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International

The Trends Shaping the Post-COVID-19 World (Rakesh Sood - Former Diplomat and Currently Distinguished Fellow at The Observer Research Foundation)

- The COVID-19 pandemic began as a global health crisis. As it spread rapidly across nations, country after country responded with a lockdown, triggering a global economic crisis. Certain geopolitical trendlines were already discernible but the COVID-19 shock therapy has brought these into sharper focus, defining the contours of the emerging global (dis)order.

Asia Ascending, U.S. Waning

The first trend which became clear in the aftermath of the 2008 global financial crisis is the rise of Asia. Economic historians pointed to its inevitability, recalling that **till the 18th century, Asia accounted for half the global GDP**. The Industrial Revolution accompanied by European naval expansion and colonialism contributed to the rise of the West, and now the balance is being restored. The 2008 financial crisis showed the resilience of the Asian economies, and even today, economic forecasts indicate that out of the G-20 countries, only China and India are likely to register economic growth during 2020. Asian countries have also demonstrated greater agility in tackling the pandemic compared to the United States and Europe. This is not limited to China but a number of other Asian states have shown greater responsiveness and more effective state capacity. Consequently, **Asian economies will recover faster than those in the West**. The second trend is the retreat of the U.S. after a century of being in the forefront of shaping the global order. **From the Treaty of Versailles and the League of Nations after World War I or the creation of the United Nations and Bretton Woods institutions after World War II, to leadership of the western world during the Cold War, moulding global responses to threats posed by terrorism or proliferation or climate change, the U.S. played a decisive role.** U.S. hubris and arrogance also generated resentment, more evident in recent years. Interventions in Afghanistan and Iraq have become quagmires that have sapped domestic political will and resources. This is the fatigue that (former) U.S. President Barack Obama sensed when he talked of "leading from behind". **President Donald Trump changed it to "America first" and during the current crisis, the U.S.'s efforts at cornering supplies of scarce medical equipment and medicines and acquiring biotech companies engaged in research and development in allied states, show that this may mean "America alone".** Moreover, even as countries were losing trust in the U.S.'s leadership, its bungled response at home to the pandemic indicates that countries are also losing trust in the U.S.'s competence. The U.S. still remains the largest economy and the largest military power but has lost the will and ability to lead. This mood is unlikely to change, whatever the outcome of the election later this year.

Intra-European Fission

A third trend is the European Union's continuing preoccupation with internal challenges generated by its expansion of membership to include East European states, impact of the financial crisis among the Eurozone members, and ongoing Brexit negotiations. Threat perceptions vary between old Europe and new Europe making it increasingly difficult to reach agreement on political matters e.g. relations with Russia and China. **The trans-Atlantic divide**



is aggravating an intra-European rift. Rising populism has given greater voice to Euro-sceptics and permitted some EU members to espouse the virtues of “illiberal democracy”. Adding to this is the **North-South divide within the Eurozone**. Strains showed up when **austerity measures were imposed on Greece, Italy, Spain and Portugal a decade ago by the European Central Bank**, persuaded by the fiscally conservative Austria, Germany and the Netherlands. **Recently, ECB chief Christine Lagarde’s press statement in end-March that “ECB is not here to close spreads” undermined any solidarity that the Italians felt as they battled with the pandemic and growing borrowing costs. Further damage was done when Italy was denied medical equipment by its EU neighbours who introduced export controls, which led to China airlifting medical teams and critical supplies.** Schengen visa or free-border movement has already become a victim to the pandemic. The EU will need considerable soul searching to rediscover the limits of free movement of goods, services, capital and people, the underlying theme of the European experiment of shared sovereignty.

Rising China

A fourth trend, related to the first, is the emergence of a stronger and more assertive China. While China’s growing economic role has been visible since it joined the World Trade Organization at the turn of the century, its more assertive posture has taken shape under President Xi Jinping’s leadership with the call that a rejuvenated China is now ready to assume global responsibilities. Chinese assertiveness has raised concerns, first in its neighbourhood, and now in the U.S. that feels betrayed because it assisted China’s rise in the hope that an economically integrated China would become politically more open. In recent years, **the U.S.-China relationship moved from cooperation to competition**; and now with trade and technology wars, it is moving steadily to confrontation. The pandemic has seen increasing rhetoric on both sides and with the election season in the U.S., confrontation will only increase. A partial economic de-coupling had begun and will gather greater momentum. **Mr. Xi has engaged in an unprecedented centralisation of power, and with the removal of the two-term limit, has made it clear that he will continue beyond 2022.** His signature Belt and Road Initiative seeks to connect China to the Eurasia and Africa through both maritime and land routes by investing trillions of dollars in infrastructure building as a kind of pre-emptive move against any U.S. attempts at containment. Even if Mr. Xi’s leadership comes under questioning, it may soften some aggressive policy edges but the confrontational rivalry with U.S. will remain.

Fading Organizations

Global problems demand global responses. With COVID-19, international and multilateral bodies are nowhere on the scene. The World Health Organization (WHO) was the natural candidate to lead global efforts against the health crisis but it has become a victim of politics. Its early endorsement of the Chinese efforts has put it on the defensive as the U.S. blames the outbreak on a Chinese biotech lab and accuses Beijing of suppressing vital information that contributed to the spread. **The UN Security Council (UNSC), the G-7 and the G-20 (latter was structured to co-ordinate a global response to the 2008 financial crisis) are paralysed at when the world faces the worst recession since 1929.** The reality is that these institutions were always subjected to big power politics. During the Cold War, U.S.-Soviet rivalry blocked the UNSC on many sensitive issues and now with major power rivalry returning, finds itself paralysed again. Agencies such as WHO have lost autonomy over decades as their regular budgets shrank, forcing them to increasingly rely on voluntary contributions sourced largely from western countries and foundations. U.S. leadership strengthened the Bretton Woods institutions in recent decades (The World Bank spends 250% of WHO’s budget on global health) because the U.S.’s voting power gives it a blocking veto. The absence of a multilateral response today highlights the long-felt need for reform of these bodies but this cannot happen without collective global leadership.



The Energy Factor

The final trend relates to energy politics. Growing interest in renewables and green technologies on account of climate change concerns, and the U.S. emerging as a major energy producer were fundamentally altering the energy markets. Now, a looming economic recession and depressed oil prices will exacerbate internal tensions in West Asian countries which are solely dependent on oil revenues. Long-standing rivalries in the region have often led to local conflicts but can now create political instability in countries where regime structures are fragile. A vaccine for the novel coronavirus, possibly by end-2020, will help deal with the global health crisis but these unfolding trends have now been aggravated by the more pernicious panic virus. Rising nationalism and protectionist responses will prolong the economic recession into a depression, sharpening inequalities and polarisations. Greater unpredictability and more turbulent times lie ahead.

Are Immunity Passports, Release Certificates the Way to Go?

→ Chile announced that it would push for “release certificates” for those individuals who had recovered from Covid-19. The certificate would not prove immunity to the virus, but instead be issued to those who had finished a mandatory quarantine after testing positive for the disease. Other countries such as the UK, Italy and Germany have also considered issuing “immunity passports” and “risk-free certificates” that would enable people to travel or return to work based on the assumption that having contracted the disease once, they would be immune to it for a considerable period of time. World Health Organization (WHO) warned against using such certificates, since there was no evidence yet that a person infected with Covid-19 could not get the infection again. “People who assume they are immune to a second infection because they have received a positive test result may ignore public health advice. The use of such certificates may therefore increase the risks of continued transmission,” the WHO added. However, in a subsequent post on Twitter, the WHO said it expected that “most people” infected with the disease would develop an antibody response that would provide “some level of protection”.

A study published on the pre-print server medRxiv found that a vast majority of Covid-19 patients produced antibodies “potentially providing immunity to reinfection”. As per reports, the UK government has also bought over 3.5 million finger-prick antibody tests that can be conducted at home. These antibody tests work by drawing blood from a finger and using the sample to determine if one has coronavirus antibodies. Antibodies remain in the body for some time after the infection and hence are detectable by tests such as an antibody test. If the result is positive, it means the person has had coronavirus and therefore, may be immune to it as a result. If considered, immunity passports will be issued to those who have recovered from Covid-19 and are deemed to be immune. Such people then may be able to get back to work and resume normal life.

What Do Critics Say About Measures Such as Immunity Passports?

“Individual-targeted policies predicated on antibody testing, such as immunity passports, are not only impractical given these current gaps in knowledge and technical limitations, but also pose considerable equitable and legal concerns, even if such limitations are rectified. The equitable concerns include limiting the number of people who can participate in social, civic and economic activities, creating a “perverse incentive” for some individuals to seek out infection. Such measures may also be ripe for corruption and bias, which could be reflected in the administration of certification to discriminate against vulnerable groups. Further, while a vaccine for Covid-19 may be months away, immunity passports are fundamentally different from vaccine certificates since the former incentivises infection and the latter incentivise



getting vaccinated. Vaccine certificates may be an effective way to start lifting physical distancing measures, but this can also be implemented once a vaccine is ready. Such measures may also face logistical problems as not enough test kits, such as at home antibody kits, are available to scale up the determination of immunity on a large scale. Some researchers are also sceptical about entirely relying on antibody tests to issue certificates.

Time for EU Fiscal Stimulus

- Germany's highest court ruled that the European Central Bank (ECB) exceeded its mandate in pursuing **Quantitative Easing (QE)** to rescue the eurozone from the sovereign debt crisis. The verdict is the culmination of fresh hearings that commenced in the country last year to apply the 2018 European Court of Justice (ECJ) decision to uphold the controversial programme. **QE refers to the unconventional monetary tool of public sector asset purchases the ECB has deployed to stimulate economic demand and stoke inflation in the eurozone.** The court in Karlsruhe has asked the Frankfurt-based institution to justify its huge purchases of government bonds. Failure to furnish proof within three months that these purchases have not had a disproportionate impact on other economic policies risks jeopardising Berlin's participation in QE, the court observed.

Claims and Counterclaims

The ECB's bond-buying under QE, of over €2.2 trillion since 2014, in order to raise eurozone inflation close to its 2% target, has long proved contentious in the eurozone's affluent northern states. **Critics in Germany and the Netherlands argue that public debt purchases by the central banks of eurozone member states with ECB funding amounted to monetary financing of government spending by the ECB. This has been barred under EU law, so as to insulate the institution from political pressures. QE advocates refute the claim, insisting that the ECB was buying bonds from investors in secondary markets, not directly from governments. They also point to the self-imposed cap on its holdings of up to one-third of the debt of any country and to acquire sovereign assets in proportion to the size of the economy, as measured by the share of ECB capital.** These constraints are intended as safeguards against potential defaults by member states. Significantly, the Karlsruhe court did not think the ECB debt purchases amounted to direct financing of governments. This is a setback for the plaintiffs, who include Berlin's conservative academics, lawyers and the populist Alternative for Germany (AfD) party. But crucially, they were not deterred by an earlier defeat over the legality of the Outright Monetary Transactions, the 2012 predecessor to QE that was never availed. Indeed, they would regard the court's recent insistence of a justification of QE as marking a relative success over its 2017 refusal of a temporary halt to the programme, out of concern that Germany's withdrawal would hurt the ECB policy goals.

Squabbling Over Rescue Package

Germany's monetary hawks moreover have their eyes set on the distorted real estate prices from the prolonged negative interest rates in the eurozone and the impact on lenders and pension funds to continue their assault on QE. **The Karlsruhe decision is believed to have no direct bearing on the ECB's expansion of asset purchases by another €750 billion of bonds under the so-called pandemic emergency purchase programme until the year-end in response to COVID-19. But the removal of the ceiling to acquire no more than one-third of a country's debt could potentially expose the institution to fresh legal challenges.** The sustained attacks on the lender of last resort should serve as a wake-up call for eurozone leaders who are squabbling over the bloc's rescue package for the post-pandemic recovery. Moves to mutualise the bloc's debt acquire greater urgency than ever, as also calls for governments to infuse a bold fiscal stimulus. **The ECB has said it will continue its bond-buying programme,**



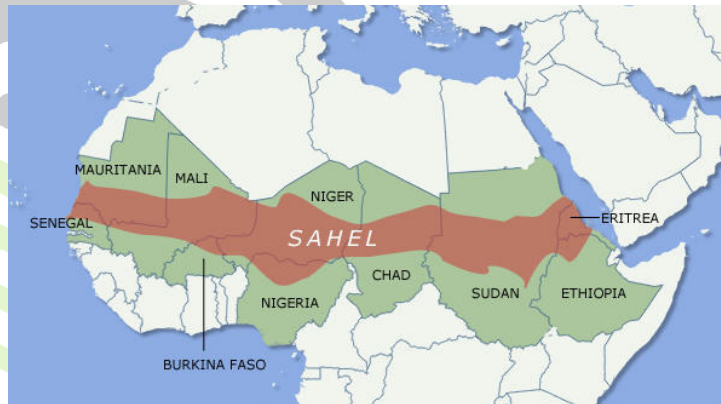
regardless of the implications arising from the Karlsruhe court ruling for the principle of central bank independence. The decision also raises fundamental issues concerning the primacy of common EU laws at a juncture when the bloc is beset with Eurosceptic and populist challenges from member states. In the wake of the decision in Germany, the ECJ has emphasised its authority as the ultimate arbiter in all EU disputes.

