandhi's Hind Swaraj, observed that "real rights are a result of [the] performance of duty." There is, of course, an intuitive plausibility to the CJI's words. They conjure up the image of the ungrateful and selfish citizen, happy to pluck the fruits of civilisation, but unwilling to do their bit to water the tree. Nonetheless, despite its plausibility, this conflation of rights and duties ought to be resisted.

Webs of Duties

The first thing to note is that as citizens, there exists a wide range of duties that bind us in everyday life. These duties are owed both to the state, and to other individuals. We have a

legal duty to pay our taxes, to refrain from committing violence against our fellow-citizens, and to follow other laws that Parliament has enacted. Breach of these legal duties triggers financial consequences (fines), or even time in jail. At any given time, therefore, we are already following a host of duties, which guide and constrain how we may behave. This is the price that must be paid for living in society, and it is a price that nobody, at least, in principle, objects to paying. Our duties and the consequences we bear for failing to keep them therefore exist as a self-contained whole. They follow a simple logic: that peaceful co-existence requires a degree of self-sacrifice, and that if necessary, this must be enforced through the set of sanctions.

The Logic of Rights

Rights, on the other hand, follow a different logic entirely. This is a logic that is best understood through history. At the time of the framing of the Indian Constitution and its chapter on Fundamental Rights, there were two important concerns animating the Constituent Assembly. The first was that under the colonial regime, Indians had been treated as subjects. Their interests did not count, their voices were unheard, and in some cases — for example, the "Criminal Tribes" — they were treated as less than human. Apart from the long and brutal history of colonialism, the framers also had before them the recent example of the Holocaust, where the dignity of more than six million people had been stripped before their eventual genocide. The first role of the fundamental rights chapter, therefore, was to stand as a bulwark against dehumanisation. Every human being no matter who they were or what they did had a claim to basic dignity and equality that no state could take away, no matter what the provocation. One did not have to successfully perform any duty, or meet a threshold of worthiness, to qualify as a rights bearer. It was simply what it meant to be human. Second, the framers were also aware that they were inheriting a deeply stratified and riven society. The colonial regime had not been the only oppressor; the axes of gender, caste and religion had all served to keep masses of individuals in permanent conditions of subordination and degradation. The second role of rights, thus, was to stand against hierarchy. Through guarantees against forced labour, against "untouchability", against discriminatory access to public spaces, and others, fundamental rights were meant to play an equalising and democratising role throughout society, and to protect individuals against the depredations visited on them by their fellow human-beings. The twin principles of anti-dehumanisation and anti-hierarchy reveal the transformative purpose of the fundamental rights chapter: the recognition that true democracy could not exist without ensuring that at a basic level, the dignity and equality of individuals was protected, both from the state as well as from social majorities. It was only with these guarantees could an individual rise from the status of subject to that of citizen. And, as should be clear by now, it was only after that transformation had been wrought, that the question of duties could even arise. This is not to suggest, of course, that duties are unimportant. As indicated above, duties exist in every sphere of society. Moreover, the language of duties can play an important role in a society that continues to be divided and unequal: in such a society, those who possess or benefit from entrenched structural and institutional power (starting with the state, and going downwards) certainly have a "duty" not to use that power to the detriment of those upon whom they wield it. That is precisely what the guarantees against "untouchability", forced labour, and discriminatory access in the Constitution seek to accomplish.

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

Issue Lies in Conflation

The problem, however, lies in the conflation of rights and duties. As Samuel Moyn points out in an illuminating article in The Boston Review, "the rhetoric of duties has often been deployed euphemistically by those whose true purpose is a return to tradition won by limiting the rights of others". Moyn's target here are traditions that invoke the language of duty (often alongside terms such as "community" or "family") in order to subordinate or efface the individual in the face of the collective (whether state or community). In that context, it is always critical to remember Dr. B.R. Ambedkar's words in the Constituent Assembly (which were also cited by the CJI in his speech): that the fundamental unit of the Constitution remains the individual. If the position of the individual and the Constitution's commitment to combating hierarchy is kept in mind, then the language of duties can be understood in its proper context. Without that, however, we risk going astray. A good example of this is a Supreme Court judgment from the early 1980s, which upheld the differential treatment of male and female flight attendants on the ground that women had a "duty" to ensure the "good upbringing of children" and to ensure the success of the "family planning program" for the country. The judgment is a stark reminder that without the moral compass of rights and their place in the transformative Constitutional scheme the language of duties can lead to unpleasant consequences. It can end up entrenching existing power structures by placing the burden of "duties" upon those that are already vulnerable and marginalised. It is for this reason that, at the end of the day, the Constitution, a charter of liberation, is fundamentally about rights. It is only after guarantee to all the full sum of humanity, dignity, equality, and freedom promised by the Constitution, that we can ask of them to do their duty. Perhaps, then, it is time to update Hind Swaraj for the constitutional age: "real duties are the result of the fulfilment of rights".

The Unassailable Keywords for The Judiciary (Dushyant Dave - Senior Advocate at The Supreme Court of India)

➔ Justice Arun Mishra's public praise of the Prime Minister at a public forum raises serious questions about the independence of the judiciary. What is more disturbing is that he was speaking at the inaugural session of the International Judicial Conference 2020, 'Judiciary and the Changing World'. The damage his statement has caused is incalculable. The international judicial community must have been left aghast as far as the very independence of the Indian judiciary is concerned. Judges across India must be left bewildered wondering whether they should indulge in similar praises or not. One cannot forget that Justice Mishra is one of the seniors most judges of the Supreme Court of India and every word spoken by him may be taken seriously by those connected with the administration of justice. The Prime Minister himself applauded the Supreme Court by referring to some recent "critical judgments", adding that 1.3 billion Indians wholeheartedly accepted the judicial verdicts. The Prime Minister's claim certainly appears to be off the mark considering that large numbers have questioned these judgments. The Law Minister, who was also speaking at the inaugural session, himself took the opportunity to attack many of those who criticise the functioning of the judiciary and its judgments. The Executive and the Judiciary appear to be in tandem, something which was clearly not designed under the Constitution. Was the international conference a platform for these?

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

Reiterating Independence

In a 1981 judgment, the Constitution Bench of the Supreme Court held that "Judges should be stern stuff and tough fire, unbending before power, economic or political, and they must uphold the core principle of the rule of law which says: 'Be you ever so high, the law is above you.'. This is the principle of independence of the judiciary which is vital for the establishment of real participatory democracy, maintenance of the rule of law as a dynamic concept and delivery of social justice to the vulnerable sections of the community. It is this principle of independence of the judiciary which we must keep in mind while interpreting the relevant provisions of the Constitution." Later in 1993, another Constitution Bench in the Second Judges Appointment Case, declared: "It is obvious that only those persons should be considered fit for appointment as Judges of the superior judiciary who combine the attributes essential for making an able, independent and fearless judge. Several attributes together combine to constitute such a personality. Legal expertise, ability to handle cases, proper personal conduct and ethical behaviour, firmness and fearlessness are obvious essential attributes of a person suitable for appointment as a superior Judge."

Ironically, Justice Mishra himself in a judgment in R. Muthukrishnan versus The Registrar General Of The High Court Of Judicature At Madras observes, "Judicial independence is a privilege of and protection for the people."

So, what can a citizen make out of this completely avoidable public praise by such a senior judge? Have those in positions of responsibility and even others who have publicly praised the Prime Minister in the recent past forgotten the Charter called "The Restatement of Values of Judicial Life"? This was adopted by the full Court, in 1997, to serve as a guide to be observed by the judges which, according to the charter, was "essential for an independent, strong and respected judiciary, indispensable in the impartial administration of justice". The Charter is "a complete code of the canons of judicial ethics" and categorically declares among many others the following values: "6. A Judge should practise a degree of aloofness consistent with the dignity of his office" and "16. Every Judge must at all times be conscious that he is under the public gaze and there should be no act or omission by him which is unbecoming of the high office he occupies and the public esteem in which the office is held." To my mind, both stands violated now.

One thing is clear, the judiciary is fast eroding the hopes and aspirations of great men and women who sat in the Constituent Assembly debating and giving us the great document, the Constitution of India. Any correction, if at all, must come from within the judiciary. Will it? We the Citizens of India can only sit back and watch bemused and deeply disappointed.

Batting for The Downtrodden (Sukhadeo Thorat - Professor Emeritus, Jawaharlal Nehru University)

➔ The Supreme Court has ruled that quotas and reservations for promotions for government jobs are not a fundamental right, setting aside an Uttarakhand High Court order of 2012. The top court has also said that States could not be forced to make such provisions without data showing imbalance in representation of certain communities in public service. While the legality of the ruling could be contended by legal experts, the top court's advice on quantifiable data on under-representation exhibits lack of a broader perspective on the status of Dalits. The Court should have been more prudent than to leave the entire decision to Uttarakhand which has a high rank in in the country in terms of the practice of untouchability. According to a recent survey by academician Amit Thorat, up to 47% of

respondents in the hill State admitted to practising untouchability. More than half the forward caste people confessed to practising untouchability. Further, nearly 68% Brahmins in rural and 77% Brahmins in urban areas of the State admitted to the practice. With such widespread discrimination prevalent in the State, an honest response on representation from the Executive and administration is hard to expect. Reminders of a massive backlog of posts under reservation have become a regular feature in all States. Ironically, the Court while passing its order remained silent on the sources of under-representation: namely data on caste discrimination in public employment and other spheres. One expected the Court to be aware about the under-representation of Dalits in ownership of land and enterprise, literacy, and access to civic rights, and their over-representation in poverty, malnutrition, and social isolation and atrocities.

Widespread Discrimination

Where are Scheduled Castes (SCs) under-represented, and where are they over-represented? The SCs suffer from low ownership of capital assets, illiteracy, and lack of access to civil rights. In 2013, of the total wealth in the country, the share of SCs was only 5% in rural areas against their population share of almost 17%. In terms of their share in agricultural land, it was only 5% while in building assets it was 8%. On the other hand, the high castes owned 39% of total natural wealth — 41% land and 39% building assets. In urban areas, SCs own only 4% of total wealth: 6% land and 2.6% of buildings as against 45% of land and 76% of buildings by high caste, much in excess of their population share of about 21%. In 2015, the enrolment rate in higher education was 20% for SCs compared to 43% for higher castes. Besides the massive backlog in government services, these are spheres where SCs are grossly under-represented. They are over-represented in wage labour, poverty and malnutrition. In 2014-15, almost half of Dalits depended on casual wage labour when compared to 11% of high castes. In 2012 about a third were poor, compared to 11% for high castes. Most importantly, caste discrimination and untouchability continue to be practised widely despite anti-discriminatory laws. Between 2001 and 2013, SCs had registered about 54,257 cases of atrocities or 4,174 cases annually. This is just the proverbial tip of the iceberg. Primary studies show extensive discrimination in employment, farming, enterprise/business against SCs. Based on NSS data, these studies indicate that in 2017-18, of the differences in access to employment between SCs and high caste, about 71% was due to discrimination in hiring. Findings of another primary survey in 2013 in rural India show that SC entrepreneurs in grocery, eatery, and transport services faced discrimination, with the high castes reluctant to avail of their goods and services. Many SC farmers admit that they face discrimination in the buying of inputs and sale of outputs.

Part of Social Hierarchy

Hindu slavery goes back to at least 600 BC. Manu recognised slavery in 200 BC; it continued to be practised for about 2,500 years before it was banned by the British in 1843. A significant fact is that untouchables were recognised as slave caste wholly in the service of high caste. Empirical evidence from Bengal, Uttar Pradesh, Tamil Nadu, Andhra Pradesh and Kerala suggests that Hindu kings implemented the Brahminical theory of untouchables as slave caste for thousands of years. Prof. Mohan while describing the plight of slaves observes: In Kerala the untouchable slaves generally go without clothing, barely cover their nakedness with a string of leaves propped around their loins. They eat all the refuse… were paid the lowest wages — that would keep them barely alive." A statement often found in all slave

transaction documents, "Kill you may kill, sell you may sell", bears testimony to the power of upper-caste Hindu and Christian landlords. In fact, the entire agrarian economy was based on the exploitative slave labour of untouchables. Slavery is long gone but its legacy persists in the form of bonded, attached and forced labour of Dalits in many parts of the country. Unaccountability and caste slavery have completely crippled Dalits. They remain asset-less, illiterate and socially isolated with overt residential segregation in rural areas, and subtly in urban areas. Therefore, the reservation policy is necessary as a safeguard against discrimination and to secure their fair share.

Need for Compensation

But it is not enough. What the SCs require most is "adequate compensation or reparation" for traditional denial of rights to property and education, and slave labour. The affirmative action policies similar to reservation mainly provide protection against discrimination and ensure a fair share of benefits in the "present", but this is a weak remedy to deal with the consequences of "past" exclusion. Dalits need to be given adequate land, enterprises, and funds for education as compensation. The rationale behind ensuring compensation is the enrichment of the higher castes at the cost of the impoverishment of Dalits through under-payment of wages to slave labour and denial of rights to land, enterprises, and education. Since the high castes have benefited at the cost of the former untouchables, there is legal and moral justification that they compensate for the losses they have inflicted on the latter for centuries. With such a massive backlog in the condition of SCs, the top court should have been more sensitive in its observations. The Court and the judiciary is the last resort for Dalits who continue to face oppression under the pretext of divine ordination.

Not Fair, Just or Reasonable (Abhinav Sekhri - Delhi-Based Lawyer)

➔ The revocation of statehood for Jammu and Kashmir was accompanied by widespread arrests and detentions under the erstwhile State's Public Safety Act of 1978, which allows for detention without trial for up to two years. The arrest and detention of persons without requiring them to face a public trial, which is driven towards proving innocence or guilt of an accused person alleged to have committed an offence, is referred to as 'preventive detention' in Indian law. Preventive detention statutes exist at both the national and State levels and are intended to serve as effective measures to prevent the occurrence of crime. These different statutes adopt a similar logic. Under these laws, executive officers such as District Magistrates and Commissioners of Police are empowered to pass orders for arrest and to take persons into custody. These powers can be exercised if the officers are "satisfied" that the person's conduct is posing a risk to certain kinds of interests that the law deems important. For instance, the National Security Act of 1980 permits arrest and detention of persons when it is in the interest of maintaining "public order", which can occur even without any allegations of the person breaking any existing laws.

No Procedural Fairness

Since the purpose of preventive detention is to prevent crime, it is argued that compliance with painstaking procedures such as those of a criminal trial would defeat the law's purpose. Therefore, we find that preventive detention processes come without many of the hallmarks of procedural fairness that we take for granted in regular criminal law. Thus, unlike regular law, there is no need for a person arrested under the exceptional preventive detention

Shatabdi Tower, Sakchi, Jamshedpur

+91 9334622397
+91 7004749538
www.dreamias.co.in
www.youtube.com/c/DreamIAS

process to be informed of the grounds immediately. Nor is there a requirement to produce the arrested person before a court. While all arrests and detentions under preventive detention laws do undergo some subsequent checks, this scrutiny remains almost exclusively executive-based. There is no judicial oversight where detention beyond three months is not sought. *And even in those cases which go to a Tribunal comprising judges, there is no public hearing involved and no guaranteed oral hearing for the detenu.* No publicly available orders or judgments are published about the ultimate decision. Finally, throughout this process, there is no right to legal assistance for detenues. The only opportunity for many lies in pursuing a writ of habeas corpus before the High Court, which again can only test preventive detention orders on limited grounds. It is barred from undertaking a full-scale review of this executive process. The idea that laws should permit pre-emptive intervention to prevent the commission of crimes is an appealing one. That the legal framework governing this preventive project comes along with reduced procedural compliances and quick outcomes only makes preventive detention laws more tantalising for security-minded officers, who are thus incentivised to use these exceptional statutes to deal with even ordinary law and order situations, ultimately normalising preventive detention and bringing them down from their exceptional status. This suggestion is supported by the Crime in India Report for 2018 released by the NCRB which disclosed that close to one lakh people were arrested and detained in custody under preventive detention laws, as per government estimates.