Why IS and Al-Qaeda Are Battling for Control in Africa's Sahel

- Africa's Sahel, a region running across the breadth of the continent, between the Sahara in the north and the Sudanian Savanna in the south, has become the latest battleground in the ongoing war between the Islamic State and al-Qaeda. Just like the other conflicts that the two terrorist groups have been engaged in over the past few years, this latest battle is also for more influence, access to resources and potential recruits.

Why Is There A Tussle Between IS and Al-Qaeda?

The tussle between IS and al-Qaeda is not just a battle for influence, resources and recruits in the context of the Jihadist movement in various parts of the world. The two terrorist groups are ideologically different and they also have differing perceptions of whom they see as their "enemies" and their operational tactics. The ideology of al-Qaeda is to overthrow and replace what it considered corrupt regimes in the



Middle East who have engaged in apostasy, straying away from al-Qaeda's interpretation of Islam. The al-Qaeda wants to replace these existing governments with those who conform to the group's beliefs. The group's operations are founded in eradicating the presence and influence of the United States in the region, a country that it considers to be the cause of instability and continued conflict in the Middle East, because of the diplomatic, military and economic operations that the US has engaged in, in the Middle East. In contrast, the IS focuses on domestic "enemies", a long list that includes religious minorities as well as competing jihadi groups. This list includes the Iraqi Shias, Hezbollah, the Yazidis in Iraqi-Kurdistan, Kurds elsewhere in Iraq and Syria, and other jihadi groups it considers to be its rivals. The Islamic State hopes to build just what its name suggests a state with a government where Muslims can live under the IS's interpretation of the religion and law. While the al-Qaeda's operations and tactics have been more to shock the world with its terrorist activities, the IS which developed as a result of the civil wars in Syria and Iraq use terrorism to force civilians and territories into submission by using tactics such as rape, violence against women, public beheadings, kidnappings, torture, mass executions and destruction of private, public and heritage property. To achieve its goals, the IS uses tactics that it picked up through operations during the civil wars, and uses heavy artillery, large ground forces to invade and occupy new territory.

Why Has Their Involvement in Africa's Sahel Come into Focus Now?

On May 7, in its weekly newspaper al-Naba, the IS accused al-Qaeda affiliate Jamaat Nusrat al-Islam wal-Muslimin (JNIM) in the Sahel of initiating conflict and mobilising large forces to attack IS positions in the West African countries of Mali and Burkina Faso, according to a BBC



report. Months earlier, reports began circulating claiming that IS and al-Qaeda had started cooperating with each other in the Sahel. The statement in al-Naba sought to dispel those rumours by criticising attacks on IS forces by al-Qaeda militants. IS claimed the JNIM had been increasing its forces on the ground to target the opposing terrorist group and was blocking fuel supplies from reaching IS in the region. Already facing an onslaught by the militaries of various African nations, along with French soldiers, the IS said the JNIM had been using the opportunity to target its opponents.

Why Has Africa's Sahel Become A Battleground?

Research on the operations of terrorist groups shows **illegal armed groups intentionally seek out countries where there are high rates of poverty, corruption and religious and ethnic conflict.** They also look for governments that are unable to curb the development and growth of illegal armed groups, such as these two terrorist organisations. **Countries in the African Sahel have been battling their own challenges with high rates of poverty, corruption and ethnic conflict, making them vulnerable hunting grounds for groups like the IS and al-Qaeda.** This January, France president Emmanuel Macron met with leaders from the Sahel countries to discuss operations against the growing threat of Islamist militants in West Africa. **Despite the presence of troops from the Sahel nations as well as France, violence by Islamist militants against civilians and armies deployed in region have only increased.** According to a BBC report, 2019 recorded the highest annual death toll due to armed conflict in the region in eight years. But the presence of Islamist militants has been recorded in the West African region for at least a decade. There are also concerns that the armed conflict and the influence of Islamist militant groups could spread to other parts of the continent if left uncontrolled. **The main armed groups in the Sahel are the Jama'a Nusrat ul-Islam wa al-Muslimin, the Islamic State Group in the Greater Sahara (ISGS), the Ansarul Islam, a militant Islamist group based in Burkina Faso and Mali,** along with other armed groups with various political affiliations.

What Impact Has This Had in Africa's Sahel?

The presence of these militant Islamist groups has exacerbated the situation for civilians in the Sahel who had already been dealing with growing ethnic conflict and the chain reaction of climate change that has been hitting the pastoral communities the hardest. The conflict has also caused mass displacement of people and observers believe that the situation may only deteriorate in the coming years. In 2019 alone, the United Nations said that 5,60,000 people had been displaced in Burkina Faso, followed by approximately 2,00,000 in Mali and 1,86,000 in Niger. **Islamist militant groups in the Sahel and West Africa are also known to target schools, forcing the institutions to close.** Many affected children are then used by these militant groups who engage them in forced labour, sexual exploitation and force them into joining these armed militant groups as child soldiers.

Hong Kong History Exam Question Sparks Rebuke from Beijing

- A history exam question asking Hong Kong students to **assess colonial Japan's occupation of China** sparked a rebuke by Beijing and reignited a **row over academic freedoms in the semi-autonomous city.** The criticism comes as Hong Kong's schools and universities — some of the best in Asia — become the latest ideological battleground in a city convulsed by political unrest since last year.

Chicken Coop Metaphor

China's Foreign Ministry and state media rounded on a university entrance exam question that asked students whether they agreed Japan "did better than harm" to China from 1900 to 1945.



After the criticism from the mainland, Hong Kong's Education Secretary Kevin Yeung announced the question would not be marked by examiners because it was "biased" and had "seriously hurt the feelings and dignity of the Chinese people". He also ordered the city's exam board to report to him on how it was included in the test. **Japan's colonial occupation of parts of China between 1900-1945 was brutal and led to millions of deaths.**

Taliban Reaches Out to Shias

- The Taliban insurgency seems to be pulling all the stops it can to gain political legitimacy in Afghanistan ahead of the intra-Afghan peace talks. In a new video message from the Taliban, released on April 22, **the group seeks the support of the Hazara Shias and wants to recruit from the long-persecuted minority.** The poorly edited video features the insurgency's newly appointed northern district Governor Mawlawi Mahdi Mujahid, an ethnic Hazara, Shia cleric, who incites his brethren to fight against the "Jewish and Christian invaders" alongside the Sunni-majority Taliban.

Prisoner Swap

The video appeal comes ahead of a much-anticipated peace talks between the Afghan government and the Taliban. The insurgent group has already signed an agreement with the U.S. administration, which paved the way for a possible peace deal with the Afghan government. Already, negotiation teams have been finalised, and prisoner releases from both sides are under way. In this fragile period, by bringing members like Mahdi to the forefront, the Taliban may be attempting to refashion itself into a political entity to gain legitimacy, say experts. "The Taliban are perhaps being practical and making preparation for their return to Afghan politics. If and when they return to power, in whatever shape or form, they would need to work with the Shias." Mahdi, who has served six years in prison on criminal charges, allegedly controlled the mine-rich district as a strongman for Mohammad Mohaqeq, the former Deputy Chief Executive of Afghanistan. In October 2018, people of Balkhab, fed up with Mahdi, rose up against him – he then fled the town. Mahdi returned a year later, allied with the Taliban. "Mahdi sounded educated in religious studies and referred to Quranic verses. His messaging was in line with the Taliban's anti-West narratives," said Mr. Ibrahim.

The Iran Factors

In his appeal, the Shia Taliban leader also addresses the "Shia brothers and religious scholars in Qom", underlining the Iran factor in the Taliban's strategy. In the video, **Mahdi also reiterates several times that the Taliban is an inclusive force devoid of racism, trying to portray a different picture of the insurgency which is known for its attacks on minorities and women.** While the Taliban did have few Hazara officials working for its regime in the 1990s, Mahdi is its first known Hazara Shia commander and district Governor. **"Historically, the Taliban have marginalised Shias. They banned Shia rituals in Kabul during Muharam in the 1990s and when the group captured Mazar-e-Sharif, their commander Abdul Manan Niazi said that 'Hazaras either should fully convert to Islam or pay attributions (like non-Muslims living under the Islamic states in the past)'. Similarly, in Herat, the Taliban had occupied a Shia mosque and named it after Mahawiya, who was an adversary of Imam Ali, Shia's first Imam. During those years, the Taliban massacred Shias in Hazarajat and in Mazar-e-Sharif,"** Mr. Ibrahim said. Given the past of the Taliban's treatment of minorities, it may have to do more than appointing a Shia commander and releasing his videos if it wants to acquire the trust of the country's religious sects.



Foreign Affairs

In Murder of a Popular Pashtun Leader, focus on Pakistan's Only Party That Openly Challenges the Army

→ On May 1, **Sardar Muhammed Arif Wazir**, a Pashtun political leader in Pakistan, was fatally wounded in a drive-by shooting by unidentified men as he stood outside his house in South Waziristan. With gunshot wounds in the head and neck, Wazir was moved to a hospital in Islamabad, where he succumbed to his injuries the following day. The news of his death triggered an outpouring of grief and anger among the Pashtun in the North-West Frontier areas of Pakistan. 'Dawn' newspaper said thousands gathered for his funeral in Wana, the main town of South Waziristan, on May 4, despite COVID-19. On May 5, there was another large gathering to protest the killing, and protests in other towns. **Wazir was part of the Pashtun Tahafuz Movement (PTM), a group with wide support in what used to be the Federally Administered Tribal Areas of Khyber Pakhtunkhwa province, in particular in South and North Waziristan, the geographical centre of Pakistan's Afghanistan policy.** Though the identity of Wazir's killers is not known, the PTM and its supporters blame the Pakistan Army and the ISI. The hashtag **#StateKilledArifWazir** began trending on social media soon after. **The PTM is a strident critic of the Pakistan Army's proxy war policy through jihadist groups and its extension, the shadow wars within the country.** Just two years old as a political party, it is the only organised political force that **now challenges the Pakistan Army openly.** Wazir, a 38-year-old who had a large support base in South Waziristan, was **an outspoken and vocal critic of the security establishment.** Just four days before he was shot, he had been released on bail after being arrested on April 17 on hate speech charges for **allegedly making an "anti-Pakistan" speech on a visit to Afghanistan earlier in the month.** According to the Human Rights Commission of Pakistan (HRCP), **Wazir had spoken in Afghanistan about the impact of war on the lives of Pashtuns in Pakistan and Afghanistan, and the need for unity in the Pashtun community.** Over the last two years, according to HRCP, he was arrested six times and in all, had spent 13 months in detention. Wazir's violent death has once again brought attention to the PTM as a growing political movement in the north-west regions that has made the Pakistan state nervous and which it is doing everything to suppress. **The Pashtun are Pakistan's second largest ethnic group.** The PTM was building up since 2014 and burst on the political scene in 2018, when large numbers of Pashtun began a "long march" from Dera Ismail Khan – where many from the tribal areas have moved after being dislocated by the "war on terror" – 300 km away to Islamabad, to protest the killing of Naqeebullah Mehsud, a Pashtun youth, in an alleged encounter in Karachi. Their peaceful two-week sit-in in the Pakistan capital from January 28 to February 10, 2018, shook the security establishment. The dharna was led by the 26-year-old Manzoor Pashteen, who founded the PTM as a 20-year-old student back in 2014. His family, like thousands of others, had to leave home in south Waziristan and settle in Dera Ismail Khan, a town in Pakistan's Khyber Pakhtunkhwa province. He and the others he mobilised had all come of age during the US war on terror in Afghanistan, in which Pakistan was enveloped from the start. The tribal areas on the North-West Frontier were in the direct line of fire. **For two decades and**





longer, FATA in general, and South and North Waziristan have been a safe haven for al-Qaeda, the Haqqani network and Afghan Taliban, under the indulgent gaze of the Pakistan Army. The region is a revolving door through which jihadists of all nomenclature enter and exit Afghanistan at will, crossing over the rugged mountains that constitute the border between the two countries. As the two Waziristans became a battleground for the Americans (remotely via drones), the Afghan Taliban, the Tehreek-e-Taliban Pakistan, and the Pakistan Army, the PTM's aim was to protect, as its name suggests, the Pashtuns who lived there and whose lives had been destroyed. The PTM describes itself as a non-violent rights-based movement that frames its demand to be treated equally with other citizens of the country within the framework of Pakistan's constitution. The PTM anthem *Da Sanga Azadi Da* (of what use is this freedom) has resonated among the Pashtun. The party wants accountability from the most powerful institution in Pakistan for putting FATA in the eye of a storm that continues to rage in Afghanistan, for disappearances and the killings of civilians in targeted operations or as collateral, and other violation of rights. The 2009 formation of the Tehreek-e-Taliban Pakistan was a turning point for those living in the tribal areas. The Pakistan Army's subsequent operations against the TTP, termed "the bad Taliban" because they targeted Pakistan by carrying out suicide bombings and other attacks across the country, were seen by Pashtun as stereotyping the entire community as terrorists. "Peace committees" that got weapons and money from the Army became de facto rulers of these areas, and acting as the Army's proxies, pitted Pashtun against Pashtun. At the same time, the Afghan Taliban, the Haqqani network and other groups that were "good Taliban" in the eyes of the Pakistan security establishment were given a free pass. The areas continue to remain turbulent. News reports in Pakistan said one Frontier Corps personnel was killed and two others were injured. "We are not anti-Pakistan; we are only anti-terrorism. We are against oppression in all its forms – be it perpetrated by "good or bad Taliban" or by the Pakistani military's intelligence agencies," Manzoor Pashteen told Deutsche Welle in an interview last year. At a public meeting in Lahore, he asked: "Who is a traitor? We who ask for our rights peacefully as prescribed in the Constitution, or those people in uniform, who have violated the Constitution repeatedly?" The 2018 Islamabad sit-in was PTM's coming of age moment and transformation into a political party. It contested parliamentary elections that year, winning two seats.