Threat to Personal Liberty

Exceptional situations certainly justify exceptional measures. But there is a fair case to argue that even under this logic, the procedures of preventive detention laws in India practically sacrifice due process interests at the altar of crime control, and this bargain is ill-suited to justice, no matter how grave the risks. In their present form, it is difficult to accept such laws provide us the "fair, just and reasonable" procedure that Article 21 of India's Constitution demands of any law that takes away personal liberty.

How A Unique 2015 Case Underlined Electoral Process-Citizenship Link

➔ On February 11, a magistrate's court in Mumbai ruled that an "election card or voting card" is "sufficient proof of citizenship", and acquitted two individuals whom police had accused of being "Bangladeshi infiltrators". However, on February 12, a division bench of the High Court of Gauhati ruled in two separate cases that an Electoral Photo Identity Card (EPIC) was not conclusive proof of citizenship. The High Court reiterated the law laid down by the court in an earlier case, Md Babul Islam vs State of Assam [WP(C) No. 3547 of 2016], which "held that Electoral Photo Identity Card is not a proof of citizenship". The position taken by Additional Chief Metropolitan Magistrate A H Kashikar in Mumbai is the same as the one that the Election Commission of India had underlined in a unique case five years ago, when one Roshan Shah, a Canadian national who was originally from Gujarat, tried to stand for elections, in a bid to "test" election laws and rules. That 2015 case resulted in the Election Commission amending Forms 2A to 2H to underline the direct link between the citizenship of a person and the electoral system. Also, Form 6 of the Registration of Electors' Rules, 1960, under The Representation of the People Act, 1951, has an inbuilt declaration on citizenship from the voter in line with the Constitution — if a voter declares that s/he is a citizen, and this is accepted by the registration authority, s/he becomes an elector, thus establishing a direct

link between being a citizen and having the right to vote. To suggest that being on the voters' list is not enough, and that those on it would have to still prove their citizenship, is fraught with complications and a circularity. "If the Voter ID is of dubious authenticity, then clearly the status of those elected by dubious voters is also dubious." The connection between being a citizen and the right to be on the voters' list that Form 6 provides, was cited by Judge Kashikar in his order: "Even the election card can be said to be sufficient proof of citizenship as while applying for the election card or voting card, a person has to file declaration with the authority in view of form 6 of Peoples Representation Act to the authority that he is citizen of India and if the declaration is found false, he is liable for punishment. To my mind such declaration is sufficient to prove the citizenship unless contrary is proved by the prosecution." Several government officials said that this connection has been explicit ever since the Rules were put on the books six decades ago. The Mumbai court said that "It is necessary to note that the Aadhar card, PAN card, driving license or ration card cannot be termed as the documents proving the citizenship of any person in a sufficient manner as [the] said documents are not meant for the purpose of citizenship." However, it said, "The birth certificate, domicile certificate, bonafides certificate, passport etc, can be relied upon to establish the origin of any person." Following the passage of The Citizenship (Amendment) Act and the notification of the National Population Register, and after the controversial National Register of Citizens exercise was completed in Assam last year, the debate over what could be conclusive proof of being Indian, continues to rage.

Hope, Belief and The Candles of Shaheen Bagh (Harish Khare - Senior Journalist Based in Delhi)

➔ The BJP strategy was to convert the Delhi Assembly polls into a referendum on its politics of religious polarisation and the presumed popularity of its leaders. The Delhi voters denied, firmly and clearly, the BJP this endorsement. Undaunted by the humiliating defeat, the BJP leadership and its cheer-leaders refused to acknowledge the rebuff, and, instead, chose to take comfort from the party's vote-share and applied itself once again to provoking the Shaheen Bagh constituency. What followed was BJP leader Kapil Mishra's ultimatum to the Delhi Police to clear the roads of anti-CAA protesters in Jaffrabad. Perhaps the BJP leadership had also shrewdly gauged the unhappiness in the traditional Muslim leadership with the Shaheen Bagh model — the women were in the forefront whereas the *mullahs, the imams and maulvis* had been pushed into the background. The Shaheen Bagh model is as much a challenge to familiar 'community leaders' as it was to the saffron extremists. The traditional Muslim leaders were losing control over their women and the 'kaum'. The traditionalists were deeply disconcerted that the Supreme Court-appointed interlocutors were engaging with the women at Shaheen Bagh, and not with them. Nor could the BJP leadership have been unaware that just a few miles across Shaheen Bagh in Yogi Adityanath's Uttar Pradesh the police force had been let loose on anti-CAA dissenters. Tales of excesses by the U.P. police against the Muslim community floated across the Yamuna, inducing doubts about the efficacy of a peaceful, silent Shaheen Bagh; but worse was the total absence of any institutional restraint on a vindictive regime in Lucknow. Neither the judiciary nor the political parties nor the media nor civil society was able to intervene effectively against a biased, rogue police force. There was anger — and, helplessness — in the Muslim 'street'. The traditional hotheads knew that Muslim lumpens and under-classes were on a short fuse. Two extremist factional impulses had a convergence: the coherence and solidarity of the Shaheen

DreamIAS
Learning made simple...

www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

Bagh model and its secular promise had to be undermined; the Constitution-waving crowd had to be dissolved into a mob. This convergence finally produced the explosion in Delhi over the weekend. The veterans of the 2002 Gujarat riots perhaps thought that they had a mastery over the art of choreographing street violence. The sly manipulators can take some comfort that finally the capital has witnessed a full-scale communal riot, first since the 1984 carnage against Sikhs; there must be considerable satisfaction in some quarters that we are back on the familiar Hindu-Muslim divide terrain, with an enticing prospect of a rich electoral dividend.

Defeating Sectarianism

But this is also precisely the moment to remind ourselves that this ugly denouement was inevitable, given the Modi regime's barely concealed commitment to dismantling the inclusive and pluralistic elements of the Nehruvian consensus. And, that is the challenge: are our constitutional institutions and instruments robust enough to roll back a 'this-land-belongs-to-the-Hindus-only' politics? A deeply divided society may reward a few practitioners of conspicuous bigotry but it becomes the sacred duty of all our democratic arrangements to defeat a sectarian regime and its perverse policies and priorities. The other day, a judge of the Supreme Court of India, Justice Deepak Gupta, came very close to identifying the crux of our — and our rulers' — dilemma. "Rule of majority is an integral part of democracy but majoritarianism is an anti-thesis of democracy," argued Justice Gupta. The judge reiterated the basic principle: a political party could possibly come to power, winning 51% of the popular vote, but that did not mean that the remaining 49% were to remain dis-empowered for the next five years. This simple truism should be obvious to one and all, yet it took a Justice Gupta to remind us that the Constitution of India imposes an inescapable obligation on every single office — from the President of India to the Prime Minister down to the lowly police constable — to work for the welfare of all citizens. It is this kind of clear-headedness that the Shaheen Bagh imagination had sought to re-kindle. The Shaheen Bagh protest is anchored in a hope and a belief that a democratic arrangement can find peaceful ways of addressing the grievances and anxieties of a minority. And, it would be an unmitigated tragedy for Indian democracy if the violence instigated in Delhi is used to delegitimise Shaheen Bagh's democratic potential and promise. Inshallah (National Security Adviser Ajit Doval permitting).

Delhi Riots

➔ The communal violence that has claimed 42 lives since Sunday has been subdued but tensions continue to simmer in Delhi. Stories of human courage and camaraderie that shone through amid orchestrated mayhem offer hope, but what rankles is the complete breakdown of governance from top to bottom in the national capital. Several credible accounts of horrendous acts of omission and commission by the Delhi police have emerged. Instead of taking the police to task and wringing them into action, the Central government and the Delhi Lieutenant-Governor have fielded the Solicitor General to shield them from judicial scrutiny. The Centre's position in the court that action cannot be taken against the Bharatiya Janata Party (BJP) leaders who made incendiary speeches until the police had perused all such speeches is analogous to arguing that one criminal cannot be probed unless all others are also probed — a bizarre logic. The Delhi High Court, which took up the matter with the urgency that the situation demands, incapacitated itself a day later as a different bench headed by the Chief Justice D.N. Patel put the case off to April 13. Meanwhile, Kapil Mishra,

one of the BJP leaders against whom police action was sought, called for a rally on Saturday, purportedly for peace but clearly intended to stoke the fire. The arguments of the country's law officer were a public admission of the government's refusal to act against members of the BJP. With such blatant partisanship and abdication of responsibility, the government cannot be expected to stop violence and restore communal peace. Meanwhile, the Delhi police have acted swiftly against Tahir Hussain, an Aam Aadmi Party (AAP) Councillor accused of involvement in murder and keeping sticks, stones and petrol mobs on the terrace of his house that was surrounded by a mob. The AAP has since suspended him from membership, and endorsed the police action against him. While the protests against the controversial Citizenship Amendment Act took a communal turn in several places, a counter-mobilisation also on communal lines has pushed the city to the brink in recent weeks. Right to assemble and protest is a fundamental right, but its exercise has to be in accordance with requirements of public order. It is the duty of the police to ensure that constitutional guarantees are upheld on the one hand, while, on the other, life and work goes on normally for the general population. The Central and Delhi governments, the police, and the judiciary have come up short against these markers of the rule of law. They are all facing a severe deficit of trust among the citizens. Peace and normalcy can be achieved only through restoration of the majesty and impartiality of the government. Unfortunately, there is no effort visible in that direction.

What Delhi Govt Can/Cannot Do

➔ Amid the violence that has rocked Delhi, a Union Territory, a key question being raised is whether or not the government of the National Capital Territory of Delhi can take any action to bring law and order under control. The answer is not a straightforward one, with many factors coming into play.

Can Any Official of The Delhi Government Request the Union Government to Deploy Armed Forces to Maintain Law and Order?

The NCT of Delhi, under Article 239 AA, has been given a special status, which gives powers of law-making and administration to an elected legislature and the council of ministers. The law, however, puts two subjects — public order and police — directly under the Union government. Even here, there are exceptions. Two sections of Criminal Procedure Code (CrPC) —129 & 130 — give the Executive Magistrate certain powers relating to "unlawful assembly". If a group is found in unlawful assembly under Section 129 CrPC, the Executive Magistrate can issue orders to these persons to disperse. If this fails, the magistrate can use the civil force — which is the police. If these efforts too fail, the Executive Magistrate, under Section 130 CrPC, can call an officer of the armed forces of the Union to disperse the assembly. This section states that it can be invoked for "public security". Therefore, under these two limited powers, the Executive Magistrate, who reports to the Chief Minister, can issue orders relating to public security.

How Does Section 130 CrPC Operate?

It has three sub-sections. The first sub-section states that if the civil force is not being able to disperse an unlawful assembly —"and if it is necessary for the public security that it should be dispersed" — then the Executive Magistrate of "the highest rank who is present may cause it to be dispersed by the armed forces". The officer of a Union armed force must

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

comply with a requisition made to him by the Executive Magistrate. However, Section 130 CrPC empowers the officer to decide, on his own, the manner in which the unlawful assembly has to be dispersed by forces under his command. The second sub-section under Section 130 reads: "Such Magistrate may require any officer in command of any group of persons belonging to the armed forces to disperse the assembly with the help of the armed forces under his command, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law". The third sub-section states that the armed forces shall only use a "little force". It states: "Every such officer of the armed forces shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons".

Does A Full-Fledged State Have More Powers to Call the Armed Forces?

While public order and police are under the state list, the state government may request the Union government to make available armed forces to help restore public order. Even in circumstances where public disorder is not so serious as to fall in the category of an "internal disturbance" as defined in Article 355 of the Constitution, the Union Government may accede to the request. However, it is important to note that except for the limited purpose of dispersing an "unlawful assembly" and arresting its members — for which Section 130 CrPC empowers the Executive Magistrate to requisition the aid of the Army — neither the state government nor any authority under it has been conferred by the Constitution any legal right to call the armed forces while dealing with a public disorder or "internal disturbance". Also, the Seventh Schedule of the Constitution — which deals with the subject of public order in the state list — states that use of the armed forces in the maintenance of public order is outside the purview of the states.

When was the Army called in during the 1984 anti-Sikh riots in Delhi?

P G Gavai, who was Delhi's Lt Governor when the anti-Sikh riots broke out in 1984 following Prime Minister Indira Gandhi's assassination, requested the government to deploy the Army. The Justice Ranganath Mishra Commission of Inquiry has found that there was a delay on the part of the Delhi administration (Lt Governor and Commissioner of Police) in calling the Army, though about 5,000 Army men were available by midnight of October 31, the day of the assassination. The Nanavati Commission too had agreed with the findings of the Justice Mishra Commission on the delay in calling the Army. Tarlochan Singh, who was press secretary to the President of India and deposed before the Nanavati Commission, submitted that the President had contacted the Lt Governor on the phone and had told him "to take all possible measures to prevent the riots" ; and that the President had also told him that "if the situation was so bad Army assistance should be called". Among those who deposed was I K Gujral (later Prime Minister of India), who said that on the morning of November 1, 1984, he had contacted Lt Governor Gavai and told him to call the Army and that the Lt Governor had replied that "if the Army is called, there would be panic". Major General J S Jamwal, who was the General Officer Commanding of Delhi Area, deposed that on November 1, 1984 at about 11 am, he received a message from the Chief of Army Staff that he should be ready if any request is received for help from civil authorities, after which he contacted Lt Governor Gavai and told him that if any help is required from the Army, he should be informed. He deposed

that the Army was deployed late in the evening of November 2 and it really became effective from November 3 in some areas.

A Test of Governance

➔ Communal violence in parts of Delhi, an earshot away from the nerve centre of the government of India, has claimed 13 lives and left over 150 injured. Mobs of pro-CAA demonstrators and anti-CAA protesters wielding sticks and weapons have taken over parts of the city and the Delhi police have proved themselves woefully inadequate at best and outrageously partisan and communal at worst, in responding to the situation. There was nothing abrupt or unexpected about the violence that erupted in the city's north-eastern parts on Monday. This has been in the making for weeks. There was arson and violence on December 16, in areas around the Jamia Milia Islamia, to which the police responded by indiscriminately unleashing violence on students inside the university. A group of masked rioters went from room to room in student hostels in JNU on January 5 and the police stood passively. Rioters clearly identified through pictures have not been arrested yet. The Delhi police did nothing when a gunman opened fire at anti-CAA protesters on January 30. This smouldering situation turned into conflagration by Sunday evening as mobs formed on communal lines prepared to take on each other. Both sides complain that calls were made to the police since Sunday but there was no effective intervention. As chaos and arson spread through Monday, Union Home Secretary Ajay Bhalla inexplicably characterised the situation as "fully under control". The inaction and inefficiency of the Delhi police is linked to varying grades of incitement and silent consent to communal mobilisation by the BJP that is in power at the Centre. Policing and law and order in Delhi are the responsibility of the Union Home Ministry. Speeches of Home Minister Amit Shah and Prime Minister Narendra Modi during the recent Assembly election campaign in Delhi were clearly meant to encourage communal polarisation. Lower rung leaders acted on cue and turned Delhi into a communal cauldron over recent months. Union Minister of State for Home G. Kishan Reddy's statement that the Delhi violence is a "conspiracy to shame India globally" during U.S. President Donald Trump's visit is beside the point. The unfailing efficiency claimed by those who control the Central and State governments in Delhi will be proven shallow if they cannot enforce elementary law and order right under their nose. Communal violence anytime, anywhere happens only due to the inefficiency or collusion or both of those in power. The Prime Minister and Delhi Chief Minister Arvind Kejriwal must prove their efficiency and administrative skills by clamping down on violence, whatever it takes.