The Army has been particularly harsh in the manner in which it has reacted to the PTM and its popularity among the Pashtun. It has described the PTM as "anti-state", "traitors", funded by foreign forces and as terrorists. Though two of its leaders sit in the National Assembly alongside other elected representatives, the Army has successfully implemented a blanket ban on media coverage of the PTM. There was skeletal coverage of Wazir's death. At the press conference, Ghafoor laid down that media must not interview any PTM representative, as this would be anti-Pakistan act. The PTM has countered by working through social media, where its leaders have a massive following. Wazir was not the first PTM leader to be eliminated. According to the HRCP, in 2019, Ibrahim Arman Loni, a core committee member of PTM in Balochistan, was killed. Others have been in and out of detention, usually for sedition. Gulalai Ismail, a PTM members and a women's rights activist, had to flee Pakistan. Both parliamentarians have undergone arrest. In January 2020, Pashteen was arrested with other PTM members and supporters and was released on February 15, 2020. Last May, the Pakistani Army and PTM supporters clashed near the site of a public meeting in North Waziristan where Dawar and fellow MP, Ali Wazir were present. The clash killed 13 PTM supporters, and left people 25, including five soldiers wounded. The Army's fears about the PTM go back to Pakistan's muscle memory of Pashtun nationalism and a nascent Pashtun independence movement that drew from both sides of the Durand Line, around the time of India's independence and Pakistan's birth. The Khudai Khidmatgar, led by Khan Abdul Ghaffar Khan, opposed the partition of India, decided it did not want to be part of Pakistan and demanded independence instead. Some Pashtuns in Afghanistan still speak of a Greater Afghanistan that



would include the north-west areas of Pakistan. In Balochistan too, where a Baloch nationalist movement has long simmered, the PTM has support among the Pashtun. There is much interest in and support for PTM in Afghanistan, where it is seen as a counter to the Taliban. Conversely, Pakistan's dance with the Taliban and Islamism is to prevent secular Pashtun nationalism from striking roots. At a time that *Pakistan believes it has managed to pave the way for a Taliban comeback in Kabul, the PTM's growing popularity among Pashtun, is an untimely thorn in the flesh*. While there is no official response from the Army to the accusation that it was behind the killing of Arif Wazir, pro-Pakistan Army handles on social media sought to blame the National Directorate of Security, the Afghan intelligence agency. Arif Wazir's killing will not end the PTM. If funerals are any indication, the turnout at his was similar to the attendance for militant funerals in Kashmir. As well though, **it has struck fear among a vanishing tribe of Pakistani dissenters that those who are outspoken against the Pakistan Army will not be tolerated.**

Nepal Can Let India Use Link Road

- Nepal's Prime Minister K. P. Sharma Oli proposed a solution to the ongoing border tension saying that **Nepal can allow India to use the link road to the Lipulekh Pass as part of an agreement**, but will not surrender the **Kalapani territory** on which India has been carrying out construction. His observations came on a day when Nepal deployed a contingent of soldiers in the westernmost part of the country near its border with India. "The government will save the land that was added to Nepal by our ancestors. PM urged the leaders not to make their positions based on things that have come from outside," Foreign Minister Pradeep Gyawali was quoted as saying in online publication Setopati.

'Diplomatic Solution'

The meetings were attended by a large number of political parties, and also several former Prime Ministers. Mr. Gyawali said that the leaders sought a diplomatic solution to **the crisis that involves the territory of Kalapani that India depicts as a part of the easternmost region of the State of Uttarakhand**. A similar meeting was also held earlier after India depicted the contested region as its territory in a new set of political maps published in November 2019. Nepal expressed regret after Defence Minister **Rajnath Singh inaugurated the link road that will cut travelling time to the Tibetan plateau and the Kailash Mansarovar**. The road that starts **from Dharchula in Uttarakhand and runs 80 km to the Lipulekh pass** was built by the Border Roads Organisation. In a strongly worded statement, Nepal's Foreign Ministry said India's decision to build the road through territory at the Lipulekh pass that it claims as its territory is a breach of an agreement reached between the two countries to discuss the matter. **Kathmandu maintains that the territories to the east of Mahakali river are a part of its domain, as agreed in the Treaty of Sugauli of 1816 between the East India Company and the King of Nepal**. In its response, the Ministry of External Affairs said the road going through Uttarakhand's Pithoragarh district "lies completely within the territory of India".

India Reminds China of Claims Over Gilgit-Baltistan

- The recent incidents of face-off between the troops of India and China are neither correlated nor have any connection with other global or local activities, Army chief Gen. Manoj Naravane said. The statement was supplemented by official spokesperson of the Ministry of External Affairs Anurag Srivastava who reminded China about **India's claims over Gilgit-Baltistan where China has teamed up with Pakistan to build the Diamer-Bhasha dam**. Mr. Srivastava said both sides understand the importance of maintaining peace. The assertion is important as it was made a day after **Power China, one of the biggest Chinese power companies, received a**



contract to build the Diemer-Bhasha dam which once completed will allow Pakistan to use the waters of the Indus for irrigation. Islamabad claims that the dam will help reduce downstream flood by the Indus.

Indian, Chinese Troops Face Off in Ladakh, Sikkim

- Two incidents of face-off occurred between Indian and Chinese troops, resulting in injuries to several soldiers on both sides, Army sources confirmed. The first incident occurred in eastern Ladakh on May 5 and the second at Naku La, Sikkim, on May 9. The issues were resolved locally. Army sources said, speaking about the incident in the Naku La sector, ahead of Muguthang, at an altitude of over 16,000 feet. A large number of troops were present, and at least four Indian and seven Chinese soldiers were reportedly injured. Sources said the face-off in Ladakh occurred on the intervening night of May 5 and 6 near Pangong Tso lake, a major part of which China holds. Several soldiers were injured in a scuffle. "The issue was resolved locally by the morning of May 6," the sources said. Pangong Tso has witnessed such incidents in the past, including in 2017 and 2019. Temporary and brief face-offs occur because the boundary is undemarcated, and troops resolve such issues as per the established protocols, the sources said. A defence source said that at Muguthang, the road on the Chinese side is motorable, and on the Indian side, it is a remote area. Due to this, they can bring in a large number of troops if need be, the source added. Both countries have differing perceptions owing to the non-demarcated boundary, which lead to transgressions and face-offs, as each side patrols up to the areas they claim along the 3,448-km Line of Actual Control (LAC). In September 2019, a scuffle broke out between the patrol teams of both sides near Pangong Tso. The issue was resolved in a few hours after a delegation-level meeting at the Border Personnel Meeting (BPM) point at Chushul. In August 2017, a video surfaced, showing several hundred soldiers hurling stones at each other. In January 2020, Army Chief Gen. Manoj Naravane said that after the Wuhan summit between Prime Minister Narendra Modi and Chinese President Xi Jinping in April 2018, differences over the border were being settled at the lowest level.
- Helicopters of the Chinese People's Liberation Army (PLA) came close to the border during the face-off with the Indian Army near Pangong Tso lake in Eastern Ladakh last week, but there was no air space violation on either side, Indian Air Force (IAF) sources said. Separately, Army spokesperson Col. Aman Anand said there was no ongoing face-off at the Pangong Tso lake or any "build-up of armed troops in the area". "There was no border violation on either side. IAF SU-30MKI fighters were airborne in Ladakh on routine flying and were not scrambled in response to the helicopters," IAF sources said. As per existing agreements between India and China, operation of fighter aircraft and armed helicopters is restricted to a distance from the LAC. According to the 'Agreement on Maintenance of Peace and Tranquillity along the LAC in India-China Border Area' of 1996, "combat aircraft (to include fighter, bomber, reconnaissance, military trainer, armed helicopter and other armed aircraft) shall not fly within 10 km of the LAC.

China Rebuts Taiwan On WHO Participation

- China opposed any move by Taiwan to use the COVID-19 pandemic as a "pretext" to seek independence, its Embassy in New Delhi said. Taiwan was looking to "hype up Taiwan's participation in the World Health Organization (WHO)" while "their real intention is to solicit foreign support and seek independence under the pretext of the pandemic", the Chinese Embassy in New Delhi said in a statement. "We are firmly opposed to that and have repeatedly clarified our position," said the statement, which was issued in response to comments made by Taiwan Foreign Minister Joseph Wu in an interview with The Hindu. Mr. Wu said Taiwan's



status had limited its ability to share information about COVID-19 and its arrangement with the WHO was “far from satisfactory”. He called for “full participation” in the WHO and for Taiwan to interact with countries on “an equal basis”. Taiwan is not a member of the WHO. China has opposed its inclusion in the World Health Assembly (WHA), the organisation’s decision-making body, citing the ‘One China principle’, although Taiwan participated in the WHA as an observer from 2009 to 2016. Relations have been strained after the Democratic Progressive Party’s (DPP) election win in 2016. In the statement, the Embassy said the DPP “has been stubbornly adhering to ‘Taiwan independence’ separatist status” and “undermined the political foundation for the region’s participation in the WHA”. India is among the 179 of the 193 member states of the UN that do not maintain any diplomatic ties with Taiwan. While the U.S. has been pushing for Taiwan’s inclusion in the WHA, the move will require a simple majority from member states. Ahead of WHA meet, India has found itself in the middle as it takes over as chairperson of the executive board. The government is yet to make a final decision on whether to support the U.S. move to include Taiwan or to accept China’s objections to it, officials said.

Final View

“The agenda of the WHA meeting still being evolved,” an official said. “We will take a final view [on the Taiwan inclusion issue] depending on how the agenda evolves.” The Chinese Embassy statement rebutted Taiwan’s claims that it had been excluded from the WHO and that it had provided an early warning on the pandemic that had been ignored. Taiwan sent an email on December 31 to the WHO, the same day Wuhan authorities alerted the body, and asked for more information about the outbreak. The email, later made public, did not provide any new information or warning about the pandemic, as was initially claimed. The WHO, which has faced questions over its initial response to the pandemic, did not follow up with Taiwan’s request for information. “The Taiwan region is never excluded from the WHO global anti-epidemic system,” the Chinese Embassy said. “As of May 6, China’s mainland had updated Taiwan on the epidemic situation 148 times. The WHO has also clarified many times that Taiwan has not made an alert, but only sought more information... The so-called statement that Taiwan first issued a warning but did not receive the attention from the WHO is purely groundless.” “We urge the relevant Indian media take a correct stance on issues of core interests concerning China’s sovereignty and territorial integrity, adhere to the one-China principle, do not provide platform for ‘Taiwan independence’ forces, and avoid sending wrong messages to the public,” the statement said.

- ➔ As tensions between the U.S. and China rise over the novel coronavirus pandemic, India, which is set to take over as the next Chairperson of the World Health Organization’s decision-making executive body in May, is faced with a major choice on whether to support a U.S. move to reinstate Taiwan’s observer status at the World Health Assembly (WHA) or to China’s opposition to it. External Affairs Minister S. Jaishankar attended a seven-nation virtual meeting of Foreign Ministers, convened by U.S. Secretary of State Mike Pompeo, which appeared to be part of Washington’s efforts to gain support for its move to effect changes at the WHO. The U.S. has, in the recent past, accused it of acting as a “PR agency” for China during the pandemic. Mr. Jaishankar will take part in a virtual meeting of the 8-nation Shanghai Cooperation Organisation (SCO) led by China and Russia, which will discuss responses to the pandemic. The meeting was held on the same day the U.S. Senate passed an Act (S.249) to “direct the Secretary of State to develop a strategy to regain observer status for Taiwan in the World Health Organization”, beginning with its decision-making body, the WHA. The Geneva-based WHA will hold a virtual meeting on May 18 and 19 to elect members to the 34-nation Executive Board, among other things, and it will be followed by a Board meeting on May 22. Officials have confirmed that India’s nominee will take over as the Chairperson, replacing Japan.



Nation

The Epidemic and Ensuring Safety in Courts (K. Subramanian - Senior Advocate and Former Advocate General of Tamil Nadu)

- In a letter addressed to the Chief Justice of India, the Bar Council of India has opposed the continuation of virtual hearings once the lockdown is lifted, on the grounds that 90% of the advocates and judges are “unaware of technology and its nuances”. The COVID-19 crisis is far from over. Once the lockdown is lifted, unless the number of advocates/litigants is restricted in open court proceedings, the possibility of the virus spreading is high. **On April 6, invoking its powers under Article 142 of the Constitution, the Supreme Court issued certain directions for the functioning of courts through video conferencing during the lockdown.** The Court directed the State officials of the **National Informatics Centre (NIC)** to liaison with the respective High Courts and formulate a plan for the virtual functioning of courts. A virtual court hearing is one where there is no physical court room. All the participants take part in proceedings using telephone or video conferencing facilities. It was made clear that the guidelines for this would be formulated by the NIC and sent to the respective courts and lawyers. But the NIC has not yet notified the guidelines. In its order, the Supreme Court had also indicated that the district courts would follow the video conferencing rules as formulated by the respective High Courts.

E-Filing System

In the United Kingdom, a considerable amount of work has gone into putting in place the infrastructure necessary to facilitate remote court hearings. For instance, a user must have a personal computer running Windows, OS X or Linux; a web browser such as Mozilla Firefox or Google Chrome; the Adobe Reader 11 software; and a scanner. Only documents in PDF format are accepted for e-filing. Thus, e-filings involve a certain amount of technical knowledge and capability. In India, most advocates and litigants are unaware of and unwilling to use these services.

The e-filing system was introduced in the Delhi High Court in 2009. Compared to the other High Courts in the country, the Delhi High Court is far ahead in terms of technology. About 10 courts in the Delhi High Court function as e-courts. Moreover, there are 13 e-courts functioning in the district courts attached to the Delhi High Court. Another 11 e-courts will soon be functional.

In the Madras High Court, the facility for e-filing of cases, which was initially only for bail applications, was launched on April 22, 2020. Filing of urgent cases through e-mail is also permitted now.

While it is true that there is less pressure on the courts now, this will change once the lockdown is lifted. It is in this context that suitable safety measures must be put in place for conducting proceedings after the lockdown is lifted. The method of hearing post lockdown will depend on the facilities available at the court concerned. While such facilities are largely available in the Supreme Court and the Delhi High Court, they are not available in the various other High Courts and subordinate courts. The judiciary must be allotted sufficient funds for self-administration and timely delivery of justice. Today, technology dictates our lifestyle, but because of lack of allocation of sufficient funds to improve and strengthen technical support for the judiciary, we in India are unable to make full use of technology.

SC Sets Up Panel to Look Into J&K Internet Curbs

- The Supreme Court has failed to discharge a judicial duty it was called upon to perform. **Its decision to send the question of restoring 4G connectivity in Jammu and Kashmir for a review**



to the very authorities who imposed the restriction in the first place is a clear abdication of responsibility. The mandate that the Court enjoys under Article 32 of the Constitution – to enforce fundamental rights – cannot be transferred to the executive. It is quite stark that the three-member Bench has resorted to this measure despite coming to the conclusion that the grievance of the petitioner's merits consideration. **The judgment is in consonance with a judicial trend that seeks 'balance' between rights and 'national security'**. In the J&K context, this approach inevitably results in unquestioning deference to any claim that the executive makes without scrutinising the nature and quality of the claim. **The Court has not even pursued the attempt it made in Anuradha Bhasin, to lay down a set of rules by which authorities seeking to impose restrictions on fundamental rights must adhere to the doctrine of proportionality.** In that case decided in January, the Court refrained from taking any view on the legality of the government's imposition of a blanket communication lockdown in J&K in the wake of the abrogation of the special status enjoyed till then by the erstwhile State. However, it held that repeated resort to Section 144 of the CrPC to impose wide restrictions without territorial or temporal limits was unacceptable. It directed the authorities to review each one of them from time to time. **In the present case, it has asked two Secretaries in the Union government and the J&K Chief Secretary to consider the case made out by the petitioners for restoring 4G services.**

The Court acknowledges that it might be better and convenient to have better Internet facilities during a global pandemic and a national lockdown. It also notes that the entire Union Territory has been put under curbs that allow only 2G speed. **However, it takes into account two claims by the government: one, that there ought to be limits on data speed to prevent terrorists misusing it to disturb peace and tranquillity; and two, that there has been a spike in incidents of terrorism – 108 incidents, in fact, between August 5, 2019 and April 25, 2020 – in the area.** The Court also considered recent incidents including the encounter at Handwara. *A question that it failed to ask was how these incidents could be linked to Internet speed when all of them took place while severe restrictions were in place.* Without a judicial standard to scrutinise claims made in the name of national security, is it right to use them to dislodge fundamental rights? Further, the institutional discrimination against J&K that this approach causes is not taken into account at all. **The delicate balancing the Court attempts is, in fact, no balance at all.**

How Indian Courts Have Seen Mental Cruelty as Grounds for Divorce

- The Bombay High Court, while granting a divorce, held that a wife writing to her husband's employer with unfounded allegations about him constituted actionable cruelty under the Hindu Marriage Act, 1955. In its judgment of May 5, a division bench of Justices VM Deshpande and SM Modak observed, "The cruelty is physical as well as mental. If allegations are made in writing and if they are baseless, it may cause mental pain to other side."

Grounds for Divorce Under Hindu Law

The Hindu Marriage Act, 1955, lays down the law for divorce that applies to Hindus, Buddhists, Jains, and Sikhs. Under Section 13 of the Act, the grounds for divorce include: "voluntary sexual intercourse with any person other than his or her spouse"; "cruelty"; desertion "for a continuous period of not less than two years immediately preceding the presentation of the petition"; "ceas(ing) to be a Hindu by conversion to another religion"; and being "incurably of unsound mind". In addition, Section 13B provides for "divorce by mutual consent". Section 27 of The Special Marriage Act, 1954 provides the grounds for grant of divorce in the case of marriages solemnised under that Act.



Mental Cruelty as Ground for Divorce

When it was first passed, the Hindu Marriage Act did not have 'cruelty' as a ground for divorce. It was after an amendment in 1976 that this basis became available for seeking both divorce and judicial separation. While Parliament did insert the term 'cruelty' in the Act, it did not supply an exhaustive definition. As a result, the term has since been understood according to its interpretation by the judiciary over the years – during which time the courts have evolved grounds for providing relief in cases of both physical and mental cruelty. Even before the 1976 amendment, the Supreme Court had examined the concept of legal cruelty in *Dastane v Dastane* (1975). In that case, the court held that the wife threatening she would end her life, and verbally abusing the husband and his father, among other acts, amounted to mental cruelty, and granted divorce to the husband. Justice YV Chandrachud had then observed, "The inquiry therefore has to be whether the conduct charged as cruelty is of such a character as to cause in the mind of the petitioner a reasonable apprehension that it will be harmful or injurious for him to live with the respondent. It is not necessary, as under the English law, that the cruelty must be of such a character as to cause "danger" to life, limb or health or as to give rise to a reasonable apprehension of such a danger." In subsequent years, the courts have held a number of acts as amounting to mental cruelty. In *Shobha Rani v Madhukar Reddi* (1988), the Supreme Court held that **repeated demands for dowry by the husband or his relatives was a form of cruelty. The courts have also given similar relief in other cases, including those of persistent drunkenness and repeatedly making unfounded allegations.** The recent Bombay High Court verdict is in line with the latter example. The judgement reads, "If one spouse establishes extramarital affair with another lady/man, it is considered as an act damaging the foundation of the marriage. And if one of the spouses makes such allegations and he/she fails to prove it; it is considered as an act causing mental pain to other spouse and considered as an instance of cruelty."

NEET Is Not Student-Friendly, Merit-Promoting (Faizan Mustafa - Expert of Constitutional Law)

→ "Freedom of individual development is the basis of democracy," observed the Commission (1948-49) appointed by the Government of India "to report on Indian University Education and suggest improvements and extensions that may be desirable to suit present and future". It had among its members Dr. S. Radhakrishnan and was cited by then Chief Justice of India, B.N. Kirpal, in the judgment in *T.M.A. Pai Foundation & Ors vs State of Karnataka & Ors* (2002). The Commission added (also cited in the *T.M.A. Pai Foundation* judgment): "Exclusive control of education by the State has been an important factor in facilitating the maintenance of totalitarian tyrannies. In such States [] institutions of higher learning controlled and managed by governmental agencies act like mercenaries, promote the political purposes of the State, make them acceptable to an increasing number of their populations and supply them with the weapons they need. We must resist, in the interests of our own democracy, the trend towards the governmental domination of the educational process." But these observations do not seem to have been kept in mind in a judgment this April on the National Eligibility-cum-Entrance Test (NEET), by a three-judge Bench of the Supreme Court, headed by Justice Arun Mishra. **NEET was initially struck down as unconstitutional in *Christian Medical College, Vellore* (2013) by a 2:1 majority. In 2016, not only was a review of this judgment allowed but the dissenting judge of the 2013 judgment made NEET compulsory even prior to a full hearing by the constitution Bench.**

NEET is an assault on the autonomy of universities and higher education institutions, particularly private, unaided ones. It is ironical that while in all other areas including industrial relations, the government is talking about deregulation, in the case of education, over-



centralisation is becoming a harsh and painful reality. Similarly, in the name of NEET or the state's power to "regulate", the rights of unaided private institutions and minority institutions cannot be violated as regulation cannot annihilate minority character. Certainly, minorities do not have right to "mal-administer" their institutions yet due to admission mal-practices practised by the few institutions, denial of Article 30 rights and Article 19(g) rights of private unaided institutions is absolutely wrong.

Students Disadvantaged

Is NEET really student friendly? For example, Tamil Nadu has been opposing NEET. With NEET and similar other national tests such as the Joint Entrance Examination and Common Law Admission Test, **coaching institutes are prospering; since most of them are in cities, poorer students from a rural background and who have studied in the vernacular medium face a disadvantage. There is also large-scale variation in the syllabus and standards of the Central Board of Secondary Education and State boards.** We cannot overlook some of the advantages a student has if there are multiple tests: if he falls ill or has not done well in one test, he will still have a chance to qualify in another without losing a year. Second, it gives a student a right to select an institution of his choice. Third, the NEET paper was leaked twice in the last four years; therefore, there is not much confidence in NEET's fairness and transparency. Finally, there is the issue of wrong translation. In the 2018 NEET, as many as 49 questions had errors in Tamil translation leading to a Madras High Court order to award four marks for each of the 49 wrongly translated questions, or 196 marks to all 1.07 lakh candidates of Tamil Nadu. The Supreme Court overruled this order as the High Court had arbitrarily ordered giving grace marks to everyone without examining whether the student even attempted such a question.

Element of Class

NEET is considered the best option as our judges genuinely think it promotes merit. But is there a consensus on what merit really means? British sociologist Michael Dunlop Young's book, *The Rise of the Meritocracy* (1958), has popularised what is called "meritocracy" though the idea really goes back to earlier times. Meritocracy requires competition and equality of opportunity. Is it not a fact that the administrators of NEET and judges do believe that the multidimensional construct of merit can be adequately, if not accurately, measured? When NEET and other such admission tests do not meet this fundamental criterion, competition cannot be termed as fair and just, and the equality of opportunity becomes illusory. There is substantial scholarship in the West (Sacks, Freedle, Wells, Camara & Schmidt) that argues that common admission tests cannot measure abilities that are essential for learning such as imagination, curiosity and motivation. Justice Mishra did concede the point of a lack of commitment of doctors to serve in rural areas (that was a point in *Christian Medical College, Vellore*) but eventually decided in favour of NEET in the name of merit. **Empirical research in the United States on standardised common tests has found that these tests are biased against the poorer and underprivileged sections of population, women and minorities.** Thus, there is an element of class in NEET that the Indian judiciary has so far overlooked.

Differential Treatment

Minority rights are not the violation of the equality provision in Article 14 as the Constitution does permit classification. In fact, **substantive equality as opposed to formal equality, mandates differential treatment.** There are even hundreds of minority institutions of Hindus as linguistic minorities. The Supreme Court itself termed Article 30 as 'an article of faith' in *Lilly Kurian* (1978); a 'sacred obligation' in *Kerala Education Bill* (1957); 'the conscience of the nation' in *Ahmedabad St. Xaviers College* (1974); 'an absolute right' in *Rev. Sidhajibhai Sabhai And Others* (1962) and part of the 'basic structure' in *Kesavananda Bharati* (1973); thus



minority rights were held as unamendable and inalienable. The Court's opinion in Kerala Education Bill, on minority rights, has been religiously cited in all subsequent judgments (including the latest judgment on NEET) but without paying much attention to the crucial statement where there was the observation that the key words in Article 30 are 'of their own choice.' Holding 'choice' to be the dominant word, then Chief Justice Das said that 'the content of the article is as wide as the choice of the particular minority can make it'. If a minority institution wants additional qualifications over and above the NEET score, denial of such additional and superior qualifications undermines its choice. **Even if one concedes the necessity of NEET, centralised counselling due to which several minority institutions and private medical colleges are unable to fill their seats is indeed an 'intolerable encroachment'. Moreover, every vacant seat is the national loss.**

Certainly, it is nobody's case that minority institutions can grant admission on their whims and fancies, but if such an institution follows an identifiable or reasonable methodology of admitting students, the imposition of NEET with mandatory centralised counselling is indeed an unreasonable restriction. The Supreme Court has consistently held that Article 30 is not so absolute as to be above the law and regulations made in the true interests of efficiency of instruction, discipline, health, sanitation, morality and public order could be imposed. This is a small window and cannot be widened to take over the entire admission process as some of the smaller Benches (including the latest one) have inferred. After all, instruction, sanitation, health and discipline will come into play only after candidates are admitted.

National Technology Day: Remembering Pokhran-II Nuclear Tests

- Today (May 11) is National Technology Day, celebrated to mark the day on which India successfully test-fired its first nuclear bombs in 1998. Between May 11 and May 13, 1998, five devices were tested during the nuclear tests in Rajasthan's Pokhran. India is currently among eight countries in the world that have a publicly known nuclear weapons programme. Prime Minister Narendra Modi wrote on Twitter, "On National Technology Day, our nation salutes all those who are leveraging technology to bring a positive difference in the lives of others. We remember the exceptional achievement of our scientists on this day in 1998. It was a landmark moment in India's history."