Dual Citizenship

➔ The contentious Citizenship (Amendment) Act, 2019, has again triggered an ill-advised demand for dual citizenship to Tamil refugees from Sri Lanka. This refuses to leave public discourse despite the constitutional and legal position being clearly against the grant of dual citizenship per se. As on date, no Indian citizen holds the citizenship of any other country. Even when the Centre amended the Citizenship Act in 2003 to introduce the Overseas Citizens of India (OCI) scheme for sections of the Indian diaspora, all it provided was a limited version of 'dual citizenship' which came without political rights and with a bar on purchase of agricultural land. It would defy logic, then, to seek dual citizenship for those who are not Indian nationals. The Centre has consistently favoured voluntary repatriation of refugees to Sri Lanka. Given the possible effect on the demographic mix there, New Delhi, quite rightly,

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

is not in a mood to confer Indian citizenship on them. Although the Central and State governments do a lot to make the refugees' stay comfortable, most of them are regarded as illegal migrants, as they arrived with no valid travel documents. Early this month, the government told the Rajya Sabha that neither the Constitution nor the CAA permitted dual citizenship. This ought to put an end to the debate, which will otherwise create false expectations among the refugees. At the same time, given the need to treat the refugees in a humane manner and in the absence of a law on refugees, the Centre should stop seeing Sri Lankan refugees as "illegal migrants"; they entered India with the knowledge and approval of Indian authorities. As for those who wish to remain in India for studies or to earn a livelihood, the authorities should tweak the OCI Cardholder scheme or offer an exclusive long-term visa. By this, the stay of 95,000-odd refugees in Tamil Nadu will be regularised. As for those keen on returning home but are unable to do so for want of support from Sri Lanka, New Delhi should lean on Colombo to help enable their early return. Besides, the two countries should formulate a scheme of structured assistance to expedite voluntary repatriation, which is moving at a snail's pace even a decade after the civil war ended. These steps can lead to a lasting resolution of issues concerning those who have been in India for over 30 years.

The issues around data localisation (Rishab Bailey - fellow at the National Institute of Public Finance and Policy, New Delhi)

➔ Among the many important laws that were introduced in the winter session of the Lok Sabha was the Personal Data Protection (PDP) Bill, 2019. The Bill was referred to a joint parliamentary committee, which is currently engaged in a process of public consultation. The draft law is a comprehensive piece of legislation that seeks to give individuals greater control over how their personal data is collected, stored and used. Once passed, the law promises a huge improvement on current Indian privacy law, which is both inadequate and improperly enforced. The PDP Bill, however, is not without its flaws. It has attracted criticism on various grounds such as the exceptions created for the state, the limited checks imposed on state surveillance, and regarding various deficiencies in the structures and processes of the proposed Data Protection Authority.

Data Localisation in Draft Bill

One of the more contentious issues in the law Bill are the provisions pertaining to "data localisation". The phrase, which can refer to any restrictions on cross-border transfer of data (for instance, requirements to seek permission for transfer, the imposition of taxes for foreign transfers of data, etc.), has largely come to refer to the need to physically locate data within the country. The PDP Bill enables the transfer of personal data outside India, with the sub-category of sensitive personal data having to be mirrored in the country (i.e. a copy will have to be kept in the country). Data processing/collecting entities will however be barred from transferring critical personal data (a category that the government can notify at a subsequent stage) outside the country. These provisions have been changed from the earlier version of the draft Bill, released by the Justice Srikrishna Committee in 2018. The 2018 draft imposed more stringent measures that required both personal and sensitive personal data to be mirrored in the country (subject to different conditions). The move to liberalise the provisions in the 2019 version of the Bill is undoubtedly welcome, particularly for businesses and users. Liberalised requirements will limit costs to business and ensure users have

greater flexibility in choosing where to store their data. Prima facie, the changes in the 2019 draft reflect a more proportionate approach to the issue as they implement a tiered system for cross-border data transfer, ostensibly based on the sensitivity/vulnerability of the data. This seems in accord with the Supreme Court's dicta in the 2017 Puttaswamy case, where the Court had made it clear that an interference in the fundamental right to privacy would only be permissible if inter alia deemed necessary and proportionate. However, on closer examination it appears that even the revised law may not actually stand the test of proportionality.

Purpose of Localisation

There are broadly three sets of arguments advanced in favour of imposing stringent data localisation norms: Sovereignty and government functions; referring to the need to recognise Indian data as a resource to be used to further national interest (economically and strategically), and to enable enforcement of Indian law and state functions. The second claim is that economic benefits will accrue to local industry in terms of creating local infrastructure, employment and contributions to the AI ecosystem. Finally, regarding the protection of civil liberties, the argument is that local hosting of data will enhance its privacy and security by ensuring Indian law applies to the data and users can access local remedies. But if data protection was required for these purposes, it would make sense to ensure that local copies were retained of all the categories of personal data provided for in the Bill (as was the case with the previous draft of the law). In the alternative, sectoral obligations would also suffice (as is currently the case with sectors such as digital payments data, certain types of telecom data, government data, etc.).

Protecting User Privacy?

Security of data is determined more by the technical measures, skills, cybersecurity protocols, etc. put in place rather than its mere location. Localisation may make it easier for domestic surveillance over citizens. If privacy protection is the real consideration, individuals ought to be able to choose to store their data in any location which afford them the strongest privacy protections. Given the previously mentioned infirmities in the PDP Bill, it is arguable that data of Indians will continue to be more secure if stored and processed in the European Union or California (two jurisdictions which have strong data protection laws and advanced technical ecosystems). In the circumstances, it becomes important for the joint parliamentary committee currently examining the Bill to conduct a more in-depth evaluation of the localisation provisions in the law. The joint parliamentary committee ought to, ideally, identify the need, purpose and practicality of putting in place even the (relatively liberal) measures contained in the PDP Bill. Further, in order for localisation-related norms to bear fruit, either in terms of protecting citizen rights, enabling law enforcement access to data or enabling development of the local economy, there has to be broader thinking at the policy level. This may include for instance, reforming surveillance related laws, entering into more detailed and up-to-date mutual legal assistance treaties, enabling the development of sufficient digital infrastructure, and creating appropriate data-sharing policies that preserve privacy and other third-party rights, while enabling data to be used for socially useful purposes.

Shatabdi Tower, Sakchi, Jamshedpur

Bodo Accord and Rifts

➔ The Ministry of Home Affairs, Assam government and Bodo groups including the All Bodo Students' Union and militant outfits signed an agreement on January 27, New Delhi's third attempt at conflict resolution after the 1993 and 2003 accords. The new deal offers more hope than the earlier accords; some of the most potent factions of the National Democratic Front of Boroland that had stayed away from earlier agreements are now on board. More significantly, the stakeholders have agreed that the updated political arrangements would remain confined to the realm of wider autonomy within the State of Assam, giving statehood and Union Territory demands a final burial.

Is All Well with The Peace Accord?

The third peace accord with the Bodos threatens to intensify the sociopolitical contestation among groups in the State not just in the expanded area, which will be renamed as Bodoland Territorial Region, but also regions where the so-called Scheduled Hill Tribes reside in large numbers. While greater contiguity of Bodo-populated areas would aid more efficient governance in the Sixth Schedule administrative unit, it has deepened insecurity among other groups such as Koch Rajbongshis, Adivasis and Muslims in the existing Bodoland Territorial Area Districts of Kokrajhar, Chirang, Baksa and Udalguri. The local Kokrajhar MP, a non-Bodo, has appealed to the government to ensure that a Bodo solution does not engender a non-Bodo problem. The Bodoland Peoples Front, which has dominated the Bodoland Territorial Council (BTC) since inception in 2003, is also not pleased with newer claimants to power in the council elections due soon. BTC chief Hagrama Mohilary, himself a former Bodo Liberation Tigers militant, has threatened to reject the accord and refused to use BTR as part of the new vocabulary. There are also rumblings elsewhere. The agreement stipulates that Bodos living in the hill areas outside the BTAD will be conferred Scheduled Tribe (Hills) status, something that has not gone down well with tribes such as the Karbis.

Why Are the Hill Tribes Up in Arms?

In Assam, there are as many as 14 recognised plains tribe communities, 15 hill tribe communities and 16 Scheduled Caste communities. The plains tribes are Barmans in Cachar, Bodos, Deoris, Hojais, Kacharis, Sonowals, Lalungs, Mechs, Misings, Rabhas, Dimasas, Singphos, Khamtis and Garos. The ST (Hills) status is primarily reserved for tribes residing in the two autonomous hill districts of Karbi Anglong and Dima Hasao, where the Karbis and Dimasas are the most dominant in their respective areas. At present, while 16 seats are reserved for STs in the 126-member Assam Assembly, two are reserved for existing tribes in the 14 Lok Sabha seats of the State. Students' bodies of the hill districts, chiefly the Karbi Students' Association and the Dimasa Students' Union, have risen in unison against the Centre's assurance of granting ST (Hills) status to the Bodos living in the hill areas. Militant group Karbi Longri and North Cachar Hills Liberation Front (KLNLF), which signed a ceasefire with the Centre in 2009, has also opposed the move saying it would adversely impact the "identity of the Karbis". While political configurations at the State level will not be largely altered because of the measure in the five Assembly seats of the hill districts, elections to the local autonomous tribal councils in Karbi Anglong and Dima Hasao, which also enjoy Sixth Schedule protections, could witness realignments. The Karbi Anglong Autonomous Council, which has 26 seats, is due for elections in 2022. The Dima Hasao Autonomous District Council

has 30 seats. The Karbis comprise over 46% of the population in the KAAC area and the Dimasas around 35% in the DHADC.

Will It Have A Ripple Effect?

Other insurgent groups at the talks table with the Centre, including the KLNLF, have taken note of the Bodo pact and are likely to push for similarly generous terms. The pot is likely to be stirred further in Assam if the plan to accord ST status to six communities from the State — Tai Ahom, Koch Rajbongshi, Sootea, Moran, Matak and 36 different Adivasi groups clubbed together as 'Tea Tribes' — gets the final nod. The communities are estimated to make up almost 27% of Assam's population. The impending Naga peace accord, in the works in its latest iteration since 2015, could also spur a demand for territorial and administrative rights in the Naga territories of Manipur even as the dominant Meiteis of the valley push their own agenda of inclusion in the ST category.

More Psychological Than an Empowering Voter Option (Atanu Biswas - Professor of Statistics, Indian Statistical Institute, Kolkata)

➜ The recently-concluded Delhi Assembly elections were the 45th Assembly polls since the inception of the none of the above (NOTA) option in 2013. Delhi has now provided data from five elections with the NOTA option: three Assembly (2013, 2015, 2020), and two Lok Sabha (2014, 2019); no other state has yielded this yet. And Delhi, although mostly urban, is widely regarded as the microcosm of India. However, Delhi's preference to NOTA is less than the national average. From 0.63% in 2013, Delhi polled 0.39% of those favouring NOTA in 2015, a statistically significant reduction indeed. It now increased to 0.46% in 2020; again, statistically significant. While 96% of the constituencies had a reduced percentage of NOTA votes in 2015 than 2013, the NOTA percentage has increased in 71% constituencies this year. In the Lok Sabha elections, Delhi polled 0.47% and 0.52% of those favouring NOTA, in 2014 and 2019, respectively. Thus, roughly one in 200 voters of Delhi opted for NOTA in the last six to seven years, with relatively larger support for NOTA in reserved constituencies. Interestingly, in the 2017 Gujarat Assembly elections, despite being 1.8%, NOTA got more votes than any political party other than the Indian National Congress and the Bharatiya Janata Party (except the Independents). Again, in the 2019 Maharashtra Assembly election, NOTA became a runner-up in two constituencies — Latur (Rural) and Palus-Kadegaon. Do these cases mark any significant shift in the voter mindset?

Its Essence

In 2013, India became the 14th country to institute negative voting through NOTA. However, it is not a "right to reject". NOTA in India is a toothless option;, former Chief Election Commissioner of India S.Y. Quraishi, had observed in an article: "Even if there are 99 NOTA votes out of a total of 100, and candidate X gets just one vote, X is the winner, having obtained the only valid vote. The rest will be treated as invalid or 'no votes." NOTA enfeebles the electorate as it does not empower to "select" either. Certainly, NOTA provides democratic means to express resentment anonymously rather than boycotting the polls outright. In 2018, a former CEC, T.S. Krishnamurthy, has recommended holding elections again in those constituencies where the victory margin is less than the total numbers of NOTA. A PIL has been filed in Madras High Court seeking the full right to reject in place of NOTA. In June 2018, the _Maharashtra State Election Commission (SEC)_ issued an order that said: "If it is noticed

while counting that NOTA has received the highest number of valid votes, the said election for that particular seat shall be countermanded and a fresh election shall be held for such a post." In November 2018, the *SEC of Haryana* went a step further and issued an order where NOTA is treated like a "fictional candidate" in municipal polls from December 2018. If NOTA gets maximum vote, none of the "real" candidates will be declared elected, and the elections will be cancelled and held afresh. What is more, the candidates securing votes less than NOTA would be barred from contesting in that re-election. Interestingly, in Makassar, Indonesia, the only candidate in the 2018 election for mayor received 35,000 less votes than NOTA, which forced a repeat election in 2020. While introducing NOTA, the Supreme Court anticipated that "there will be a systemic change and the political parties will be forced to accept the will of the people and field candidates who are known for their integrity." Thus, its percentage should either increase to enforce the political parties to field candidates with "integrity", or NOTA percentage should consistently decrease if the electorates feel that the system has achieved the desired level of cleansing. In contrast, the share of NOTA votes in India remained around a meagre level of 1% on an average; 1.11% in the 2014 Lok Sabha, and 1.08% in 2019, if we consider constituency-wise averages. This perhaps represents a confused state of mind of the electorate. Has the perceived cynicism of Indian voters regarding the right to reject been exaggerated? What would happen if the ECI empowers NOTA with teeth, for example candidates securing lesser votes than NOTA (and possibly the political party concerned also) are barred from contesting in the next election from that constituency?

Another 'Option'

Is NOTA, as the last button of all EVMs in the country, a psychological issue as far as the electorates is concerned? Delbert A. Taebel, in a seminal article in the American Journal of Political Science in 1975, and Jonathan G.S. Koppell and Jennifer A. Steen, in their 2004 article in The Journal of Politics, have discussed the possible advantage of the first position in the ballot, at least in the U.S. context. Although there is no such concrete study to gauge the Indian voter's mindset that I know, I wonder whether using NOTB ('none of the below') instead of NOTA — with such an option as the first on the electronic voting machine — might produce a significantly different outcome or not. An experiment, after changing the rule suitably, can be attempted, at least.

Debating Water Quality (Nikhilesh Jha - Former Mission Director, National Water Mission)

➔ A significant outcome of the controversy surrounding the Bureau of Indian Standards (BIS) report of November 2019 on drinking water status is that the issue of water quality has got politically prioritised. The fact that water should be treated as an urgent concern for public health and the ecosystem of the country cannot be denied. The threats to human health due to poor water quality, except when they appear as an epidemic, are largely imperceptible. This generally subjects the population to subtle health problems without its knowledge or consent. The controversy started with the release of the BIS report for 21 major Indian cities, in keeping with the objectives of the 'Jal Jeevan Mission', which *aims to provide safe piped water to all households by 2024*. The study is scheduled to cover all districts in the country within a year. Supply of potable water obviously requires first compilation of information on the existing status. The fact that drinking water in Delhi was ranked the most unsafe, as the samples failed in 19 out of 28 parameters, was challenged by the Government of Delhi and

![DreamIAS Logo] DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

the Delhi Jal Board (DJB). India is on the throes of a severe water crisis, not only because of a gradual reduction in per capita availability of water due to a rising population, but also because of rising and unchecked pollution in the country's rivers and water bodies, a fact which is mostly overlooked in the deliberations on water resources management. As per published estimates of the Central Pollution Control Board, the country has a treatment capacity of only about 30% of sewage generated in the major cities, not to talk of other urban and rural areas where the sewage finds its way to local water bodies or rivers without treatment.

Impending Water Stress

A 2018 Report of the NITI Aayog has observed that currently 600 million Indians face high to extreme water stress and about two lakh people die every year due to inadequate access to safe water. The crisis is only going to get worse. By 2030, the country's water demand is projected to be twice the available supply, implying severe water scarcity for hundreds of millions of people. In Delhi, according to the Census 2011 data, there are about 33.41 lakh households of which 27.16 lakh households, i.e., 81.30%, are provided water through a piped supply system. However, only 75.20% of the households are supplied treated water. The treatment method is conventional — involving sedimentation, filtration and disinfection through chlorine and chloramine — whose effect is contingent upon the overall quality of water. For the water coming from the Yamuna released from Haryana, the DJB has to often stop the supply for a few days if the concentration of methane goes up beyond a certain level. This is because the tri-chloromethane that may be produced during the disinfection process is highly carcinogenic. The effect may surface on human health not immediately, but over a period of time.

The Capital's High Pollutant Load

Moreover, Delhi, which constitutes less than 1% of the total catchment of the Yamuna, contributes more than 50% of total pollutant load in the river, discharged over the 22 km-stretch between the Wazirabad and Okhla barrages. Delhi has 7,000 km of sewer line as on date, against a requirement of 24,000 km. The 17 sewage treatment plants being operated by the DJB are able to take care of not more than 30% of sewage treatment. There is no sewerage system at all for over 45% of the population in unauthorised and even regularised colonies and rural areas. As of now, there are 18 major drains carrying sewage, garbage and industrial effluents into the Yamuna. It is not only the untreated sewage water and industrial effluents, but also the solid wastes and construction material discharged by individuals, companies and municipal bodies that have caused the suffocation of the Yamuna. Also, floodplains have been encroached upon by settlements. Hence, ensuring supply of quality drinking water is not only expensive, it also needs improvement in governance. It needs technical knowledge on measurement and regulation of water quality. It is not the fault of the DJB or the Delhi government alone that they have not been able to ensure 100% supply of quality water to the citizens of Delhi, considering the constraints they face, especially those concerning the water resources management and laws in the country. We must appreciate that the Jal Jeevan Mission, even if it has not been so far structured, conceptualised and funded adequately, has begun the important work of gathering information on the scale and scope of the problem and making it available in an open and transparent manner. The best outcome is that the competitive politics of the Delhi election has ensured a political debate on water quality.

Shatabdi Tower, Sakchi, Jamshedpur

State Lethargy Amidst Cough Syrup Poisoning (Dinesh Thakur - Public Health Activist and Was the Whistle-blower in The Ranbaxy Case)

➔ A few days ago, we learnt that 12 children died in Udhampur district of Jammu due to poisoned cough syrup (Coldbest-PC). More are fighting for their life in a hospital. A team of doctors at the Post Graduate Institute of Medical Education & Research, Chandigarh, attributed the deaths to the presence of *diethylene glycol* in the cough syrup which was consumed by all the dead children. Diethylene glycol is an anti-freezing agent that causes acute renal failure in the human body followed by paralysis, breathing difficulties and ultimately death. This is the fourth mass glycol poisoning event in India that has been caused due to a pharmaceutical drug. In 1973, there was a similar incident at the Children's Hospital, Egmore in Chennai that caused the deaths of 14 children. In 1986, similar poisoning at Mumbai's J.J. Hospital caused the deaths of 14 patients who were otherwise on the path to recovery. In 1998, 33 children died in two hospitals located in New Delhi due to similar poisoning. In all three cases, the manufacturer of the suspect cough syrup, due to negligence or human error, failed to detect and contain the level of diethylene glycol in the syrup, thereby causing poisoning of the patients who consumed it.

Tracking the Sold Bottles

There will be plenty of time later to ascertain the cause and prosecute the guilty but the immediate concern for doctors, pharmacists and the drug regulators should be to prevent any more deaths. The only way to do so is to account for each and every bottle of the poisoned syrup that has ever been sold in the Indian market and stop patients from consuming this drug any further. Any patient who has consumed even a spoon of the syrup should then immediately be referred to a hospital for treatment. According to the information available on the website of the United States Food and Drug Administration (USFDA), in 1937, when the United States faced a similar situation with glycol poisoning, its entire field force of 239 inspectors and chemists were assigned to the task of tracking down every single bottle of the drug. Even if a patient claimed to have thrown out the bottle, the investigators scoured the street until they found the discarded bottle. This effort was accompanied by a publicity blitz over radio and television. We do not see such public health measures being undertaken here; authorities are simply not communicating the seriousness of the issue to the general public. At most, the authorities in Himachal Pradesh (H.P.), who are responsible for oversight of the manufacturer of this syrup, have made general statements that they have ordered the withdrawal of the drug from all the other States where it was marketed. However, there is no transparency in the recall process and information about recalls and batch numbers is not being communicated through authoritative channels. There is no public announcement by the Drug Controller General of India (DCGI), which is responsible for overall regulation of the entire Indian market. The suspect product, although manufactured in H.P., has been sold across the country. The website of the DCGI, which is supposed to communicate drug alerts and product recalls, has no mention of Coldbest-PC as being dangerous as of this writing.

Need for A Recall Policy

One of the key reasons why the DCGI and state drug authorities have been so sloppy is because unlike other countries, India has not notified any binding guidelines or rules on recalling dangerous drugs from the market. The 59th report of the Parliamentary Standing Committee on Health as well as the World Health Organization (in its national regulatory assessment) had warned the DCGI on the lack of a national recall framework in India. A set of recall guidelines was drafted in 2012 but never notified into law. While a national recall of this adulterated medicine is the immediate need, the administration also needs to quickly identify which other pharmaceutical companies have received the spurious ingredient that was supplied to the manufacturer in H.P. from a trader in Chennai. It is very likely that the trader in question marketed the same ingredient to other pharmaceutical companies, who, like the manufacturer at the centre of the present scandal, may have failed to test it for its identity and purity. It is important for regulatory enforcement to raid and seize the records of the trader in Chennai and verify its sales. As of today, we have little to no information on whether any of this is happening. The lackadaisical response of drug regulators in India is not surprising. It is the result of a larger lethargy and arrogance that is emblematic of the babudom which is responsible for keeping us safe from unethical practices of pharmaceutical companies.

Authority to Protect Consumer

➔ Union Minister of Consumer Affairs, Food and Public Distribution Ram Vilas Paswan announced that a Central Consumer Protection Authority (CCPA) will be established by the first week of April. This was after the Minister held consultations with industry representatives about the role and functioning of a proposed CCPA.

What Is the Central Consumer Protection Authority?

The authority is being constituted under Section 10(1) of The Consumer Protection Act, 2019. The Act replaced The Consumer Protection Act, 1986, and seeks to widen its scope in addressing consumer concerns. The new Act recognises offences such as providing false information regarding the quality or quantity of a good or service, and misleading advertisement. It also specifies action to be taken if goods and services are found "dangerous, hazardous or unsafe". The CCPA, introduced in the new Act, aims to protect the rights of the consumer by cracking down on unfair trade practices, and false and misleading advertisements that are detrimental to the interests of the public and consumers. The CCPA will have the powers to inquire or investigate into matters relating to violations of consumer rights or unfair trade practices suo motu, or on a complaint received, or on a direction from the central government. Sources said the Ministry of Consumer Affairs, Food and Public Distribution is in the process of finalising the rules relating to the composition and functioning of the CCPA, and these are expected to be notified by April.

What Can the Possible Structure of CCPA Be?

Sources said the proposed authority will be a lean body with a Chief Commissioner as head, and only two other commissioners as members — one of whom will deal with matters relating to goods while the other will look into cases relating to services. It will be headquartered in the National Capital Region of Delhi but the central government may set up regional offices in other parts of the country. The CCPA will have an Investigation Wing

Shatabdi Tower, Sakchi, Jamshedpur

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

that will be headed by a Director General. District Collectors too, will have the power to investigate complaints of violations of consumer rights, unfair trade practices, and false or misleading advertisements.

What Kind of Goods, And Food Items in Particular, Can Be Classified As "Dangerous, Hazardous or Unsafe"?

This is not specified in the notification of the Act. Regarding food, an official said the CCPA will ensure that all standards on packaged food items set by regulators such as the Food Safety and Standards Authority of India (FSSAI) are being followed.

What Will the CCPA Do If Any Goods or Services Are Found Not Meeting These Standards?

Under Section 20 of The Consumer Protection Act, the proposed authority will have powers to recall goods or withdrawal of services that are "dangerous, hazardous or unsafe; pass an order for refund the prices of goods or services so recalled to purchasers of such goods or services; and discontinuation of practices which are unfair and prejudicial to consumer's interest". For manufacture, selling, storage, distribution, or import of adulterated products, the penalties are:

❖ If injury is not caused to a consumer, fine up to ₹1 lakh with imprisonment up to six months;
❖ If injury is caused, fine up to ₹3 lakh with imprisonment up to one year;
❖ If grievous hurt is caused, fine up to ₹5 lakh with imprisonment up to 7 years;
❖ In case of death, fine of ₹10 lakh or more with a minimum imprisonment of 7 years, extendable to imprisonment for life.

How Will It Deal with False or Misleading Advertisements?

Section 21 of the new Act defines the powers given to the CCPA to crack down on false or misleading advertisements. According to these provisions, if the CCPA is satisfied after investigation that any advertisement is false or misleading and is harmful to the interest of any consumer, or is in contravention of consumer rights, the CCPA may issue directions to the trader, manufacturer, endorser, advertiser, or publisher to discontinue such an advertisement, or modify it in a manner specified by the authority, within a given time. The authority may also impose a penalty up to ₹10 lakh, with imprisonment up to two years, on the manufacturer or endorser of false and misleading advertisements. The penalty may go up to ₹50 lakh, with imprisonment up to five years, for every subsequent offence committed by the same manufacturer or endorser. CCPA may ban the endorser of a false or misleading advertisement from making endorsement of any products or services in the future, for a period that may extend to one year. The ban may extend up to three years in every subsequent violation of the Act.

What Other Powers Will the CCPA Have?

While conducting an investigation after preliminary inquiry, officers of the CCPA's Investigation Wing will have the powers to enter any premise and search for any document or article, and to seize these. For search and seizure, the CCPA will have similar powers given under the provisions of The Code of Criminal Procedure, 1973. The CCPA can file complaints

Shatabdi Tower, Sakchi, Jamshedpur

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

of violation of consumer rights or unfair trade practices before the District Consumer Disputes Redressal Commission, State Consumer Disputes Redressal Commission, and the National Consumer Disputes Redressal Commission. It will issue safety notices to alert consumers against dangerous or hazardous or unsafe goods or services.

Why Army Doesn't Want Police, Paramilitary Forces Copying Its 'Combat' Uniform

➔ The Army has asked the Ministries of Defence and Home Affairs to issue guidelines to ensure that state police forces and Central Armed Police Forces (CAPF) do not wear the 'disruptive pattern' uniform, commonly referred to as 'combat uniform', while on law and order duties such as mob control and anti-riot measures.

Why Has the Army Sought These Guidelines?

On February 23, following violent clashes between pro- and anti-CAA groups in Northeast Delhi's Jafrabad, pictures emerged of security forces personnel wearing combat pattern uniforms closely resembling that of the Indian Army's, being deployed in the area. As the pictures and videos went viral on social media — some were posted on Twitter by the news agency ANI — word spread that the Army had been called out in the area. That evening, ANI, quoting "Indian Army sources", tweeted that the Army would "take action against state police forces and private security agencies wearing military camouflage uniform", because "there are policy guidelines which prohibit paramilitary and state police forces from wearing uniforms donned by the military". (Some users on social media had pointed out that security guards at Delhi's Jamia Millia Islamia too, wore Army pattern uniforms.) The following day, the Army issued a statement on its official Twitter handle clarifying that it "wasn't deployed for Internal Security Duties". The Army also wrote formally to the government, saying "combat dress should not be worn" by paramilitary forces "while being employed to handle law & order situations as also while being deployed in urban areas affected by terrorism, as the surroundings do not demand such a requirement". The Army said that "use of distinctly different (both in colour and pattern) disruptive dress by CAPFs and State Police forces should be restricted only to employment in jungle terrain in Left Wing Extremism affected areas". Also, the "sale of Army pattern clothes in the open market needs to be regulated".

Has the Army Expressed These Concerns Earlier?

Yes. The Army has made this request repeatedly over the past several years, as more and more CAPF and state police forces personnel have begun to wear the combat pattern uniform during riot-control duties. Some CAPFs have even copied routine uniform items of the Army's senior ranks such as stars on collar tabs. While the patterns on the uniforms have sometimes been slightly different from the Army's, the Army has argued that the average citizen is unable to distinguish between them — and an erroneous impression is created that the Army has been deployed. The issue was discussed in the government in 2004, 2012, 2013, and 2015 — to no avail. In 2016, Army personnel conducting flag marches in Haryana during the Jat agitation were forced to carry signs saying 'ARMY' in bold letters to announce their presence. That same year, after terrorists wearing combat pattern uniforms attacked the Pathankot air base, the Army issued directions in the border areas of Punjab and Jammu and Kashmir saying it was illegal to sell such patterned cloth in markets.

What Are the Rules on Wearing Such Uniforms?

Section 171 of the Indian Penal Code, 1860 ("Wearing garb or carrying token used by public servant with fraudulent intent") says: "Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both." Also, Section 21 of The Private Security Agencies (Regulation) Act, 2005 ("Penalty for unauthorised use of certain uniforms") says: "If any private security guard or supervisor wears the uniform of the Army, Air Force, Navy or any other armed forces of the Union or Police or any dress having the appearance or bearing any of the distinctive marks of that uniform, he and the proprietor of the private security agency shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees, or with both."

When Did the Army Adopt the Combat Uniform?

Before 1947, the Indian Army had only one type of khaki uniform. Independent India adopted as the Army's uniform the olive green that its soldiers fighting in the jungles of the Northeast and Burma during World War II wore. Disruptive pattern 'combat' uniforms — worn by the German Waffen-SS and Luftwaffe in the War's European theatre and by US Marines in the Pacific theatre — were introduced in the Indian Army in the late eighties, when the Indian Peacekeeping Force went to fight the Liberation Tigers of Tamil Eelam (LTTE) in the jungles of northern Sri Lanka. The pattern of the camouflage was revised in 2005, when Gen J J Singh was the Army Chief. Gen Singh also introduced a watermark on the uniform in the shape of the Army emblem of crossed swords, and the words 'Indian Army', in a bid to discourage police forces from copying it.

How to Unify Defence Resources?

➔ Chief of Defence Staff (CDS) General Bipin Rawat said his office is working on a tentative timeline for the establishment of joint commands among the three defence services — Army, Navy and Air Force — beginning with an Air Defence Command. With the creation of the CDS post on December 31, the government has set the ball rolling for bringing jointness and integration among the services.

What Are Joint Commands?

Simply put, it is a unified command in which the resources of all the services are unified under a single commander looking at a geographical theatre. It means that a single military commander, as per the requirements, will have the resources of the Army, the Navy and the Air Force to manage a security threat. The commander of a joint command will have the freedom to train and equip his command as per the objective, and will have logistics of all the services at his beckoning. The three services will retain their independent identities as well. There are two tri-services commands at the moment. The joint command at the moment, the Andaman and Nicobar Command (ANC), is a theatre command, which is headed by the chiefs of the three services in rotation. It was created in 2001 after a Group of Ministers had given a report on national security following the Kargil War. The Strategic Forces Command was established in 2006 and is a functional tri-services command.

Shatabdi Tower, Sakchi, Jamshedpur

What Is the Structure Right Now?