India And Nuclear Weapon

At the time of India's independence, the country's leaders were opposed to fully embracing nuclear weapons. Just two years before in 1945, the world had witnessed the horrific nuclear bombings of Hiroshima and Nagasaki. Mahatma Gandhi called the use of nuclear weapons morally unacceptable. His protege and India's first Prime Minister, Jawaharlal Nehru, was also sceptical, but kept the door open for future consideration. This future beckoned early, as India's defeat in the 1962 Sino-Indian War gave rise to legitimate fears about national security. Then in 1974, India conducted its first nuclear test, codenamed "Smiling Buddha", at Pokhran in Rajasthan. Then-Prime Minister Indira Gandhi called the test a "peaceful nuclear explosion." India demonstrated to the world that the country could defend itself in an extreme situation and chose not to immediately weaponize the nuclear device it tested at Pokhran. Things changed in the 1980s when Pakistan began to covertly develop its own nuclear program. India was then forced to develop its own program undercover. This took place while Indian diplomacy was pushing for global disarmament at forums such as the United Nations.

The Pokhran II Test

India's fence-sitting finally ended when it detonated another device in 1998, again at Pokhran. Then-Prime Minister Atal Bihari Vajpayee publicly declared India's status as a nuclear weapons power. **The tests were conducted by former President Dr APJ Abdul Kalam, who led the**

Shatabdi Tower, Sakchi, Jamshedpur



scientific team that made preparations for the tests. Assigned the code name Operation Shakti, the mission was initiated on May 11, 1998. The tests consisted of 5 detonations, the first being a fusion bomb while the remaining four were fission bombs. One fusion and two fission bombs were tested on May 11, and two more fission bombs on May 13. With the tests, India achieved its objective of building fission and thermonuclear weapons with yields up to 200 kilotons. After Pokhran-II, Vajpayee had declared India a nuclear state – then the sixth country in the world to join this league. Unlike in 1974, India had this time chosen to actively develop its nuclear capabilities, and the tests followed economic sanctions by the United States and Japan. The sanctions were later lifted.

Do Numbers Matter in Rajya Sabha? (M. Venkaiah Naidu - Chairman of Rajya Sabha)

- An analysis undertaken by the Rajya Sabha Secretariat recently revealed that during the past 68 years since the first general elections in 1952, the government of the day had a majority in the Rajya Sabha only for 29 years and was in a minority for 39 years, including an unbroken stretch for the past 31 years. This pronounced divergence in numbers in the two Houses of Parliament does not indicate any adverse impact on the broader course of legislation except in a few cases. Since 1952, the Rajya Sabha held 5,472 sittings and passed as many as 3,857 Bills till the Budget Session this year. There are, however, a few discordant notes during this long journey of legislation. But there is no case for terming Rajya Sabha as “obstructionist”. So far, Parliament held only three Joint Sittings to resolve differences between both the Houses. The first instance was in 1961 when the then Nehru government enjoyed a majority in the Rajya Sabha but the Dowry Prohibition Bill, 1959 suffered a defeat. In 1978, the Banking Services Commission (Repeal) Bill, 1977 was rejected by the Rajya Sabha and in 2002, the Prevention of Terrorism Bill, 2002 could not pass the Rajya Sabha scrutiny. The Rajya Sabha was taunted as regressive when it rejected the Constitution (Twenty-fourth Amendment) Bill, 1970 for abolishing privy purses to erstwhile rulers after it was passed by the Lok Sabha (eventually passed as 26th Constitutional Amendment Act, 1971). In 1989, the Constitution (Sixty-fourth and Sixty-fifth Amendment) Bills seeking to empower local governments fell short of the required special majority in the Rajya Sabha, though the government had the numbers. The required spirit of cordiality between the two Houses suffered a dent on some occasions. First when Rajya Sabha members were not included in the Public Accounts Committee in 1952. Again, when the Income Tax (Amendment) Bill, 1953, was introduced in the Rajya Sabha, some members questioned its certification as a Money Bill by the Lok Sabha Speaker. When the controversy was thickening, Prime Minister Nehru intervened, asserting that “For those who are interested in the success of the great experiment in nation building that we have embarked upon, it is a paramount duty to bring about this close cooperation and respect for each other (House).” Rajya Sabha members objected to when the Lok Sabha Speaker referred the Major Port Trust Bill, 1963 to its Select Committee without involving Rajya Sabha members and this Bill was later referred to its own Select Committee again. Continuing with some reservations voiced in the Constituent Assembly about having a second chamber, some members of the Lok Sabha moved resolutions as early as in 1954 and again later in 1971, 1972 and 1975 for the dissolution of the Rajya Sabha. But wise counsel prevailed and such efforts were thwarted. As per the constitutional provisions, the Rajya Sabha at best could hold a Money Bill for 14 days during when it has to return such Bills without or with amendments for the consideration of the Lok Sabha. There were some occasions when such amendments of the Rajya Sabha were accepted by the other House as in cases of the Travancore Cochin Appropriation (Vote on Account) Bill, 1956, The Union Duty of Excise (Distribution) Bill and the Estate Duty and Taxes on Railway Passenger Fares (Distribution) Bill, 1957 and the Income Tax Bill, 1961. During these years, the government of the day enjoyed a majority in the Rajya Sabha. At the same time, there were instances when amendments proposed by the Rajya Sabha were



rejected by the other House. There were occasions when the Rajya Sabha sat over Bills passed by the Lok Sabha for a long time including the Prevention of Corruption Bill, 1987 and the Dock worker (Safety, Health and Welfare) Bill, 1986. If this was checking hasty legislation, the Rajya Sabha had passed five Constituent Amendment Bills in one day on August 25, 1994 when the government of the day did not have the numbers. The Rajya Sabha has also made amendments to several Bills passed by the Lok Sabha and these were accepted in several cases by the other House. Though the present government, too, does not have the required numbers in the Rajya Sabha, members of different parties rose to the occasion in passing landmark legislation relating to the GST, Insolvency & Bankruptcy Code, Triple Talaq, Unlawful activities, Reorganisation of Jammu & Kashmir, Citizenship amendment and so on. This goes to prove that numbers in the Rajya Sabha is not an issue as far as law-making is concerned. It is a different concern which applies broadly to the legislatures of the country.

Increasing Disruptions

An analysis by the Secretariat revealed that the productivity of the Rajya Sabha till 1997 has been 100% and above and the past 23 years have thrown up a disturbing trend of rising disruptions. Productivity fell to 87% during 1998-2004, 76% during 2005-14 and 61% during 2015-19. While the time spent by the Rajya Sabha on legislation since 1978 remained the same at about 29%, a concern emerges in respect of the 'Oversight' function of the House. Legislatures ensure accountability of the executive through Questions, Calling Attention Notices etc. Time share of this important Oversight function of the Council of States in the total functional time of the House during 1978-2004 was 39.50%. This fell to 21.99% during 2005-14 and to 12.34% since 2015. This decline is primarily on account of disruptions forcing cancellation of Question Hour frequently. Disruptions also dent the quality of law-making as seen in passing of Bills without discussion sometimes. However, the Rajya Sabha is proving to be more and more a 'deliberative' body with increasingly more time being spent on this function. The time share on deliberations under instruments like Short Duration Discussions, Zero Hour, Special Mentions, Discussion on Budgets and working of ministries, Motion of Thanks to President etc was 33.54% during 1978-2004. It rose to 41.42 % during 2005-2014 and to a high of 46.59% during 2015-19. After the initial frictions, Rajya Sabha and Lok Sabha have proved to be constructive partners in steering the socio-economic transformation of the country since 1952, co-scripting pioneering laws. This partnership has been guided by the required spirit of co-operation and camaraderie despite divergence in the composition of both the Houses for most part of this journey. By virtue of this, Rajya Sabha can't be said to be 'obstructive'. What needs to be addressed by all the stakeholders is that while enabling Rajya Sabha to retain its independence, it should not be seen as 'disruptive' as evidenced over the past two decades. Political passions should not be the basis of such disruptions, if the perception is that they are. The line between obstruction and disruption is very thin and we should guard against it. Both the sides of the House have a stake in proper functioning of Rajya Sabha.

From CM To MLC: How Uddhav Retained His Post

- ➔ Almost six months after he became Chief Minister on November 28, Uddhav Thackeray has finally become a Member of the Maharashtra Legislative Council. This ensures that his chief ministerial post remains intact. He was elected unopposed to the Council on (May 14) as only nine nominations were received for the nine vacant seats of the Council. Already under pressure due to surging Covid-19 cases and deaths in Maharashtra, the unopposed election would have come as welcome relief to Thackeray. The government of the Maha Vikas Aghadi coalition, comprising his Shiv Sena, NCP, and Congress, has survived a potential political crisis. Even though he was ultimately elected unopposed, Thackeray had faced some tense moments



in his efforts to enter the legislature, and he had at one point even offered to resign as Chief Minister. The state had seemed faced with a constitutional crisis. Thackeray's chief ministership had come at the cost of the Sena's longtime alliance with the BJP. The bitter parting had followed after the BJP insisted on the CM's post, and Thackeray was ultimately pushed to embrace unlikely allies NCP and Congress. Under Article 164(4) of the Constitution, "a Minister who for any period of six consecutive months is not a member of the Legislature of the State shall at the expiration of that period cease to be a Minister". However, the Legislative Council elections for the nine vacant seats which were slated for March 26, were postponed due to the pandemic. So, on April 9, the state Cabinet led by Deputy Chief Minister Ajit Pawar recommended to Governor Bhagat Singh Koshyari that Uddhav should be nominated to the Upper House. The Governor, however, chose to ignore the recommendation. "The Governor is supposed to act on the advice of the Council of Ministers. The decision of the Cabinet is binding on him," constitutional expert Ulhas Bapat said. With Koshyari unrelenting, the government repeated its recommendation on April 27. "We have ensured that we have met all rules and regulations required for nomination of the Chief Minister by the Governor to the State Legislative council," Deputy Chief Minister Pawar said. The Maha Vikas Aghadi reiterated that Thackeray's nomination to the Upper House by the Governor was well within the framework of the Constitution. But the Governor declined to react. State BJP leaders, meanwhile, increased their visits to Raj Bhavan, and the Sena mouthpiece 'Saamna' condemned in strong language the attempts by "some people" to foist a constitutional crisis on the state. Thackeray finally chose to escalate the matter to Narendra Modi. On April 29, he called up the Prime Minister and asked him to step in. "Uddhav Thackeray urged the Prime Minister to intervene... Thackeray said he was ready to resign if the situation persisted. The Prime Minister said, 'main dekhta hun...,'" Shiv Sena MP Sanjay Raut told this newspaper. Other Sena leaders said Thackeray had told the Prime Minister that attempts were being made to create political instability in Maharashtra at a time when the state was fighting the pandemic with its back to the wall. Soon after the phone call to Modi, Governor Koshyari wrote to the Election Commission asking for elections to be held to the nine Council seats "at the earliest". The Maha Vikas Aghadi had six candidates for the nine seats, including two from the Congress, and the BJP had four – and the extra candidate meant voting had to be conducted. To avoid a vote in the middle of the Covid crisis, an emergency meeting was held among the top leaders of the Congress, NCP, and Sena. The Congress withdrew one of its candidates, and the way was finally cleared for Uddhav Thackeray's entry into the Council.

Strict Liability Rule That NGT Wants to Apply in Vizag Gas Leak Case

- A day after the gas leak incident at a chemical factory in Andhra Pradesh's Visakhapatnam that claimed 11 lives, the National Green Tribunal slapped an interim penalty of ₹50 crore on LG Polymers India, and sought response from the Centre and others for the "damage to life, public health and environment". The NGT order said: "Leakage of hazardous gas at such a scale adversely affecting public health and environment, clearly attracts the principle of 'Strict Liability' against the enterprise engaged in hazardous or inherently dangerous industry." The rule of **strict liability**, which has been applied around the world in both civil and criminal law, **first evolved in the 1868 British case Rylands vs Fletcher**.

The Rule in Rylands Vs Fletcher

John Rylands, a textile entrepreneur, was looking to supply water for his mill located in England's coal-rich Lancashire area. For this, he hired independent contractors to build a reservoir on his land in 1860, and himself played no role in its construction. During construction, engineers discovered loosely filled shafts of an abandoned coal mine, but did not block them. The shafts and underground passageways were connected to a neighbouring



mine, owned by Thomas Fletcher. In December 1860, the reservoir burst soon after it was filled, and the water flooded Fletcher's mine causing him damage worth 937 pounds (approximately worth GBP 88,000 in present-day money). When Fletcher first filed a case against Rylands for negligence, a trial court delivered its verdict in Rylands' favour. After the lower court order, Fletcher appealed to the Court of Exchequer Chamber, where a six-judge bench overturned the previous decision, applying what came to be known as the strict liability rule. The famed common law jurist, Justice Blackburn, who was among the judges who heard the case, defined the strict liability principle as follows: "the person who, for purposes of his own, brings on his land, and collects and keeps there anything likely to do mischief if it escapes, must keep it in at his peril, and, if he does not do so, he is prima facie answerable for all the damage which is the natural consequence of its escape." When Rylands appealed to the House of Lords in 1868, a two-judge bench agreed with Blackburn's view, but added a requirement that the use of land should also be non-natural, unusual, or inappropriate.