There are 17 commands, divided among the three services. The Army and the Air Force have seven commands each, while the Navy has three commands. The commands under the Army are Northern, Southern, Eastern, Western, Central, Southwestern and the Army Training Command. The Air Force has Eastern, Western, Southern, Southwestern, Central, Maintenance and Training commands, and the Navy is divided into Western, Eastern and Southern commands. These commands report to their respective services, and are headed by three-star officers. Though these commands are in the same regions, but they are no located together.

How Do Joint Commands Help?

One of the main advantages is that the leader of a unified command has control over more varied resources, compared to the heads of the commands under the services now. For instance, the head of one of the proposed commands, Air Defence Command, will have under him naval and Army resources, too, which can be used as per the threat perception. And the officer commanding the Pakistan or China border will have access to the Air Force's fighter jets and can use them if needed. Rawat clarified, however, that not all naval resources will be given to the Air Defence Command, nor will all resources of the Air Force come under another proposed command, Peninsula Command, for the coasts. The Peninsula Command would give the Navy Chief freedom to look at the larger perspective in the entire Indian Ocean Region in which China's presence is steadily increasing. The other key advantage is that through such integration and jointness the three forces will be able to avoid duplication of resources. The resources available under each service will be available to other services too. The services will get to know one another better, strengthening cohesion in the defence establishment.

When Will the New Commands Be Ready?

CDS Rawat has said a study for a proposed Air Defence Command has already been initiated and a report on the details of the command are expected by end of March. He said the Air Defence Command should start becoming operational by the end of this year, and the Peninsula Command by the end of 2021, followed by theatre commands — joint commands looking at the land boundaries — with the first of these to begin rolling out by the end of 2022. Army chief General M M Naravane is not as optimistic about the timeline for the theatre commands, and said that the idea is still at a "very preliminary" stage, and added that at the moment it is "just very loud thinking". He said the rollout of the theatre commands will take "much longer".

How Many Such Commands Are Expected to Roll Out?

While the number of commands India needs is still being studied, the CDS has envisaged that there could be between six to nine commands. It is not certain how many land-based theatres commands on the borders will come up. The CDS said it will be studied, and the study group will be given the options for creating two to five theatre commands. One possibility is to have single commands looking at the China and Pakistan borders respectively, as they are the two major threats. The other option is to have a separate command for the border in the Jammu and Kashmir region, and another command looking at the rest of the western border. There could be independent commands looking at the

Shatabdi Tower, Sakchi, Jamshedpur

![DreamIAS Logo] DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

border with China which is divided by Nepal. There will be two functional commands as well. A proposed Logistics Command will bring the logistics of all the service under one person, and the CDS is also looking at a Training and Doctrine Command, so that all services work under a common doctrine and have some basic common training. A committee headed by Lieutenant General D B Shekatkar had earlier recommended three new commands: Northern, for China; Western, for the Pakistan border' and Southern, for maritime security.

Do Militaries of Other Countries Have Such Commands?

Several major militaries are divided into integrated theatre commands. China's People's Liberation Army has five theatre commands: Eastern, Western, Northern, Southern and Central. Its Western Theatre Command is responsible for India. The US Armed Forces has 11 unified commands, of which seven are geographic and four functional commands. Its geographic commands are Africa, Central, European, Indo-Pacific, Northern, Southern and Space. Cyber, Special Operations, Transportation and Strategic are its functional commands. Rawat has said India will not follow any country and find its own structure for the unified commands.

Limits of Funding

➜ That research and development in India is inadequate, in terms of money, personnel and ambition, isn't news. The founders of independent India sought to base its development on science and technology. To this end, even at the expense of universal, free primary education, the country privileged esoteric research such as atomic energy and space over industrial technology, and tertiary research institutions — the IITs — over the spread of technical education in local languages. As a strategy with successes and setbacks, this also saw, as historians have noted, Indian R&D remain beholden to the government. Publicly-funded research has always been encouraged to reinvent the wheel and customise technology to Indian realities, whereas private companies and industrial firms have rarely been incentivised to develop their own intellectual property. It is only after the turn of the millennium that policymakers have pondered on coaxing the private sector to invest more in R&D. Public institutions contribute the lion's share of R&D investment. In 2004-05, the private sector accounted for 28% of research spend; it was 40% in 2016-17. In most advanced economies, private R&D accounts for the bulk of investment in R&D. Moreover, relative to its income, India underspends on R&D compared to what the U.S. and China did when it had income levels comparable to India's now. Given this history, the Department of Science and Technology is mooting a fund that will match the private contributions in R&D. A ₹40-crore target is on the anvil and the idea is that the private sector — Indian firms and foreign companies with Indian subsidiaries — would fund scientists in key academic institutions. This is not the first time that the government has tried to get private sector money into R&D. When 'Startup India' and 'Make in India' were the buzzwords in the early years of the Modi government, there were attempts to have venture capitalists and government departments involved in scientific research, to pool money and invest in technology start-ups. But, unfortunately, this has not resulted in investment in creating intellectual property. Too much of India's research investment is expended on a small pool of scientists in a limited number of institutions. The private sector has extremely limited capacity to absorb scientists and a limited risk-appetite to invest in futuristic technology. Private research funding is also boosted more by partnerships among companies rather than by centrally-funded research

programmes. While private funding is increasing, it still has not reached a level where major central funding can make a significant impact. Many CSIR laboratories have had a long history of collaborating with companies to develop and transfer technology to industry, but here too, restrictions on how intellectual property and licence fees can be shared abound. Unless there is greater participation and cooperation at smaller levels among companies and government, central schemes may not be fruitful.

No Country Is Doing Enough to Protect Children's Health

➔ No single country is adequately protecting children's health, their environment and their future, according to a recently released report by a Commission of more than 40 child and adolescent health experts from around the world. The Commission was convened by the World Health Organization (WHO), UNICEF and The Lancet. The report, titled A Future for the World's Children? finds that the health and future of every child and adolescent worldwide is under immediate threat from ecological degradation, climate change and exploitative marketing practices that push heavily processed fast food, sugary drinks, alcohol and tobacco at them. The index shows that children in Norway, the Republic of Korea and the Netherlands have the best chance at survival and well-being, while children in the Central African Republic, Chad, Somalia, Niger and Mali face the worst odds. In the report assessing the capacity of 180 countries, India stands 77th (sustainability index) and is at 131st position on a ranking that measures the best chance at survival and well-being for children. The report says although India has improved in health and sanitation, it has to increase its spending on health. It also cautions that globally, the number of children and adolescents who are obese has increased from 11 million in 1975 to 124 million in 2016 — an 11-fold increase. The only countries on track to beat the CO2 emission targets by 2030, while also performing fairly (within the top 70) on child flourishing measures are: Albania, Armenia, Grenada, Jordan, Moldova, Sri Lanka, Tunisia, Uruguay and Vietnam. 250 million children under five in low- and middle-income countries are at risk of not reaching their developmental potential. Moreover, every child worldwide now faces existential threats from climate change and commercial pressures. While the poorest countries need to do more to ensure healthy lives for children, carbon emissions — disproportionately from wealthier countries — threaten the future of all children, states the report. "This report shows that the world's decision makers are, too often, failing today's children and youth: failing to protect their health, failing to protect their rights and failing to protect their planet," said Dr. Tedros Adhanom Ghebreyesus, Director-General, WHO.

Rushikulya Rookery All Set to Welcome Turtles

➔ Preparations are almost done at the Rushikulya rookery on the Odisha coast to welcome and protect olive ridley turtles during mass nesting, likely to begin in a week. Eggs from sporadic nesting that has been going on for the past two months, which were incubated at artificial hatcheries of the forest department, have also started to hatch. To provide security to mother turtles as well as the eggs from human and predator intervention, the forest department is erecting an over 5-km-long fence of metal net from Gokharkuda to Bateswar. This stretch is the most preferred location for mass nesting in the Rushikulya rookery. The forest officials have already completed two to three rounds of awareness drive at all villages near the rookery. Thousands of mother turtles are waiting in the sea near the coast where fishing in mechanised boats, including trawlers, has been banned. The forest department officials are

also patrolling the region in two trawlers, two speed boats and a country boat. In February, a fishing trawler from Andhra Pradesh was seized as it had illegally entered the restricted zone. The whole stretch of the nesting beach has been cleaned four times in February. Debris and plastic waste, like pieces of fishing net, are being removed with the help of locals. There will be regular monitoring of the beach. The department has set up 11 onshore camps. Personnel at these camps regularly document beach condition, inform about the debris deposited by the sea, prevent entry of predators like stray dogs and search for turtle carcasses.

Highway Threatens Tiger Territory in Arunachal Pradesh

➔ After cutting through the Namdapha National Park, India's easternmost tiger reserve, a new highway project has been cleared through yet another big cat reserve in Arunachal Pradesh. Documents received in response to an RTI inquiry by Seijosa-based green activist Tana Jorjo Tara reveal that the BJP government in the State plans to build a 692.7 km highway through the 862 sq. km Pakke Tiger Reserve (PTR) in East Kameng district. The administrative office of the PTR is in Seijosa, a sub-divisional headquarters situated by the Pakhui or Pakke River. Named the East-West Industrial Corridor, the highway aims to connect Bhairabhunda in West Kameng district and Manmao in Changlang district along Arunachal Pradesh's border with Assam. The project makes no mention of compensation for people likely to be displaced. What has set alarm bells ringing for environmentalists is a 40-km elevated stretch through the heart of the PTR as advised by a Gujarat-based firm. A high-powered committee, headed the State Assembly Speaker P.D. Sona, had on February 5 approved the detailed project report for the elevated section, estimated to cost ₹2,550 crore. "Elevation is no guarantee against felling of trees and disturbing wildlife in the sensitive PTR. This corridor will be a threat to the adjoining Nameri Tiger Reserve in Assam too," Mr. Tara told. He said the proposed highway had been realigned to bisect PTR after the NHPC turned down the original proposal to let the corridor pass near its hydroelectric project on the Subansiri River, east of Seijosa. "I have survived seven attacks for fighting cases against illegal logging since 2016. I won't give up until the government finds an acceptable alternative [route]," Mr. Tara said.

Counting Birds Together

➔ The State of India's Birds Report 2020 represents the first collective attempt in India to understand and assess how the avifauna are doing. The results of this exercise are broadly sobering. While there are several species, including globally threatened ones, whose populations are doing reasonably, more bird species are showing declines in population than are showing population stability or increases. During the last two decades, over half the species assessed have declined. This trend is even more pronounced in recent times, with nearly 80% of the species assessed showing declines over the last five years. And these declines are particularly acute for certain groups of birds, including birds of prey, migrant shorebirds, birds of forests and grasslands, and endemic birds of the Western Ghats. The report further suggests that more bird species deserve immediate conservation attention than previously thought. To the list of 67 globally threatened Indian bird species previously identified by the IUCN (as critically endangered, endangered or vulnerable), the report adds 34 more species. The number of species of high conservation concern in India is now 101.

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

A Collaborative Effort

But the news is not all bad. The report also provides strong reasons for hope that we can further strengthen the understanding and conservation of our avian heritage. In particular, the report has two distinctive features that define a new approach: first, that the information it builds on comes from citizens like us all, and second, that the report's data and analysis are in the public domain, inviting critique and further refinement. Assessing the status of our birds poses a variety of challenges. For a start, there are over 1,300 species of birds in India. While some are loud, colourful or diurnal, and hence relatively easier to detect, others are quiet, shy, or nocturnal. Further, finding them also means having to look in a wide variety of habitats: in forests, wetlands, farmlands, cities, mountains and even open oceans. And to complicate matters further, hundreds of species migrate into and out of our country at different times of the year. Addressing these challenges and achieving a coverage both of species and of habitats has been possible only because of an alignment in the formidable energies and efforts of a large and inspired community of birdwatchers across the country. Only through the efforts of over 15,500 birdwatchers, it became possible to assemble a dataset of over 10 million records, with data points going as far back as the 1970s. Upon this foundation, a large multi-institutional consortium of researchers drawn from both non-governmental and government institutions collaborated to analyse and put together the report. While the report describes key patterns of change in the populations of certain bird species, answering why these changes have taken place, or developing conservation action that address these changes, are logical follow-up actions that are inconceivable without focused and sustained collective efforts. Just as we have collectively collected, curated, compiled and analysed bird data, we must remain engaged with the results, and continue to further not only an understanding of our avifauna but also actions to conserve them.

Open Access to Data

Besides collaboration, another key value that the report seeks to acknowledge is the importance of making, not just its outputs, but also the entire process open. The data that has gone into this report are not only collected by thousands of citizens, but are open for any researcher to use. The analyses (and the code) that form the basis of this report are in the public domain. Finally, the report and its results too are entirely open. A better public and scientific understanding of our biodiversity can grow only from wider and open access not only to data, but also from opening the entire process of scientific inquiry to wider peer and public scrutiny and challenge. And we are hoping that, as more and more people come in and examine the data, the analyses and the results, and ask questions, it only adds greater strength to our understanding of our precious birds. Of all the forms in which humans encounter nature, birds perhaps touch our lives most closely. Birds are nearly everywhere. They are colourful, they sing and they display. They perform vital functions like predation and seed dispersal. They pervade nearly every aspect of our cultural lives. Given our shared bonds in a timeless journey, to paraphrase ornithologist Nigel Collar, we need to continue building and strengthening models by which citizens, scientists, conservationists and managers collaborate not only to understand our birds, but also to enable them to fare better on our fast-changing planet.

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

A Browning East

➔ If the Western Ghats are the crown jewels of India's natural heritage, the Eastern Ghats spread across some 75,000 sq. km. from Odisha to southern Tamil Nadu, play an important dual role: fostering biodiversity and storing energy in trees. In these mountains exist a reservoir of about 3,000 flowering plant species, nearly 100 of them endemic, occurring in the dry deciduous, moist deciduous and semi-evergreen landscapes. Many animals, including tigers and elephants, and some 400 bird species are found in these discontinuous forests that receive an annual average rainfall of 1,200 mm to 1,500 mm. Crucially, many parts, primarily in Odisha, Andhra Pradesh and Tamil Nadu, provide forest produce and ecosystem services to millions. Given the key functions that the lands perform, in modulating climate, fostering biodiversity and providing sustenance, new research findings arguing that the Ghats face a serious threat from climate change, and temperature variations are a cause for worry. It is noteworthy that a disruption of the annual average temperature and diminished rainfall would rob the productivity of these forests, in terms of their ability to store carbon, and provide subsistence material. Existing data point to the impoverishment of areas experiencing rainfall reduction in the driest quarter of the year and a rise in seasonal temperature, through reduced plant species diversity and a dominant role for herbs over trees. Protecting the Eastern Ghats, which are separated by powerful rivers — the Godavari and Krishna, to name just two — is an ecological imperative. India is committed, under the Paris Agreement on Climate Change, to create an additional carbon sink of 2.5 to 3 billion tonnes through enhanced forest and tree cover. Yet, forest protection policies have often failed dismally. By some estimates, the Ghats have shrunk by 16% over the past century, and just one region, Papikonda National Park, lost about 650 sq. km. in two decades from 1991. Relieving the pressure on forests can be done through policies that reduce extraction of scarce resources and incentivise settled agriculture. Schemes for restoration of forest peripheries through indigenous plant and tree species, matching national commitments, could qualify for international climate finance, and must be pursued. At a broader level, the response to the warnings issued by researchers from IIT Kharagpur, International Crops Research Institute for the Semi-Arid Tropics and the University of Hyderabad in a recent publication on changes to temperature and rainfall calls for decisive steps to mitigate carbon emissions. Improving tree cover nationally is certain to confer multiple benefits, including modulation of the monsoon, improved air quality and wider spaces for biodiversity to persist.

At Rakhigarhi, Anxiety Trumps History

➔ Looking at the mounds at the Harappan site of Rakhigarhi, where locals dry cow dung cakes and dump garbage, there is little to show the thousands of years of history beneath. But the Centre is moving ahead with its plan to develop the site as a tourist hub and set up a museum, and this has got residents in two villages in Haryana's Hisar district — Rakhi Khas and Rakhi Shahpur — known as Rakhigarhi worried. After Finance Minister Nirmala Sitharaman announced the government's plan to fund five on-site museums, including the under-construction museum initiated by the Haryana government at Rakhigarhi, in her Budget speech on February 1, there is excitement and concern here. The Archaeological Survey of India has started planning the project. A former sarpanch, or local head, Dinesh, told the Minister, "We are happy that there will be work in our villages, but we are scared about what will happen to us. Already, people are anxious about the rehabilitation of homes around mound number four and five." The ASI has been able to get under its control just 83.5 acres

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

of the 350-hectare site that spans 11 mounds, after first taking over the site in 1996, due to encroachments and pending court cases, said ASI Chandigarh Circle Superinting Archaeologist Zulfeqar Ali. The site is under ASI protection. 5% of the site had been excavated so far by the ASI and Deccan College, Pune. Among the findings, which indicate both early and mature Harappan phases, were a 4,600-year-old female skeleton, fortification and bricks.

World Mother Language Day

➔ February 21 was International Mother Language Day. It has been observed since 1999 to promote "linguistic and cultural diversity and multilingualism", according to the UN. Of the world's 6,000 languages, 43% are estimated as endangered, according to the UN. On the other hand, just 10 languages account for as many as 4.8 billion speakers — over 60% of the world population. Globally, English remains the most widely spoken language with 1.13 billion speakers in 2019, followed by Mandarin with 1.17 billion, according to the online database Ethnologue. Hindi is third with 615 million speakers while Bengali is seventh with 265 million. In India, Hindi is the most spoken language with over 528 million speakers in 2011, as per the Census. Bengali had 97.2 million speakers in 2011, followed by Marathi (83 million), while other languages with over 50 million speakers are Telugu (81 million), Tamil (69 million), Gujarati (55.5 million) and Urdu (50.8 million). Percentage trends from 1991 to 2011 underline the growth of the most widely spoken language, Hindi, which was spoken by 39.29% of the Indian population in 1991, and whose share grew to 43.63% in 2011. For other languages in India's top 12, the 2011 percentage share has fallen when compared to that in 1991.

Why February 21

UNESCO declared International Mother Language Day in 1999, to commemorate a 1952 protest against West Pakistan's imposition of Urdu as the official language of East Pakistan (present-day Bangladesh). According to a report in The Daily Sun, police opened fire on demonstrating Dhaka University students and "some people were killed". When thousands thronged the university the next day, police fired again, killing more people. In Bangladesh, since 1953, February 21 is observed as Ekushe Day, after the Bengali word for twenty-one. According to the South Asia Democratic Forum, five among those killed were recognised as "language martyrs — Abul Barkat, Abdul Jabbar, Rafiquddin Ahmad, Abdus Salman and Shafiur Rahman.

Business & Economics

Ways to Measure Poverty in India

➔ Speaking in Ahmedabad, President Donald Trump praised India for having lifted "over 270 million people out of poverty" in "a single decade", and said that "12 Indian citizens are lifted out of extreme poverty every single minute of every single day".

Shatabdi Tower, Sakchi, Jamshedpur

What Is Poverty, And How Is It Measured?

Poverty can be defined as a condition in which an individual or household lacks the financial resources to afford a basic minimum standard of living. Economists and policymakers estimate "absolute" poverty as the shortfall in consumption expenditure from a threshold called the "poverty line". The official poverty line is the expenditure incurred to obtain the goods in a "poverty line basket" (PLB). Poverty can be measured in terms of the number of people living below this line (with the incidence of poverty expressed as the head count ratio). The "depth" of poverty indicates how far the poor are below the poverty line. Six official committees have so far estimated the number of people living in poverty in India — the working group of 1962; V N Dandekar and N Rath in 1971; Y K Alagh in 1979; D T Lakdawala in 1993; Suresh Tendulkar in 2009; and C Rangarajan in 2014. The government did not take a call on the report of the Rangarajan Committee; therefore, poverty is measured using the Tendulkar poverty line. As per this, 21.9% of people in India live below the poverty line.

What Does the Basket of Goods Include?

The PLB comprises goods and services considered essential to a basic minimum standard of living — food, clothing, rent, conveyance, and entertainment. The price of the food component can be estimated using calorie norms or nutrition targets. Until the 1990s, the calorie norms method was used — it was based on the minimum number of calories recommended by the Indian Council of Medical Research (ICMR) for a household of five members. However, this method does not consider the different food groups that are essential for health — this is why the Tendulkar Committee targeted nutritional outcomes. The Lakdawala Committee assumed that health and education is provided by the state — therefore, expenditure on these items was excluded from the consumption basket it proposed. Since expenditure on health and education rose significantly in the 1990s, the Tendulkar Committee included them in the basket. As a result of revisions to the basket and other changes in the method of estimation, the percentage of people living below the poverty line in 1993-94 rose from 35.97% to 45.3%.

Why Are Poverty Numbers Important?

The PLB has been the subject of much debate. The 1962 group did not consider age and gender-specific calorie requirements. Expenditure on health and education were not considered until the Tendulkar Committee — which was criticized for setting the poverty line at just ₹32 per capita per day in urban India (and at ₹27 in rural India). And the Rangarajan Commission was criticized for selecting the food component arbitrarily — the emphasis on food as a source of nutrition overlooks the contribution of sanitation, healthcare, access to clean water, and prevalence of pollutants. Poverty numbers matter because central schemes like Antyodaya Anna Yojana (which provides subsidised food grains to households living below the poverty line) and Rashtriya Swasthya Bima Yojana (health insurance for BPL households) use the definition of poverty given by the NITI Aayog or the erstwhile Planning Commission. The Centre allocates funds for these schemes to states based on the numbers of their poor. Errors of exclusion can deprive eligible households of benefits.

In What Other Ways Can Poverty Be Estimated?

In 2011, Oxford University researchers Sabina Alkire and James Foster devised the multidimensional poverty index (MPI) to capture poverty using 10 indicators: nutrition, child mortality, years of schooling, school attendance, ownership of assets, and access to proper house, electricity, drinking water, sanitation, and clean cooking fuel. Poverty is measured in terms of deprivation in at least a third of these indicators. In 2015-16, 369.546 million (nearly 37 crore) Indians were estimated to meet the deprivation cut-off for three or more of the 10 indicators. While the overall headcount multidimensional poverty ratio in 2015-16 was 27.9%, the number was 36.8% for rural and 9.2% for urban India. There were wide variations across states — poverty was the highest for Bihar (52.5%), followed by Jharkhand (46.5%), Madhya Pradesh (41.1%), and Uttar Pradesh (40.8%). It was the lowest for Kerala (1.1%), Delhi (4.2%), Punjab (6.1%), Tamil Nadu (7.3%) and Himachal Pradesh (8.1%). The MPI is a more comprehensive measure of poverty because it includes components that capture the standard of living more effectively. However, uses "outcomes" rather than expenditure — the presence of an undernourished person in the household will result in it being classified as "poor", regardless of the expenditure on nutritious food.

So, What Is the Current "Level" Of Poverty in India?

The National Statistical Office (NSO) Report on Household Consumer Expenditure for 2017-18 was junked in 2019 — so there are no data to update India's poverty figures. Even the MPI report published by Oxford Poverty and Human Development Initiative used data from the fourth round of the National Family Health Survey, figures for which are available only until 2015-16. Social scientist S Subramanian used data from a leaked version of the consumer expenditure data to conclude that the incidence of poverty in India increased from 31.15% to 35.1% between 2011-12 and 2017-18. The absolute number of poor people also increased from 270 million to 322.22 million over the same period, which translates to 52 million more poor people in six years.

Youth Can Be A Clear Advantage for India (Meenakshi Datta Ghosh Is Principal Author, National Population Policy, 2000, And Former Secretary, Government of India)

➔ India's population is among the youngest in an ageing world. By 2022, the median age in India will be 28 years; in comparison, it will be 37 in China and the United States, 45 in western Europe, and 49 in Japan. India's working-age population has numerically outstripped its non-working age population. A demographic dividend, said to have commenced around 2004-05, is available for close to five decades. This is an extraordinary opportunity. There are however, two caveats.

Key Caveats

First, India's population heterogeneity ensures that this window of demographic dividend becomes available at different times in different States. While Kerala's population is already ageing, in Bihar the working age cohort is predicted to continue increasing till 2051. By 2031, the overall size of our vast working age population would have declined in 11 of the 22 major States. Second, harnessing the demographic dividend will depend upon the employability of the working age population, their health, education, vocational training and skills, besides

Shatabdi Tower, Sakchi, Jamshedpur

DreamIAS
Learning made simple...

www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

appropriate land and labour policies, as well as good governance. India will gain from its demographic opportunity only if policies and programmes are aligned to this demographic shift. Demography is not destiny. There is consensus now that among other factors, it was the demographic dividend that powered respectively the Asian economies of Japan, China, and South Korea to spectacular growth. More significantly, in each case, the underlying pattern was fairly similar i.e. countries will benefit from the economic potential of their youth bulge when and where they succeed in providing good health, quality education, and decent employment to their entire population; and not to segments defined by socio-economic status, geography, or historical legacy.

Need for Skills

UNICEF 2019 reports that at least 47% of Indian youth are not on track to have the education and skills necessary for employment in 2030. The projected demographic dividend would turn into a demographic disaster if an unskilled, under-utilised, and frustrated young population undermines social harmony and economic growth. While over 95% of India's children attend primary school, the National Family Health Surveys (completed up to 2015-16) confirm that poor infrastructure in government schools, malnutrition, and scarcity of trained teachers have ensured poor learning outcomes. Even while India aspires to become a knowledge economy, millions of young people are getting left behind. The national capital has now demonstrated that when meticulous attention is paid to equity and quality across government schools, huge numbers benefit, with encouraging learning outcomes. High quality education achieves gender parity and propels people forward into more productive lives. A coordinated incentive structure prompting States to adopt a broadly uniform public school system focusing on equity and quality will yield a knowledge society faster than privatising school education can accomplish. Most districts now have excellent broadband connectivity. Irrespective of rural or urban setting, the public-school system must ensure that every child completes high school education, and is pushed into appropriate skilling, training and vocational education in line with market demand. Let geography not trump demography. Modernise school curricula, systematically invest in teacher training so that they grow in their jobs to assume leadership roles, while moving beyond the tyranny of the syllabus. Deploy new technology to accelerate the pace of building human capital by putting in place virtual classrooms together with massive open online courses (MOOCS) to help prepare this huge work force for next-generation jobs. Investing in open digital universities would further help yield a higher educated workforce.

Helping Women

Growing female literacy is not translating into relevant and marketable skills. A comprehensive approach is needed to improve their prospects vis-à-vis gainful employment. Flexible entry and exit policies for women into virtual classrooms, and into modules for open digital training, and vocational education would help them access contemporary vocations. A mushrooming of job portals and organisations are providing employment for trained women, even from home. Equal pay for women will make it worth their while to stay longer in the workforce. The recent massive job losses across the automobile, real estate, and IT sectors, as well as in Micro, Small and Medium Enterprises is leading to an alarming fall in private consumption. And if prolonged, these could begin to jeopardise India's demographic dividend. Policies to restore the ailing economy would bring back the mojo on employment.

Shatabdi Tower, Sakchi, Jamshedpur

On Health Care

In India, population health is caught between the rising demand for health services and competition for scarce resources. The National Sample Survey Office data on health (75th round, 2018), shows that a deep-rooted downturn in the rural economy is making quality health-care unaffordable. People are availing of private hospitals less than they used to, and are moving towards public health systems. That is all very well except for the fact that the central budget 2020-21 lays emphasis on private provisioning of health care which will necessarily divert public investment away from public health infrastructure. The Ayushman Bharat Yojana links demand to tertiary in-patient care. This promotes earnings of under-utilised private hospitals, instead of modernising and up-grading public health systems in each district. We need to assign 70% of health sector budgets to integrate and strengthen primary and integrated public health-care services and systems up to district hospital levels, include out-patient department and diagnostic services in every health insurance model adopted, and implement in 'mission mode' the Report of the High Level Group, 2019, submitted to the XV Finance Commission. The elderly population in India is projected to double from 8.6% in 2011, to 16% in 2040. This will sharply reduce the per capita availability of hospital beds in India across all major States, unless investments in health systems address these infirmities. The policies that we adopt, and their effective implementation will ensure that tour demographic dividend, a time-limited opportunity, becomes a boon for India.

Aadhaar, No Standout Performer in Welfare Delivery (Praveen Chakravarty - Political Economist. He Was A Member of Aadhaar in 2010)

➔ "Aadhaar has curtailed leakages of government subsidies... Through Aadhaar, savings worth ₹90,000 crore have accrued to the government," said Ajay Bhushan Pandey, then CEO of the Unique Identification Authority of India (UIDAI) and current Revenue Secretary, in their 2017-18 annual report. But not so fast, say Professors Karthik Muralidharan, Paul Niehaus and Sandip Sukthankar. They have just published a new working paper in the prestigious National Bureau of Economic Research, which details findings from an extensive empirical study of the impact of Aadhaar in reducing leakages and accruing fiscal savings. When Aadhaar was conceived a decade ago, the rationale postulated was: India spends nearly three trillion rupees a year across several core welfare programmes such as Public Distribution System (PDS), LPG, Mahatma Gandhi National Rural Employment Guarantee Act etc; roughly 30-40% of this is lost in leakages; leakages are largely due to 'ghost' and 'duplicate' beneficiaries using fake identities to avail these benefits; a unique identity biometric scheme can eliminate these leakages and vastly improve efficiency in welfare delivery. In fact, the former Union Minister, Arun Jaitley, even renamed the Aadhaar Bill to 'Targeted Delivery of Financial and other Subsidies, Benefits and Services' Bill, making it amply clear that Aadhaar's primary, if not sole purpose, was to improve welfare delivery efficiency. The Bill's renaming was also a clever by half attempt to legislate it as a money bill, thereby avoiding debate and scrutiny in the Upper House. This new research paper, the first comprehensive field study of Aadhaar, offers a sobering counter to all of us, "Aadhaarphiles", who truly believed that Aadhaar was the panacea for India's leaky welfare regime.

DreamIAS
Learning made simple...

www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

The Findings

Professor Muralidharan and the rest of the team tell us that Aadhaar by itself has no impact in reducing leakages significantly. They conducted a scientifically designed study of the PDS system in Jharkhand covering 15 million beneficiaries using the technique of randomised control trials (RCT). The study was set up in a manner where one set of beneficiaries went through the Aadhaar-based biometric authentication while the other group used the old system of procuring their ration. The results were then compared to see if Aadhaar-based biometric authentication had any impact in reducing leakages. The study concluded that Aadhaar-based biometric authentication had no measurable benefit. Aadhaar-based biometric authentication did not reduce leakages due to elimination of ghosts and duplicates, as widely perceived. On the other hand, they found that Aadhaar-based biometric authentication increased transaction costs for beneficiaries. That is, to claim ration worth ₹40, beneficiaries in the Aadhaar system incurred an additional ₹7 of costs than those in the old system, because of multiple trips to authenticate themselves and the opportunity cost of time spent. This is a whopping 17% extra cost burden of the value of the benefit they were entitled to receive. To make matters worse, Aadhaar-based biometric authentication also introduced what empirical scientists call Type I error of exclusion. In simple terms, Aadhaar authentication falsely rejected genuine PDS beneficiaries who were then denied their ration supplies. The study finds that nearly 10% of legitimate beneficiaries were denied their ration either because they did not have their Aadhaar linked to their ration card or due to an exclusion error. In summary, the study states that there was no direct impact of Aadhaar in reducing leakages but it denied ration to 10% of genuine beneficiaries and increased costs by 17% to those that were forced to get their ration using Aadhaar. They conclude that Aadhaar authentication for PDS in Jharkhand caused "some pain with no gain". Put simply, Mr. Pandey's boast of ₹90,000 crore savings solely due to Aadhaar is hollow. These findings are sure to shock many who genuinely believed Aadhaar could be the 'game changer' in welfare delivery. The study was undertaken by eminent scholars using scientific techniques and published in a respected academic journal. So, there is no need to doubt its veracity or intent. The findings of Professor Muralidharan and the rest of the team also expose many larger fault lines in India's approach to policy making.