Application of The Rule, And Further Development in India

The strict liability rule today finds application in both criminal and civil law. According to the Legal Information Institute of Cornell Law School, "In both tort and criminal law, strict liability exists when a defendant is liable for committing an action, regardless of what his/her intent or mental state was when committing the action." Since it first evolved in the 19th century, several countries further developed the doctrine. Many jurists criticised the wide variety of exceptions that allowed defendants to escape accruing strict liability. The defences against the rule include among others— consent, common benefit, an act of a stranger, an act of God, and contributory negligence. In India, legal opinion turned in favour of adopting a more stringent rule, especially after the Bhopal gas tragedy of 1984. In 1986, the Supreme Court in *MC Mehta vs Union* (known as the Oleum gas leak case) evolved its own rule of 'absolute liability'— providing no exceptions for hazardous industries and holding them absolutely liable. The Constitution Bench, led by then Chief Justice PN Bhagwati, observed, "We have to develop our own law and if we find that it is necessary to construct a new principle of liability to deal with an unusual situation which has arisen and which is likely to arise in future on account of hazardous or inherently dangerous industries which are concomitant to an industrial economy, there is no reason why we should hesitate to evolve such principle of liability merely because it has not been so done in England."

BPRD Scraps Online Manual on Identifying Fake News

- A day after it published a step-by-step guide for law enforcement agencies to identify 'fake news' and communally sensitive posts in the wake of COVID-19 pandemic, the Bureau of Police Research and Development (BPRD) removed the manual from its website. After the Hindu carried the report, several Twitter users objected to the inclusion of certain portals on an indicative list of websites that could be accessed for fact check, including www.thehindu.com, pib.gov.in and reporterlabs.org and others. The report, 'Fake News & Disinformation: A Guide for LEAs - How to spot and investigate,' was prepared by the Modernisation division of the think tank under the Union Home Ministry.

'Technical Errors'

Asked why the report was taken down, a senior BPRD official said, "There were some technical errors. The report is being corrected and will be published soon again." A tweet from the official handle of the BPRD posted at 4.34 p.m. on May 8, where it announced the publication of the manual, was also deleted. The detailed manual had said "digital news has brought back and increased the usage of fake news or yellow journalism" usually "published with the intent to damage an agency, entity or a person and gain financially or politically often using



sensationalist, dishonest or outright fabricated headlines to increase readership.” To explain the communal aspect, the guidelines included a screenshot of a fake video which accused people belonging to a particular community of licking cleaned plates and spoons to “transfer the virus to people at large”. It also attached a clip where miscreants used fake URLs to mislead people who wanted to donate to PM-CARES Fund.

GI Tag for Sohrai Khovar Painting, Telia Rumal

- Jharkhand’s **Sohrai Khovar painting** and **Telangana’s Telia Rumal** were given the Geographical Indication (GI) tag by the **Geographical Indications Registry headquartered in Chennai**. The application for the painting was made by Sohrai Kala Mahila Vikas Sahyog Samiti Limited while the application for Telia Rumal was made by the Consortium of Puttapaka Handloom Cluster-IHDS.

Local Traditions

“The Sohrai Khovar painting is a traditional and ritualistic mural art being practised by local tribal women during local harvest and marriage seasons using local, naturally available soils of different colours in the area of Hazaribagh district of Jharkhand. Telia Rumal cloth involves intricate handmade work with cotton loom displaying a variety of designs and motifs in three particular colours – red, black and white.”. The Sohrai Khovar painting is primarily being practised **only in the district of Hazaribagh**. However, in recent years, for promotional purposes, it has been seen in other parts of Jharkhand. Traditionally painted on the walls of mud houses, they are now seen on other surfaces, too. The style features a profusion of lines, dots, animal figures and plants, often representing religious iconography. In recent years, the walls of important public places in Jharkhand, such as the Birsa Munda Airport in Ranchi, and the Hazaribagh and Tatanagar Railway Stations, among others, have been decorated with Sohrai-Khovar paintings.

Historic Weave

Details provided in the **application filed with the Geographical Indications Registry shows that Telia Rumal can only be created using the traditional handloom process and not by any other mechanical means as otherwise**, the very quality of the Rumal would be lost. **During the Nizam’s dynasty, Puttapaka, a small, backward village of the Telangana region of Andhra Pradesh had about 20 families engaged in handloom weaving, who were patronised by rich Muslim families and the Nizam rulers**. The officers working in the court of the Nizam would wear the Chituki Telia Rumal as a symbolic representation of status. **Telia Rumals are offered at the dargah of Ajmer Sharif in Rajasthan**, with some devotees offering 50 or even 100 cloths. **Telia Rumals were worn as a veil by princesses at the erstwhile court of the Nizam of Hyderabad; and as a turban cloth by Arabs in the Middle East.**

Freeing Prisoners in Emergency

- Following an outbreak of novel coronavirus infections in Mumbai Central Jail, better known as Arthur Road jail, the Maharashtra government issued a circular that effectively facilitates the release of half the prisoners lodged in the state’s jails, on temporary bail and emergency parole. Around 7,000 of a targeted 17,000-plus prisoners had been released.

Maharashtra Releases Prisoners: What Led to The Move?

Over the last several days, 184 persons (158 inmates and 26 staff) were found infected in Arthur Road Jail, besides a 54-year old woman inmate at Byculla Jail. While circular came after this, the government’s moves to release prisoners had, in fact, preceded the outbreak. In

[Shatabdi Tower, Sakchi, Jamshedpur](#)



March, the Supreme Court had directed decongesting of prisons and observed that the “bitter truth is that our prisons are overcrowded, making it difficult for the prisoners to maintain social distancing”. With many Maharashtra jails severely overcrowded, housing prisoners four to five times their capacities, the state government became the first to take a move in that direction. **On March 25, a high-powered committee recommended release of undertrials charged with offences punishable up to seven years. It also directed release of convicts on emergency parole with a few conditions. On March 28, officials of the District Legal Services Authority began facilitating release of undertrials.** Then on May 8 (following the outbreak in the jail), the state government amended the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, and issued a notification enabling the release of certain categories of convicts.

How Many Prisoners Will Be Released, And How Many Have Been So Far?

The total of 17,642 represents nearly half the 35,239 prisoners lodged in the state’s 60 jails before the lockdown. The number already released was up to 7,000 – 5,200 on temporary bail and 1,800 on emergency parole. Order was for the release of all undertrials, relaxing the earlier category of those facing up to seven years imprisonment, but with exceptions including those charged with murder, rape, kidnapping, bank frauds, major financial scams, money-laundering, anti-terror laws, child sexual abuse as well as all foreign nationals. It also said inmates who reside outside the state can be released only after the lockdown period is over and public transportation is available. The release is temporary. **Initially, both bail and parole are valid only for 45 days, or till the application of Epidemic Diseases Act from the state is revoked, whichever is earlier. The 45-day period would later be extended in blocks of 30 days each. But eventually, the prisoners are supposed to be back in the barracks.**

Why Is the Release Taking Time?

While the decision has been taken by the government and the prisoners have been identified, the process of obtaining bail or parole has to be followed as earlier. The bail order has to be issued by a relevant court, while parole has to be sanctioned by authorised jail officer. The process of release faced another hurdle. It was begun at a time when lockdown restrictions were the most severe. Prisoners released had no means to reach various destinations, and a few non-profit organisations came forward to help in some districts like Latur. Some prisoners were found loitering on the streets.

How Crowded Are Maharashtra’s Jails?

Before the lockdown, the state’s jails were accommodating 50% over their capacity. This is much higher than the national average occupancy in central prisons, which on an average house 13 prisoners against a capacity of 10. The Maharashtra Prison Department’s report said the capacity in state jails is 23,547 while there were 35,239 prisoners before the lockdown. It warned against an outbreak in other prisons if they are not decongested. Before the release began, Arthur Road jail was packed to more than four times its capacity – 3,718 prisoners in place of 804. In Pune’s Yerwada Jail, 5,717 prisoners are housed, when its capacity is 2,449. The other important jails in the state, Thane Central Jail, Kalyan District Jail, and Byculla, all are similarly crowded, a majority of them undertrials. “These cramped and crowded jails – mostly British-era central prisons in Maharashtra – are a ticking time bomb for the spread of infectious diseases. The barracks are very crowded, so are spaces of eating and cleaning,” said the Prisons Department officer.

Have There Been Coronavirus Infections in Prisons in Other States?

States including Uttar Pradesh, Karnataka, Madhya Pradesh and Delhi have recorded Covid-19 cases in their prisons. **Following the Supreme Court order, most states have constituted a high-**



powered committee and come up with their respective categories of prisoners eligible for release. According to data collated by Commonwealth Human Rights Initiative, most states have made similar exceptions against the release of inmates charged with offences including murder, rape, terror, drug trafficking, child sexual abuse. While the Supreme Court had said the categories for release should be determined but not be limited to the nature of offence, duration of sentence, and previous criminal record, most states have adhered to these and granted release only to those facing charges that involve punishment up to seven years in jail. Haryana and Odisha have directed the release of all prisoners above age 65 on a temporary basis, with exceptions. Goa has directed undertrial review committees, set up in each district as per a previous Supreme Court order, to undertake the responsibility of releasing undertrials. Committees across the country can recommend release of 14 categories of prisoners, including women and those with severe illnesses.

States Cannot Be Left to The Centre's Mercy (Praveen Chakravarty - Political Economist)

- Karur MP S. Jothimani recently conducted a telephonic survey of 30 lakh people in Tamil Nadu on the re-opening of liquor shops in the State during lockdown 3.0. An overwhelming 89% were opposed to the move. The Maharashtra government too decided to permit liquor shops to open but was quickly forced to reverse its decision in some parts of the State following protests. Similar protests against the sale of alcohol were seen in various States. This may be largely due to fears of crowding and the consequent spread of COVID-19 rather than about alcoholism and its potentially deleterious societal impact. Whatever may be the reason, it is clear that permitting the sale of alcohol during the lockdown is an unpopular move among the majority. Why then have popularly elected governments in nearly every State resorted to this move? The answer lies in what happened 'at the stroke of midnight hour' on July 1, 2017.

A Triple Blow

It is apparent that financially broke State governments are forced to adopt desperate and reviled measures such as opening liquor shops to mobilise money for their fight against COVID-19. The question is, even if they are strapped for resources, surely there must be other means to raise funds in this struggle to save lives than to prey on people's alcohol addiction? Therein lies the rub. All the States have come together like "pearls on a string" in the "spirit of cooperative federalism" for the economic integration of India, said Prime Minister Narendra Modi at the stroke of midnight hour on July 1, 2017 when he launched the Goods and Services Tax (GST). What was not mentioned was that the States on that "pearl string" were now stuck to the Centre's neck forever. GST forced the States to surrender their powers to raise resources independently through local State taxes and place them entirely at the mercy of the Centre for most of their financial needs. Most States raise resources through a combination of their own taxes and a share in the Centre's taxes. For richer States such as Maharashtra, Tamil Nadu, Gujarat, Delhi, Karnataka, Punjab, Haryana and Kerala, 70% or more of their revenue comes from taxes generated within their State boundaries. Nearly half of these were from the sale of goods and services within the State and the remaining half, from a combination of excise duties on petrol, electricity, alcohol, land registration fees, etc. Before GST, States were free to charge sales taxes as legislated by their State legislatures. If a State had a natural disaster, they could raise additional resources for rehabilitation by raising sales tax rates on goods and services. For the sake of GST, States sacrificed their fiscal powers in the promise of 'economic efficiency' and 'tax buoyancy', which never materialised. Under GST, States are legally entitled to their share of tax revenues collected in their State. But they are now reliant on the Centre to release these funds to them periodically. When the GST was enacted, States were also



guaranteed a minimum tax revenue every year for a period of five years. In the midst of the current pandemic, the Centre has reneged on both these promises. This is a **triple blow for the States – not being paid what they are owed, not being helped with additional resources, and bearing the brunt of the pandemic’s impact**. Not only are they not paid what is rightfully due to them, they have also lost the powers to raise their own sales tax revenues. So, how are they supposed to fight this health calamity with no money? **The other available options for States to raise funds are through taxes on sale of petroleum products, alcohol, lottery tickets, electricity, land or vehicle registration. During this extreme lockdown, demand for petroleum products, electricity, land and vehicles has dwindled substantially. So, the only option left for most States is to raise funds through the sale of alcohol. For the large, richer States, alcohol sales account for more than one-third of their State tax revenues.** One could argue that alcohol consumption could even potentially increase during the lockdown and hence States have been tempted and coerced to resorting to raising monies from people’s alcohol habits. Ironically, the States are being forced to rely on alcohol for resolving a health crisis. **Can’t the States borrow money to tide over this crisis? In order to do that, they need the Centre’s approval to raise their borrowing limit or to stand as guarantors.** Since States do not have clear revenue visibility, the rates at which they can borrow are very high and their ability to borrow is severely undermined. They are once again dependent on the Centre to borrow funds from the market and then release them to the States.