No Testing

There was widespread belief among the policy elite that ghosts and duplicates were the scourge of India's welfare delivery and that Aadhaar would eliminate this. But this belief was never empirically tested. It was deemed to be true simply because the intellectual elite said so. Based on this belief, an entire story was concocted about improving welfare efficiency through eliminating ghosts and duplicates with Aadhaar and a whole new law was enacted to this effect. Many studies now establish that ghosts and duplicates are not the significant cause of leakages. Would it not have been better to have undertaken a robust pilot project of scale to test the belief about ghosts and duplicates, before embarking on it nationwide?

GST Parallel

This is much like the boisterous claim of policy economists for over a decade that a multitude of State taxes are a drag on inter-State commerce and hence a nationwide Goods and Services Tax (GST) by stripping States of their fiscal autonomy is badly needed. There was no empirical evidence to back this claim. Three years after GST, the promise of vastly improved

inter-State trade and a two-percentage point boost to GDP seem distant while States are hurting badly with sole dependence on the Centre for their taxes. The other fault line in policy making that this new study exposes is the engineer's way of measuring policy outcomes only through the prism of numerical efficiency. In an engineer's world, if say, nine people are denied welfare due to a system error while nine million are benefited through greater efficiency, then it is considered a net benefit for society and the policy is given a thumbs up. But in a sociologist's world and in a liberal society, a policy that could run the risk of denying welfare to just a few people, putting their lives at risk, is not worth implementing regardless of how many millions it benefits. Aadhaar was held hostage to the engineer's worldview of policy efficacy.

Making the Super-Rich Pay Their Fair Share (Jayati Ghosh Is A Professor of Economics at Jawaharlal Nehru University)

➔ Transparency seems to have become taboo in India. As the country remains mired in an economic slowdown, with evidence of falling employment and consumption, the government is persistent in its denial. Instead of actually addressing the problem, it seeks to suppress or manipulate official data to somehow provide a more optimistic picture. We saw this once again recently as the Union Budget was presented, based on numbers for revised estimates for the current year and Budget estimates for the coming year that the Finance Ministry itself knows are unlikely. The opacity of data also extends to cross-border movement of funds generated through a range of activities, including tax evasion, misappropriation of state assets, laundering of the proceeds of crime, and bribery. Even here, India still has a lot to do, as confirmed by the recent publication of the Financial Secrecy Index by the Tax Justice Network, a U.K.-based financial advocacy group. On the surface, India has managed to reduce its contribution to global financial secrecy, with its rank falling from 32 on the 2018 index to 47 in 2020, but this is partly because the new edition of the index covers more countries than it did two years ago.

Arrangement with Switzerland

It is true that the government has adopted and supported a few transparency reforms, such as the automatic exchange of tax and financial information with other jurisdictions, like Switzerland. Thanks to that, for example, if an Indian citizen has an account with a Swiss bank, and has a balance over a certain threshold, this information will be sent to the Indian tax authorities automatically. But stopping the financial haemorrhage and making multinationals and the super-rich pay their fair share of taxes requires much more. Capital flight out of India by Indian elites and foreigners alike has been undermining our country's development for decades. An important part of these flows is the result of artificial profit shifting by multinational companies taking advantage of an outdated international tax system. These multinationals may be making profits in India but can easily declare those profits in a low tax jurisdiction like Hong Kong and justify that transaction as a payment for the use of a patent. According to one estimate, this strategy represented a loss of $27.5 billion in 2014 for the Indian government, up from $142 million in 2000. The government did create a beneficial ownership register — which would allow the identification of the beneficial owner of an asset regardless of whose name the title of the property is in — but the law is weak, since it exempts a lot of people at the discretion of the authorities. Also, this register is not accessible to the public.

Shatabdi Tower, Sakchi, Jamshedpur

Onshore Financial Services

The government keeps granting tax incentives on a discretionary basis, even though there is little evidence that these incentives attract investment. Instead, as shown recently in International Monetary Fund research, factors such as quality of infrastructure, a healthy and skilled workforce, market access and political stability matter much more. The massive reduction in corporate tax rates has thus far not led to any increase in private investment — but it has meant a significant reduction in tax revenues, with devastating consequences. It translates into a lack of resources for education, healthcare, food and nutrition and infrastructure. India is already an outlier among similarly placed developing countries with its low tax-GDP ratio of 18%. The government budget is also highly dependent on indirect taxes like the Goods and Services Tax which are regressive and hit ordinary citizens harder.

Increasing Public Spending

It is now beyond obvious that India cannot revive its economy without increasing public spending, and so increasing its fiscal resources is essential. Among other measures, this requires urgent adoption of legislation and institutional reforms to end financial opacity — including, for example, opening the beneficial ownership register to the public and stopping the creation of onshore tax havens. In addition, the Government of India must also assume a more vocal role in the international debate about how to make multinationals pay their fair share of taxes. This means continuing to appeal for a United Nations tax body, which is much more legitimate than the Organisation for Economic Co-operation and Development (OECD), the arena where tomorrow's global tax system is being decided. The OECD's proposals, published at the end of 2019, are neither ambitious nor fair enough. If the organisation continues to remain deaf to the demands of developing countries, India must be prepared to go it alone, thinking unilaterally about how to make multinationals pay what they owe.

Mauritius FPIs Can Continue to Invest in India

➔ The Securities and Exchange Board of India (SEBI) has clarified that foreign portfolio investors (FPIs) from Mauritius will continue to be eligible for registration as foreign investors in India but subject to increased monitoring. The regulatory clarification was necessitated after the island nation was placed in the list of 'jurisdictions under increased monitoring' — commonly referred to as the grey list — leading to apprehensions that the Mauritius-based FPIs will not be able to trade in the Indian capital market. On February 21, the Financial Action Task Force (FATF) placed Mauritius in the grey list. This assumes significance since Mauritius accounts for the second-largest chunk of foreign investments, as per data from the National Securities Depository Limited (NSDL). In January 2020, Mauritius-based FPIs had total assets under custody (AUC) of ₹4.37 lakh crore, second only to that of the U.S. with ₹11.63 lakh crore. Meanwhile, the capital market regulator further clarified that the FATF website mentions that when a jurisdiction is placed under increased monitoring, it construes that the country has committed to swiftly resolve the identified strategic deficiencies within agreed time frames and is subject to increased monitoring.

Shatabdi Tower, Sakchi, Jamshedpur

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

Life & Science

Why 2020 Is A Leap Year

➔ Saturday is February 29, a date that comes approximately once every four years. Approximately, not exactly, for there are exceptions to the leap year's cycle of four years.

Rules and Exceptions

Leap years are always multiples of four — 2016, 2020, 2024 — but a year that is a multiple of four is not always a leap year. There are exceptions, such as 1900 and 2100, both multiples of four, yet neither a leap year. A year ending with 00 is obviously a multiple of four, but is usually not a leap year. These are the exceptions. But again, there are exceptions to such exceptions. For example, 2000 ended with 00 but remained a leap year. As a result, many people alive today — except some who are very young — are likely to spend their lifetimes without skipping a leap year. Our ancestors skipped a leap year in 1900, while our descendants will skip one in 2100. What is the reasoning behind the rule for leap years, the exceptions to the rule, and the exceptions to the exceptions?

Why Have Leap Years

Our solar calendar is supposed to reflect one orbit of Earth around the Sun. This helps in anticipating the seasons, maintaining crop cycles, setting school schedules, etc. Earth takes 365 days and a few hours to orbit the Sun, which is why a year is usually 365 days long. The actual period of the orbit is close to (not exactly) 365 days and 6 hours, which means that the calendar year is about 6 hours shorter than the actual solar year. To compensate, we have leap years. The leap year was introduced by scholars engaged by Julius Caesar in 46 BC, and made more precise from 12 AD. The reasoning went thus: if the calendar year is 365 days long, it is missing 6 hours. These 6 hours keep adding up, year after year. By the end of 4 years, the calendar years will have missed a total of 24 hours, or one full day. So, why not add an extra day once every four years, the scholars reasoned. Thus, the Julian calendar had a year that was usually 365 days long, with a 366th day added once every four years. It appeared to make sense. Only, it was never going to work in the long run. This is because 365 days and 6 hours is an approximation. It is a very small approximation, but even these tiny errors were going to add up one day.

The Errors Pile Up

To be more precise than earlier, Earth completes one orbit in 365 days, 5 hours, 48 minutes and 46 seconds. However, with three years of 365 days and one leap year of 366 days, the average length of a year in the Julian calendar was 365 days and 6 hours. This was longer, if ever slightly so, than 365 days, 5 hours, 48 minutes and 46 seconds. In effect, the leap year formula was an overcompensation. Leap years were introduced because the calendar year was short, but they ended up making the average calendar year longer than the solar year. The difference: a small matter of 11 minutes and 14 seconds. Minute by minute, second by second, the errors piled up, year after year, century after century. In the 16th century, it was calculated that the calendar years until then had accumulated 10 extra days. In 1582, Pope Gregory XIII ordered a drastic compensation by dropping 10 days from the calendar, and

DreamIAS
Learning made simple...

www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

October 4 that year was followed by October 15 the very next day. The need was for further reform, so that the minutes and seconds would not accumulate again in the future. The obvious thing to do was to reduce some leap years —about one leap year every century. And the obvious candidates were the years ending with 00. But if all "00 years" ceased to be leap years, calculations showed, it would result in another over-compensation. Therefore, some "00 years" needed to remain leap years. Eventually, the reform led to the Gregorian calendar, which we follow today. The formula:

❖ A year that is a multiple of 4 is a leap year; except:
❖ A year ending with 00 is not a leap year; except:
❖ A "00 year" in which 00 is preceded by a multiple of 4 (1600, 2000, 2400 etc) remains a leap year.

That is why 1900 and 2100 are not leap years, but 2000 is one.

Is that it, Finally?

It can never be perfect. We try to clock the Earth's orbit precisely down to the last second, yet we follow a calendar with a whole number of days. The calendar today is about 26 seconds off from Earth's orbital period, which adds up to one full day in 3,320 years. There have been proposals for a future correction — remove a leap year once every 4,000 years, or once every 3,200 years. Years 3200 and 4000, however, are still a long way away. As of 2020, not everyone is bothered.

What Is 2020 CD3, A Mini-Moon?

➔ Astronomers have observed a small object orbiting Earth, which they have dubbed a "mini-moon" or the planet's "second moon". It is actually an asteroid, about the size of a car; its diameter is about 1.9-3.5 m. And unlike our permanent Moon, the mini-moon is temporary; it will eventually break free of Earth's orbit and go off on its own way. Dubbed 2020 CD3, the mini-moon was discovered by Kacper Wierzchos and Teddy Pruyne of the NASA-funded Catalina Sky Survey (CSS) in Arizona on the night of February 15. The Minor Planet Centre of the International Astronomical Union acknowledged the discovery: "Orbit integrations indicate that this object is temporarily bound to the Earth… Further observations and dynamical studies are strongly encouraged." When an asteroid's orbit crosses Earth's orbit, it can sometimes be captured into the latter orbit. This is what happened with 2020 CD3. It is now orbiting at a distance farther from Earth. Such an asteroid is called a Temporarily Captured Object (TCO). The orbit of such objects is unstable. They have to contend with the gravitational influence of our permanent Moon as well as that of the Sun. Once caught in Earth's orbit, such objects usually remain for a few years before they break free and go into independent orbit around the Sun. According to the researchers, 2020 CD3 was captured into Earth's orbit over three years ago. For CSS, it is only the second such discovery. It previously discovered 2006 RH120, which orbited Earth for some time that year, before it escaped in 2007.

Why NASA's Katherine Johnson Is A Legend

➔ Katherine Johnson, the NASA mathematician, died at age 101. Her life and work is documented in Margot Lee Shetterly's book Hidden Figures and brought before a worldwide audience by Theodore Melfi's film of the same name, both released in 2016. A look at what

made her life and work extraordinary — breaking racial as well as gender barriers, and helping send Americans to space.

A Life with Numbers

Johnson's skill with numbers showed early in life. At school, she was mentored by Angie Turner King, who taught her geometry. She skipped through grades to graduate from high school at age 14 and from college at age 18. "Math had always come easily to me. I loved numbers and numbers loved me," Johnson wrote in her autobiography, Reaching for the Moon. In 1953, Johnson took up a job with NACA (the then acronym for what is now NASA) to work as a "computer" — a term used to describe humans doing calculations. She joined NACA's all-black West Area Computing section. It was then headed by a fellow African-American woman, Dorothy Vaughan, and included Mary Jackson, who in 1958 became NASA's first female African-American engineer. Johnson, Vaughan and Jackson are the three Hidden Figures in the book as well as the film.

The Barriers She Faced, Broke

NACA had a growing pool of black women "computers". Yet, until 1958, black staff had to eat separately and use washrooms separate from the ones their white colleagues used. Johnson began to ask questions. She was also told that women didn't attend briefings and meetings, and asked if there was a law against it. There wasn't, and she started attending them. "Then, of course, I'd ask why I couldn't go myself, and eventually they just got tired of answering all my questions and just let me in to the briefings," Johnson wrote. Johnson would eventually go on to become the first woman from her division to have her name mentioned on a research report. "We needed to be assertive as women in those days — assertive and aggressive — and the degree to which we had to be that way depended on where you were. I had to be," wrote Johnson, who went on to co-author many more research papers.

Milestone Mathematics

Soon after joining NACA, Johnson was assigned to the Flight Research Division. When her expertise in geometry got noticed, she became the only woman of the time to be pulled from the computing pool to work on other programmes. Thus, began the definitive phase of her work. She was part of the team that calculated the trajectory of America's first human space trip in 1961, undertaken by Alan Shepard. Her work also helped Apollo 11 land on the Moon in 1969. By her own assessment, one of her most significant contributions was working on the calculations that helped synch Project Apollo's Lunar Module with the lunar-orbiting Command and Service Module. Other highlights in the work of Johnson, who retired in 1986, was a fact-check for a 1962 mission that made John Glenn the first American to orbit the Earth. The orbits were calculated by early IBM computers. According to NASA, Glenn asked engineers to "get the girl" (Johnson) to check the same equations, but by hand, with her desktop mechanical calculating machine. Johnson remembered Glenn saying: "If she says they're good, then I'm ready to go."

How to Study Light and Confirm A Potential Exoplanet?

➔ At 100 light years from Earth, a low-mass star was sending signals in a pattern that suggested that an exoplanet was orbiting the star. NASA's Kepler mission observed a dip in the host

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

star's light, suggesting that the planet was crossing in front of the star during its orbit. To confirm, researchers turned to an instrument called Habitable-zone Planet Finder (HPF). It has confirmed that there is indeed an exoplanet. HPF is an astronomical spectrograph, built by Penn State University scientists, and recently installed on the 10m Hobby-Eberly Telescope at McDonald Observatory in Texas. The instrument is designed to detect and characterise planets in the habitable-zone — the region around the star where a planet could sustain liquid water on its surface — around nearby low-mass stars. The newly confirmed planet, called G 9-40b, is the first one validated by HPF. It is about twice the size of Earth, and orbits its star once every six Earth-days.

How It Works

A spectrograph is an instrument that splits light into its component wavelengths. Scientists then measure the properties of light over a specific portion of the spectrum, and draw conclusions on what is responsible for the trends they observe. Kepler's observations alone were not enough to confirm a planet. It was possible that a close stellar companion was responsible for the dip in the star's light. Precision spectroscopic observations from HPF ruled out this possibility.