The Pre-GST Era

How would the States have handled this crisis in the pre-GST era? One, they would have had the funds raised through sales taxes to themselves and not be at the Centre’s mercy to release funds. Two, they would have raised taxes on select essential goods sold in their States (say, mangoes or coconut oil) in accordance with their norms. **Just as it is clear that COVID-19 has to be fought in a decentralised manner at the local level and not through a Delhi diktat, the resources needed to fight this disease should also be raised locally and not be dependent on Delhi’s whimsical magnanimity.** The Centre has defaulted on its financial obligations to the States at a critical juncture. Former Finance Minister **Arun Jaitley’s catchphrase “cooperative federalism” has proved to be neither cooperative nor federalist in times of this crisis.** The idea of ‘one nation, one tax’ is deeply flawed in an economically and politically divergent India, as I have argued since 2015. Ruling parties and alliances in States can change every five years. The efficient functioning of a GST regime cannot be beholden to political party affiliations at the Centre and the States. Democratically elected State governments cannot be expected to govern with no fiscal powers. Five States account for half of all GST collections in the country.

[Reaffirm Cooperative Federalism \(Pranav Verma - LL.M. Candidate At The University Of Cambridge And Sugshosh Joshi - 4th Year B.A. LL.B. Student At NALSAR University Of Law, Hyderabad\)](#)

- ➔ When Constituent Assembly members carefully studied the Constitutions of other great federations like the U.S., Canada, Australia and Switzerland, they adopted a ‘pick and choose’ policy to formulate a system suited uniquely to the Republic’s need. As a result, India’s Constituent Assembly became the first-ever constituent body in the world to embrace what A.H. Birch and others have referred to as **‘cooperative federalism’ – essentially defined by administrative cooperation between the Centre and the States, and a partial dependence of the States upon payments from the Centre.** Accordingly, Indian constitutional law expert



Granville Austin remarks that despite a strong Centre, cooperative federalism doesn't necessarily result in weaker States; rather, the progress of the Republic rests upon active cooperation between the two.

Fissures in Cooperation

Nevertheless, some recent developments have revealed fissures in Centre-State cooperation. For instance, the **zone classifications into 'red' and 'orange' has evoked sharp criticisms from several States**. The States have demanded more autonomy in making such classifications. This is despite the fact that **State consultation is a legislative mandate cast upon the Centre under the Disaster Management Act of 2005 (under which binding COVID-19 guidelines are being issued by the Centre to the States)**. The Act envisages the creation of a 'National Plan' under Section 11, as well as issuance of binding guidelines by the Centre to States under Section 6(2), in furtherance of the 'National Plan'. The 'National Plan' then is a broader vision document while the binding guidelines are its enforcement mechanism. Now, Section 11(2) of the Act mandates State consultations before formulating a 'National Plan', and to that extent, when the binding guidelines are ultimately issued under it, they are expected to represent the views of the States. However, the Centre has not formulated the 'National Plan', and has chosen instead to respond to COVID-19 through ad hoc binding guidelines issued to States, thereby circumventing the legislative mandate of State consultations. In fact, the Home Ministry order ushering in lockdown 3.0 prohibited States from lowering the Centre's classifications. This selective application of the Act serves to concentrate all decision-making powers with the Centre.

Lack of Funds

The Centre has also declared that corporations donating to PM-CARES can avail CSR exemptions, but those donating towards any Chief Minister's Relief Fund cannot. This directly disincentivises donations to any Chief Minister's Relief Fund; diverts crores in potential State revenues to PM-CARES; and makes the States largely dependent upon the Centre. Further, the revenue streams of several States have dried up because of the liquor sale ban; negligible sale of petrol/diesel; no land dealings and registration of agreements. States' GST collections have also been severely affected with their dues still not disbursed by the Centre. All this has made it difficult for States to defray expenses of salaries, pensions and welfare schemes. As it is the States which act as first responders to the pandemic, supplying them with adequate funds becomes a pre-requisite in effectively tackling the crisis. This requires the Centre to view the States as equals, and strengthen their capabilities, instead of increasing their dependence upon itself.

[Responding To COVID-19 At the Grassroots \(T.R. Raghunandan - Former Secretary, Rural Development and Panchayat Raj, Karnataka, And Former Joint Secretary, Ministry of Panchayat Raj, Government of India\)](#)

- ➔ Mahatma Gandhi envisioned that a free India would rest on a foundation of gram panchayats, village republics that governed locally and epitomised Swaraj in practice. B.R. Ambedkar was sceptical; he described the caste-ridden, unequal village society as a cesspool. Yet, he was not unequivocally against decentralisation.

Locally Relevant Initiatives

The **73rd Constitutional Amendment** mandates the constitution of panchayats at the district, intermediate and village levels as devolved institutions of self-government and provides for

[Shatabdi Tower, Sakchi, Jamshedpur](#)



the endowment of powers and responsibilities to plan and implement programmes for social justice and economic development. **This fulfilled the vision of the Mahatma, whilst addressing Dr. Ambedkar's concerns by providing for reservation in both the elected seats and leadership positions of sarpanches, mukhiyas and adhyakshas. Yet, the progress of panchayati raj has been patchy, since its constitutionalisation 27 years ago.** Some States have walked the talk by devolving untied grants to panchayats so that they can plan flexibly and implement locally relevant initiatives. However, in most, the substantive spirit of the constitutional design has been obstructed by politicians and bureaucrats, who fear the loss of their patronage powers. Panchayats are not given enough funds and are bypassed by State-controlled line departments that continue to implement programmes falling within the rightful domain of the former. Past pandemics, apart from decimating populations, have also caused paradigm shifts in the perception of governance. The plague waves of the 15th century, which killed nearly three quarters of England and nine-tenths of people in some quarters of Europe, also undermined the political position of the Pope, whose assurances that god would come to the help of the virtuous, were not fulfilled. Will the novel coronavirus crisis trigger a reaction of greater faith in the local governments, or will it result in more centralisation? The picture on the ground is a fascinating one. **While much of the deservedly generous appreciation that Kerala has received for combating the COVID-19 pandemic so far is focused on its Chief Minister and Health Minister, administering the lockdown with firmness and compassion and alleviating the distress caused to the poor has also been largely due to Kerala's empowered panchayats.** True, Kerala has had a head start; **no State has such a panchayat-friendly fiscal system.** Nearly a third of Kerala's plan funds have been given to the panchayats as flexible development and maintenance funds, a policy that the government follows even though it suffers from chronic fiscal stress. **The Kudumbashree system, which encourages women to form self-help groups and their federations, acts as an organised civil society counterpoint to the panchayats, collaborating with and yet holding to account the latter for their performance.** Kudumbashree has also been an effective incubator for women leaders who have then stepped into the political sphere; **nearly 65% of all women elected to the panchayats are Kudumbashree members.** Kerala's panchayats were COVID-19-ready because years ago, they stepped in as caregivers for the old, the weak and the marginalised. From their flexible funds, panchayats feed the destitute through their Ashraya programme, and run free day care centres for the mentally and physically challenged through 'Buds' schools. These are initiatives in which the government later participated in, but the initiatives were those of the panchayats themselves. Moving from that to taking care of those affected by COVID-19 has been an easy transition.

A Revival in Karnataka

In contrast, Karnataka typifies the stop-start approach of most States to strengthening local governments. Its politicians play a double game. For political reasons they have passed laws that create a powerful framework for democratic decentralisation. But in practice the panchayats are tied down through restricted finance and administrative controls, parallel structures, and have deputed officers who owe allegiance to their line departments rather than to the elected panchayat body. Most bureaucrats support and implement this charade of devolution. Yet, today, the State is witnessing a revival of panchayati raj in practice, triggered by the State response to the COVID-19 crisis. First, it would have been impossible to impose the lockdown in the State effectively without the cooperation and support of the panchayats. Second, the lockdown has also tied the hands of the government; only essential services of the government, such as the police and the health departments, are functioning without physical restrictions. All other departmental staff have stopped travelling to villages, giving instructions and monitoring their programmes and plans. Governance abhors vacuums, and that is what is prompting the revival of democratic decentralisation. As locked-in senior officials cannot oversee their frontline workers, panchayats have stepped in and are taking



charge. Nearly all panchayats in Karnataka passed a formal resolution that no one in their respective areas will go hungry.

The government has created gram panchayat and village-level COVID-19 task forces, and the way these have begun to easily and readily function to handle the crisis. The panchayat-level task force meets twice a week. The primary health centre doctor, auxiliary nurse midwives and accredited social health activists are part of the task force in which all elected representatives and panchayat-level staff participate. Decisions taken on COVID-19 related management such as implementing the lockdown, disinfection, providing food to those who need it and ensuring the supply of other essential services are implemented by the village-level task forces. Yet, all is not well. In a panchayat in Kolar district, while the entire body resolved to buy masks for people, the panchayat development officer, an officer deputed from above and placed with the panchayat, obstructed the resolution. He owed no allegiance to the panchayat to which he was posted, and ignored government guidelines giving flexibility to panchayats to decide appropriate responses to the pandemic. Another problem looms large. Very soon, the five-year terms of the panchayats will come to an end and an election is impossible in the current circumstances. A confident and caring government ought to continue with the current elected bodies functioning as administrators. If instead they appoint officials or their chosen political representatives to take charge, then we will know where the government stands on its commitment to democratic decentralisation.

It's Time to Give IRS Officers Their Due (T.C.A. Ramanujam - Former Chief Commissioner of Income Tax)

- The Central Board of Direct Taxation (CBDT), a wing of the Ministry of Finance, has initiated disciplinary proceedings against some Indian Revenue Service (IRS) officers for a report they submitted to the government recently. The officers are not corrupt, nor did they abuse any Minister or any functionary of the government. So, what was their crime? **A group of 50 IRS officers thought it their duty to help the government in this hour of crisis. They prepared a report titled 'Fiscal Options and Response to Covid-19 Epidemic', or FORCE, and submitted it to the government.** The IRS Association's Twitter handle and website carried the report. In order to tide over the financial crisis, **the report suggested raising the highest slab rate to 40% for income above ₹1 crore or re-introducing the wealth tax for those with wealth of ₹5 crore or more; providing an additional one-time cess of 4% on taxable income of ₹10 lakh and above for COVID-19 relief; providing tax relief for sectors hit hard by COVID-19; and re-introducing the inheritance tax.** These suggestions are nothing new. Inequality is on the rise everywhere. This is bound to be so, as **Thomas Piketty showed, as long as r (rate of return on capital) is greater than g (rate of growth in the economy).** The views of the officers can be taken to be unexceptionable on merits. So, what brought the wrath of the government then?

Generalist Versus the Specialist

The Ministry of Finance is always headed by an Indian Administrative Service (IAS) officer. The Revenue Secretary, the Expenditure Secretary and the Finance Secretary are all drawn from the IAS despite the fact that they have little experience in handling the economy. Starting as local administrators they later hold top posts in the Ministry of Finance. On the other hand, the CBDT is managed by IRS officers with rich field experience. There were suggestions time and again that the Chairman of the CBDT should be of the rank of Secretary to the Government of India. The government raised the status of the Chairman to that of a Special Secretary and not a full-fledged Secretary. At the time of the Budget, it is an IAS officer who accompanies the Finance Minister for the press briefing. The IRS officer is totally invisible, despite the Budget being the handiwork of hard-working IRS officers. Senior IRS officers know the intricacies of taxation,



whether national or international. On the other hand, IAS officers know little about base erosion and profit sharing, transfer pricing, etc. And yet Revenue Administration is not in the hands of an IRS officer, but an IAS officer. The result is that the income tax law is a mess. In the past 60 years, the income tax law has never been mauled in a period of 12 months as it was in 2019-20. The Budget presented on July 5, 2019 has become irrelevant now as all the provisions were altered radically within six months. In September 2019, the Finance Minister called a press conference and announced radical changes in corporate taxation. Then followed press releases from the CBDT making alterations in fiscal laws. Then there was an ordinance. Finally, the due dates for filing the returns, fixed by the statute, were changed. The financial year was practically extended from March to June. The Income Tax Act is a national disgrace, said Nani Palkhivala. Tax publishers are not able to bring out a proper single volume of income tax law. The blame for this squarely rests on the IAS officers who are above the IRS officers.

Occupying Top Posts

It is mostly IAS officers who are made Governor of the Reserve Bank of India, Chief Election Commissioner, and Comptroller and Auditor General of India. IRS officers are rarely allowed to occupy top posts. And yet, a brilliant IRS officer became the Chairman of the Insurance Regulatory and Development Authority against all odds. Another, Sushil Chandra, became Election Commissioner and brought out a classic book on democracy in India after retirement. Yet another was chosen by the Prime Minister himself to head the Central Vigilance Commission. The IAS maybe the 'steel frame of India' but the steel frame has been rusting for quite some time. Can the IRS be given their due and be allowed to play a normal role? The present controversy reignites the debate on the generalist versus the specialist. The FORCE report is sound. The IRS officers who wrote it deserve admiration and not admonition.

Health Ministry Eases Discharge Guidelines

- The Union Health Ministry has revised its discharge guidelines for COVID-19 patients, saying only those with severe illness need to test negative (through a swab test) before discharge. Other categories of patients – very mild, mild, pre-symptomatic and moderate cases – need not be tested before discharge. The two-page revised guideline replaces the rule that patients could be discharged only after testing negative on the 14th and 21st day after confirmation of the infection.