What InSight Has Told Us About Mars So Far

➔ It's now more than a year since NASA's InSight lander mission touched down on Mars on November 26, 2018. What lessons has the mission provided in its first year on the Red Planet? This week, NASA published a set of six papers – five in the journal Nature, one in Nature Geoscience – to reveal "a planet alive with quakes, dust devils and strange magnetic pulses".

What is InSight

InSight is the first mission dedicated to looking deep beneath the Martian surface. Among its science tools are a seismometer for detecting quakes, sensors for gauging wind and air pressure, a magnetometer, and a heat flow probe designed to take the planet's temperature. The InSight mission is part of NASA's Discovery Program. It is being supported by a number of European partners, which include France's Centre National d'Études Spatiales (CNES), the German Aerospace Center (DLR) and the United Kingdom Space Agency (UKSA).

Underground: Rumbles

Mars trembles more often than expected, but also more mildly. This emerged from readings of the ultra-sensitive seismometer, called the Seismic Experiment for Interior Structure (SEIS). The instrument enables scientists to "hear" multiple trembling events from hundreds to thousands of miles away. Mars doesn't have tectonic plates like Earth, but it does have volcanically active regions that can cause rumbles. SEIS has found more than 450 seismic signals to date, the majority of which are believed to be quakes (as opposed to data noise created by environmental factors, like wind). The largest quake was just about magnitude 4.0 in size. Seismic waves are affected by the materials they move through. As such, they help scientists study the composition of the planet's inner structure. Mars can help the team better understand how all rocky planets — including Earth — first formed.

DreamIAS
Learning made simple…

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

The Surface: Magentism

Billions of years ago, Mars had a magnetic field. Although it is no longer present, it left behind what NASA describes as "ghosts" – magnetised rocks that are now between 61 m to several km below ground. InSight is equipped with a magnetometer, which has detected magnetic signals. At a Martian site called Homestead hollow, the magnetic signals are 10 times stronger than what was predicted earlier (based on data from orbiting spacecraft). Because InSight's measurements are more local, they are more precise. At InSight's location, most surface rocks are too young to have been magnetised by the former magnetic field. "This magnetism must be coming from ancient rocks underground,". Scientists are now using these data and what was previously known to understand the magnetised layers below InSight. In addition, scientists on Earth are intrigued by how these Martian signals change over time. The measurements vary by day and night; they also tend to pulse around midnight. Theories are still being formed as to what causes such changes.

In the Wind: Dust Devils

InSight measures wind speed, direction and air pressure nearly continuously. Weather sensors have detected thousands of passing whirlwinds, which are called dust devils when they pick up grit and become visible. The site has more whirlwinds than any other place where a landing has been made on Mars while carrying weather sensors. Despite all that activity in the wind and frequent imaging, InSight's cameras have yet to see dust devils. But SEIS can feel these whirlwinds pulling on the surface. "Whirlwinds are perfect for subsurface seismic exploration,".

The Core: Still to Come

InSight has two radios. One is for regularly sending and receiving data. The other radio, which is more powerful, is designed to measure the "wobble" of Mars as it spins. This X-band radio, also known as the Rotation and Interior Structure Experiment (RISE), can eventually reveal whether the planet's core is solid or liquid. A solid core would cause Mars to wobble less than a liquid one would. This first year of data is just a start, NASA said in the statement. When it is two years on Earth, Mars will have completed one year. A full Martian year will give scientists a much better idea of the size and speed of the planet's wobble, NASA said.

What Is Henneguya Salminicola?

➔ Animals, including humans, need energy to perform the various tasks that are essential for survival. Aerobic respiration is one such chemical reaction through which organisms take in oxygen and release carbon dioxide into the atmosphere. Through this mechanism, energy is transferred to cells, which can use it for multiple purposes — for instance, to burn food. Now, researchers at Tel Aviv University (TAU) have discovered a non-oxygen breathing animal, which significantly changes one of science's assumptions about the animal world — that all animals use aerobic respiration and therefore, oxygen. It also challenges what may be generally thought of as evolution in organisms — that they become more complex as they evolve. In the case of this non-oxygen breathing organism, evolution turned it into a simpler organism that shed "unnecessary genes" responsible for aerobic respiration. The organism is Henneguya salminicola, a fewer-than-10-celled microscopic parasite that lives in salmon muscle. According to the researchers, as the organism evolved, it gave up breathing and

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

stopped the consumption of oxygen for the production of energy — which means it relies on anaerobic respiration (through which cells extract energy without using oxygen). Other organisms such as fungi and amoebas that are found in anaerobic environments lost the ability to breathe over time. The new study shows that the same can happen in the case of animals, too. That the parasite does not require oxygen was discovered by accident while assembling its genome sequence. One of the researchers saw that it did not have a mitochondrial genome. Mitochondria is the "powerhouse" of the cell, which captures oxygen to make energy — its absence in the H. salminicola genome indicates that the parasite does not breathe oxygen.

What is C gretathunbergae?

➔ A group of citizen scientists working together with scientists from Taxon Expeditions, which organises field trips of taxonomic experts and laypeople to discover unknown species, has identified a new species of land snail. They have named it Craspedotropis gretathunbergae, in honour of Swedish climate activist Greta Thunberg. The species has been described in the Biodiversity Data Journal. The new species comes from tropical rainforests and is sensitive to drought and extreme temperatures, which are likely to be more frequent as climate change continues. Hence the honour to Thunberg, who has been making efforts to raise awareness about climate change. The snails were found during a field course conducted by Taxon Expeditions at Kuala Belalong Field Studies Centre in Brunei. When they were found, the snails were at the foot of a steep hillslope, next to a riverbank while they were foraging at night. The two-millimetre-long snails have dark grey tentacles, a pale body and a concave shell, whose outer part is greenish-brown. In 2018, a Taxon Expedition team had named a new species of beetle after the actor Leonardo DiCaprio, who is also a climate activist.

How Twitter Plans to Flag Lies and Fake Videos

➔ Over the years, Twitter has often been called out by misinformation spread by its users, some of whom are politicians and public figures with a wide audience. Earlier this month, Twitter announced plans for dealing with deep fakes, or manipulated video. Now, news has emerged that Twitter is testing out a new way to combat misinformation in tweets.

What Is This New Feature?

Tweets that have potential misinformation or lies will start showing an orange or red label with the tag 'Harmfully Misleading' beneath them, according to screenshots shared by NBC News. The message beneath the label reads, "Twitter Community reports have identified this tweet as violating the Community Policy on Harmfully Misleading information. The tweet's visibility will be reduced.

How Far Can This Stop the Spread of Misinformation?

The red and orange labels will be hard to miss. At the very least, these will warn users about misinformation. More importantly, Twitter will reduce the reach for the particular tweet, which means it will show up on fewer timelines and will have much less visibility. Twitter will also highlight tweets that point out the false claims being made in the misleading tweet. Twitter is looking to encourage community members to write "Notes" and provide "critical context" to earn points. It will rely on community-based feedback system to remove misinformation. This reliance on community reports can, however, be problematic. This

Shatabdi Tower, Sakchi, Jamshedpur

![DreamIAS Logo] DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

opens up the possibility of ill-judged reporting, or individual or ideological biases coming into play. For instance, a historian could tweet out a view that might not be favourable with a certain section of people and it might get tagged as misleading, even if that were not really the case. At the moment, it is not clear how Twitter will assess these 'community' reports, given that the context will vary from one country to another. Twitter will reportedly give out a "community badge" to those who "contribute in good faith and act like a good neighbour". This again will raise questions on what exactly the criteria will be for determining who gets designated as "good neighbour". Verified fact-checkers, journalists are expected to get preference when calling out tweets with misleading information.

What Is Twitter's Plan for Deep Fakes?

Deep fakes, which Twitter calls "synthetic or manipulated media", are videos on which complex AI tools are used to create a fake video or image or audio, which is difficult to identify as such. Deep fakes can be used to attribute false speech to a politician. They are also used to create pornographic videos. A tweet with a deep fake media would also appear with a warning before more user's retweet or like the tweet. It also plans to reduce visibility for such tweets, and prevent it from being recommended. If Twitter assesses the deep fake is likely to cause harm, it will remove the tweet. Such media would include threats to a person or group, mass violence, or impacting the privacy of a particular user. The labelling of tweets containing deep fakes will start on March 5.

How India Proposals at UN Event Can Help Elephants, Migratory Birds

➔ A committee adopted India's proposals for including three species — great Indian bustard, Asian elephant and Bengal florican — for additional protection under the UN Convention on the Conservation of Migratory Species of Wild Animals (CMS). This happened at the 13th Conference of the Parties to the CMS (CMS COP13), which is under way in Gandhinagar, with "Migratory species connect the planet and together we welcome them home" as its theme.

What Does the Convention Seek to Do?

CMS is a treaty agreed by 129 countries plus the European Union, and functions under the UN Environment Programme (UNEP). It works for protection and conservation of species that migrate across frontiers and are facing threats of extinction or require urgent attention. CMS aims to bring together different countries that are part of range of a given species, and facilitate coherent conservation and protection regimes in a group of countries. The conference is being held in India for the first time. Delegates from at least 78 countries are attending.

Why Do Migratory Species Need Special Attention for Conservation?

With a change in season, many mammals and birds move from one country to another in search of food and shelter, and for breeding. Asian elephants, also known as Indian elephants, migrate from India to Bangladesh, Bhutan, Nepal, Myanmar etc. However, wildlife laws and protection regimes for these species can be different in each country, making them vulnerable to taking, hunting, poisoning etc. Many migratory species are threatened with extinction due to habitat degradation, barriers in their migration routes, and other

pressures. Therefore, these species need special attention by all countries that are part of their range.

What Were India's Proposals That Were Accepted?

India has proposed inclusion of the three species on Appendix-I of the Convention. Appendix-I lists species threatened with extinction, while Appendix-II lists those in need of global cooperation for favourable conservation status. If listed on Appendix-I, it would facilitate trans-boundary conservation efforts of these species. The proposals cleared the first hurdle when they were adopted unanimously by the conference's committee of the whole. However, Pakistan, which is the other range country of the great Indian bustard, did not take part in the discussion on the proposals. The plenary of COP13 is expected to take a final call on the listing.

What Are the Grounds on Which India Has Proposed the Listing?

Asian Elephant: India said the Asian elephant, an endangered species, once used to range from west Asia to north of Yagtze river in China but currently, the range has shrunk to 13 Asian countries, and their population in India to 29,964 in 2017. India said elephants' inclusion on Appendix-I would ensure better coordination among the range countries, facilitate migration, increase effective habitat area, and reduce killings.

Great Indian Bustard: Its range stretching across India and Pakistan, it is a critically endangered species with a population of just around 150 individuals and its present habitat having shrunk to 10% of its historical range. India said there is prima facie evidence that the birds fly across the India-Pakistan border and hence the need for bilateral cooperation for recovery of the species.

Bengal Florican: This too is a critically endangered species of bird that belongs to the bustard family. In its proposal, India said the present population of the South Asian subspecies has shrunk to around 1,000 individuals and its present habitat been restricted to the Terai and Dooars grassland regions of the Indo-Gangetic and Brahmaputra floodplains.

How Does Listing on A CMS Appendix Help A Species?

Listing generally leads to concerted actions in different national jurisdictions in which a species range. Actions may include cooperation among range countries, harmonisation in policies etc through regional agreements. CMS has working groups specialising in various fauna families, and a Scientific Council that advises research-based solutions for conservation. Many countries started shifting towards renewable energy by building infrastructure like wind turbines, power transmission lines, solar parks; these pose risks to wildlife. CMS set up in 2014 an Energy Task Force; it advises contracting parties on how to keep their energy projects wildlife-friendly. Despite the listing and consequent efforts, 73% of 175 migratory species on Appendix-I and 48% of the 518 on Appendix-II have an overall decreasing population trend, CMS says.

Shatabdi Tower, Sakchi, Jamshedpur

So, What Changes for The Species in India's Proposals?

If the plenary eventually adopts these proposals and the listing goes through, which is expected to happen, a formal regional cooperation among range countries would become possible. Once the listing is done, contracting parties within the range of a species are obliged to cooperate in trans-border conservation efforts. Bangladesh, for example, welcomed the proposals on the elephant and the florican, a bird that went extinct in that country in 1882. However, Pakistan did not express any views on the proposal on the great Indian bustard. Conservation efforts would also gain from the international expertise of the CMS family, and could increase pressure on Pakistan for preventing alleged hunting of the great Indian bustard.

What Else Is on The Agenda of The Conference?

Besides the three species, proposals have been moved for including seven others — jaguar, urial, little bustard, antipodean albatross, oceanic white-tip shark, smooth hammerhead shark and tope shark — for listing on CMS Appendices. COP13 also discussed marine noise pollution, plastic pollution, light pollution, insect decline etc. India has also invited the COP13 to adopt the 'Gandhinagar Declaration' urging the world community to strive for ensuring ecological connectivity, especially for sustainable management and conservation of migratory species. India has proposed that once adopted, CMS forward the Gandhinagar Declaration to the 15th meeting of UN Convention on Biological Diversity conference in China in October this year, for preparing post-2020 global biodiversity framework.

Corona

➔ The United States Food and Drug Administration (FDA) has said the world is "on the cusp of a [coronavirus] pandemic", and the Centres for Disease Control and Prevention (CDC), the country's primary federal agency responsible for tracking and responding to outbreaks of disease, believes that a pandemic is now "not so much a question of if... but rather more a question of when". The World Health Organisation (WHO) and other health authorities have so far been referring only to a COVID-19 "outbreak", which WHO on January 30 declared was a "Public Health Emergency of International Concern".

DEFINITIONS: While an outbreak is understood to be a sudden rise in the cases of a disease in a particular place, and an epidemic as a large outbreak among a particular population or region (such as the current situation in China), a pandemic, according to the WHO, is "the worldwide spread of a new disease". On February 24, Dr Michael J Ryan, a senior WHO official, told reporters that the word "pandemic comes from the Greek 'pandemos', which means everybody", CNN reported. "Demos means the population. Pan meaning everyone. So 'pandemos' is a concept where there's a belief that the whole world's population will likely be exposed to this infection and potentially a proportion of them fall sick," Dr Ryan said. While the WHO looks for sustained outbreaks causing a larger-than-expected number of cases on multiple continents, there is no specific number of countries that a disease must touch for WHO to classify it as a pandemic. Dr Tedros Adhanom Ghebreyesus, Director General of WHO, has said that COVID-19 isn't a pandemic yet. "We are not witnessing uncontained global spread of the virus, [therefore] using the word pandemic does not fit the facts."

DreamIAS
Learning made simple...

▶ www.youtube.com/c/DreamIAS

+91 9334622397
+91 7004749538
www.dreamias.co.in

SPREAD: The novel coronavirus disease that emerged in Wuhan, China, in the final days of last year, is now in at least 47 countries around the world, spanning every continent except Antarctica. More than 82,000 people have been infected, and over 2,800 are dead. Saudi Arabia, for the first time in living memory, suspended pilgrimages to Mecca and Medina for people outside the country. Japan has shut all schools until April, and the Olympic Games, scheduled to begin in Tokyo on July 24, are in danger of being cancelled. Infections have been confirmed in countries from Brazil to Sweden, Canada to Australia. Iran has confirmed 26 deaths, South Korea 13, Italy 12. Estonia, Norway, Denmark, and Romania have reported their first cases, and in two new cases in the UK, the infection has been traced to places as far apart as Italy and the Canary Islands in the Atlantic Ocean.

'SEMANTICS': Many experts believe that irrespective whether the WHO makes a formal "declaration", a pandemic is in effect already upon us. Commentators have pointed out that declaring a pandemic will not bring in more money to fight the disease or bestow extra powers on the WHO. In June 2009, the WHO declared a global pandemic of novel influenza A (H1N1), commonly known as swine flu.