Three-Tier Facilities

The guideline states that the revised policy is aligned with the guidelines on the three-tier COVID-19 health facilities and the categorisation of patients based on clinical severity – mild, moderate and severe. Reacting to the revised guideline, Srinivas Rajkumar, general secretary, All India Institute of Medical Sciences Resident Doctors' Association, said **the decision to send back COVID-19 positive patients without testing was a disaster in the making.** "People sent back untested may spread the virus in the community. What was the government doing for 40 days without arranging enough testing facilities? Is the government ready to sacrifice 2 lakh Indians or more to COVID-19 based on estimates?" he said. Under the latest guideline, mild, very mild and pre-symptomatic cases admitted to a COVID-19 care facility will undergo regular temperature and pulse monitoring. **"Patient can be discharged after 10 days of symptom onset and if they have no fever for three days. There will be no need for testing prior to discharge,"** the revised guideline says. It adds that at the time of discharge, **patients will be advised to follow home isolation for seven more days.** It further clarifies that **after discharge from the facility, if patients develop symptoms of fever, cough or breathing difficulty, they must contact a COVID-19 care centre, State helpline or call 1075.** Their health will again be followed up through teleconference on Day 14. **Moderate cases will undergo monitoring of body**



temperature and oxygen saturation. If fever resolves within three days and a patient maintains saturation above 95% for the next four days (without oxygen support), he or she will be discharged after 10 days of onset of symptoms in case there is no fever without anti-fever drugs, no breathlessness and no need for oxygen. "There will again be no need for testing prior to discharge, and home isolation for seven days is suggested, with close monitoring of health," notes the guideline. Explaining the rationale for discharging mild/moderate cases without testing, a senior ICMR scientist told The Hindu: "Studies outside India have shown that positive test result does not mean the person is still infectious. They may be positive for the virus but can remain non-infectious."

Spread of Infection

He further explained that 10 days after the disease set in, people might not be infectious. But once discharged, they should stay at home for five days. The Ministry's revision also takes into account the fact that hospitals are reaching their handling capacities. The U.S. Centres for Disease Control and Prevention too had revised the guidelines on May 6, saying that no negative test for the virus is needed before a hospitalised person can be discharged. The CDC says decisions about discharge should be based on "clinical status and the ability of the accepting facility to meet their care needs and adhere to recommended infection prevention and control practices".

Coming to Terms

→ As early as March 28, the Health Ministry acknowledged that there was "limited community transmission" of the novel coronavirus in India. On April 9, the ICMR and Health Ministry researchers – some of them are national task force members for COVID-19 – in a journal paper, provided evidence suggesting the prevalence of community transmission in 36 districts across 15 States. The sentinel surveillance for community transmission undertaken by the task force among patients hospitalised for severe acute respiratory infection (SARI) found 40 of the 102 who tested positive for the virus had no travel history or contact with a known positive case, while data on exposure was not available for another 59 SARI patients. Yet, the ICMR consistently maintained that the virus had not spread to the community. On May 5, even when the total number of nation-wide cases was close to 47,000, the Health Minister said that India's virus spread had not gone to stage three. While there has been no hesitation in declaring local transmission caused by people who have a travel history, the government has been extremely hesitant to admit community transmission. The reluctance is surprising given that the total cases reported so far has already crossed 63,500, and the nature of spread is through droplet transmission and contact with contaminated surfaces. In contrast, is the U.S. On February 26, when the total number of cases was just 60, it confirmed community spread following the detection in California of the first case with no travel history or contact with a known positive case. One reason why India refused to confirm community spread early on could be the compulsion to expand testing when the country did not have the capacity to test huge numbers each day. But there is no reason now to continue being in denial, as that erodes public trust in the government.

Against this background, the latest decision to initiate a study in 75 hotspot districts to confirm community spread and ascertain the proportion of community already exposed to the virus is encouraging. The study had apparently got delayed by about a month due to the non-availability of reliable rapid antibody tests. Due to the unreliability of rapid antibody test, the government will instead use the ELISA test to check for infection. Since the ELISA test detects antibodies to the virus, the survey will be able to pick previously infected people including those who were asymptomatic for the entire duration of the infection. Since it takes one to three weeks for the antibodies to develop, the ELISA test will miss people who have been recently



infected. The survey, scheduled to begin later this month in collaboration with the States concerned, will randomly test about 30,000 people in the general population. Meanwhile, all States should continue with strict containment and mitigation measures, acting on the assumption that the virus has indeed spread in the community.

Consensus, Not Confusion

→ The Centre's move to run **15 pairs of trains between New Delhi and major cities** will serve as a trial for further relaxation of lockdown travel restrictions. The new trains are a lifeline for stranded citizens, although **the scheme has been designed as a limited air-conditioned service for higher fare paying travellers**. Thousands of migrant workers will continue to look for Shramik Special trains to get home. There are multiple challenges to operating trains when the transmission of the novel coronavirus is rising. Many States have severely restricted the arrival of domestic travellers, but their attempts at regulating entry by road through passes issued online have been overwhelmed, and the pass system is becoming dysfunctional; quarantine facilities have come under strain and cases of expatriates testing positive, as in Kerala, have added to their worries. Telangana does not favour resumption of passenger trains. Karnataka wants a compulsory 14-day institutional quarantine for travellers. While this underscores the high degree of caution that many States want to adopt, it severely restricts inter-State movement. Kerala, more reasonably, is asking those coming from other States by road, with permission, to home quarantine themselves, after initially considering institutional monitoring. The Centre has left such dilemmas to be resolved by the States, and the **Home Ministry's Standard Operating Protocol for the relief train services merely orders passengers to adhere to health protocols prescribed by the destination State or Union Territory**.

As India moves into the last week of the extended lockdown, it is important for States to agree on a standard protocol on how to deal with travellers, whose numbers are bound to grow. Experience in the U.S., Europe and Asia shows that with the relaxation of lockdown curbs, many tend to lower their guard. India's peculiar circumstances, including the difficulty of maintaining physical distancing and low compliance with rules, could increase infections rapidly. Yet, a system for orderly movement is necessary to relieve the social and economic pressures since the national lockdown began. Trains and buses are the most affordable ways for those stranded to return home, and such travel can be facilitated with a safety protocol in place: physical distancing, use of masks and hand washing. Citizens can be persuaded to comply with this if governments have clarity on how they will facilitate train and road travel. At the destination, unless medically warranted, passengers can self-quarantine at home. This is something that the Centre has prescribed even for very mild, pre-symptomatic patients. A patchwork of rules and regulations among States will only confuse travellers and generate needless anxiety.

Tying Up with Todas To Keep the Virus at Bay

→ As the COVID-19 outbreak continues to sweep across the country, a small corner of India has come forward to use its traditional skills to help people ward off the infection. **More than a hundred women and indigenous Toda artisans from the Nilgiris are producing thousands of stylish, embroidered masks for local residents, police, and sanitary workers**. The cloth masks, are embroidered with intricate Toda designs, and sold for around ₹225 each. These have been a huge hit, with demand for the masks coming from Coimbatore, Chennai and New Delhi, said Mathew John from Keystone Foundation, which is using its marketing arm, Last Forest, to market them. The masks are produced by Indian Yards in Coonoor and Shalom Ooty, who are partnering with Last Forest. While Indian Yards has been empowering more than 50 local women by training them on how to stitch articles of clothing, Shalom Ooty regularly employs



over 150 Toda artisans to embroider indigenous designs on bags, shawls and other items. A Toda artisan, who embroiders the motifs on masks, said she gets anywhere between ₹50-100 for each single piece she produces, and added that because of demand for the masks, she has found work despite the lockdown. "As there are no tourists coming into the district, there is no demand at all for Toda embroidered quilts, shawls or other clothes. But because of the demand for masks, our skills are being put to use and we get a livelihood in return," she said. The masks have already been dispatched for sale in stores in the Nilgiris and people can also order them online from the Last Forest website.

NGOs Warn of Spurt in Unwanted Pregnancies

- A temporary ban on family planning services at government facilities and poor access to over-the-counter contraceptives, such as oral pills and condoms, during the nationwide lockdown will result in lakhs of unwanted pregnancies, leading to a spurt in unsafe abortions and maternal deaths, experts have warned. An analysis, conducted by the Foundation for Reproductive Health Services (FRHS) India, estimates that nearly 2.56 crore couples may not be able to access contraception services during the period after the lockdown and until the return of normalcy by September. This will lead to a loss of 6.9 lakh sterilisation services, 9.7 lakh intra-uterine contraceptive devices (IUCDs) and 40.59 crore condoms, among other forms of contraception. As a result, there will be an additional 23 lakh unintended pregnancies, 6.79 lakh child births, 14.5 lakh abortions (including 8.34 lakh unsafe abortions) and 1,743 maternal deaths. The numbers will be higher if there is a longer lockdown period and a slower resumption of family planning services after the restrictions are lifted. "Footfall at OPDs [outpatient departments] and community health care centres has gone down. Private clinics have stopped providing general medical services. While chemist shops are open, restrictions on mobility mean people's access to condoms, oral pills and emergency contraceptives is compromised. The purchase pattern behaviour of buyers is that most don't buy contraceptives from neighbourhood shops but from a shop away from their home to maintain anonymity," says V.S. Chandrashekar, chief executive officer, FRHS India. A study by the Population Council, which records that 10 lakh women undergo sterilisation or accept IUCDs or an injectable in March alone. This demand declines by 2-3 lakhs per month in April and May when men return to work. These numbers are likely to be higher during CoVID-19-related lockdown as men return home in large numbers and spend more time at home in situations of high stress.

COVID-19: Uncertain Times for Kashmir's Cherry Growers

- Kashmir's first crop of cherry fruit, expected to cross the 11,000-metric tonne (MT) mark this year, is staring at uncertain times due to the novel coronavirus pandemic and the lockdown. "Double Glass, a variety of cherry, will hit the markets next month. Due to the nationwide lockdown, all mandis are closed. The fruit growers have already suffered huge losses due to last year's clampdown and subsequent lockdown,". The market chain of cherry has already seen a disruption due to the curfew imposed in the wake of the Centre's move to revoke J&K's special status. "We used to sell the crop even while the cherry was on trees. However, this year, due to uncertain situation and Internet blockade, prospective buyers did not prefer pre-plucking payment,". The situation was further compounded after the local processing units had been closed down due to the COVID-19 outbreak. "The local processing units should be allowed to resume functioning," he said.



Significant Jump

The official figures suggest that the yield, 11,789 MT in 2018 and 11,000 MT in 2019, would see a significant jump due to the introduction of high-density variety of trees in recent years. **The shelf life of the cherry is short and around 50% is transported outside every year.** According to official figures, around 400 MT was transported by road through refrigerated vans last year. Besides, 400 MT more was ferried in trains and 900 MT by air, the officials said. With the COVID-19 bringing trains and air services to a grinding halt, "The government should continue its market intervention scheme and keep its purchasing centres open so that the produce is purchased and sold at proper rates,". **"Both cold stores and cardboard packaging units cater to the cherry crop. This year more emphasis will be on canning of the produce to increase its shelf life."** The orchardists, who have tended over 2,713 hectares, have demanded that all the cart vendors in the Valley be allowed to sell cherry in the open markets locally. Produced on the outskirts of Srinagar's Harwan-Zakura belt, Ganderbal, Tangmarg and Shopian districts, the harvest season will start in the last week of May and end by the first week of July.

Meghalaya Village Quinine Nongladew Latches on To Its Past in Search For COVID-

19 Cure

→ Hydroxychloroquine may not be the answer to SARS-CoV-2 or the COVID-19 pandemic. But quinine, its most primitive antimalarial avatar, has made a village in Meghalaya latch on to its past for a curative future. Welcome to Quinine Nongladew, a village named after the alkaloid quinine extracted from the bark of cinchona, a plant belonging to the Rubiaceae family and classified as either a large shrub or a small tree. The village, about 70 km south of Guwahati, is on the highway to Meghalaya's capital Shillong. Meghalaya's Forests and Environment Department has no records on the Quinine Garden. The villagers are clueless too. "I was a boy when our parents settled here from other parts of Meghalaya about 50 years ago. "There was no village before us and the place was called Quinine because of the plantation. We added Nongladew later," said Bhastar Lyngdoh Tongkhar, the headman of the village of about 400 people. Badhok Nongmalieh, an entrepreneur who documents local histories, said the cinchona nursery was raised in the 19th century, probably around 1874, when Shillong became the British administrative headquarters for Assam Province. "Large swathes of Meghalaya used to be, and still are, malaria-prone. "The British had the foresight to start the plantation to combat malaria and other diseases caused by mosquitoes,". The nursery on an unknown area fell into disuse by the mid-1950s.

Tragedy on The Tracks

→ The tragedy of 16 strewn bodies on a railway track in Maharashtra has been in the making for weeks now. The Centre and several States have been engaged in flip-flops on facilitating the return of migrant workers to their homes. **In the present instance, the workers at a company in Jalna in Maharashtra were walking on the track to their families in Madhya Pradesh some 800 km away after the national lockdown since March derailed their livelihoods.** The Centre's inability to clearly communicate to the public and States the purpose and protocol of the lockdown every step of the way has put people through completely avoidable hardship. This governance failure was aggravated by several States, either due to lack of capacity or incompetence. **The sight of an endless stream of migrant labourers, some of them carrying toddlers and the infirm, walking towards India's poorer regions from its economic centres, will remain an indelible memory of this inept and insensitive approach that had not taken their particular circumstances into account.** Under orders to stop their movement at any cost, the



police in many places forced them to walk back. **This particular group took to the rail track to escape the police, according to survivors.**

Though it did not spare any effort to make spectacles out of an unfolding pestilence, each government announcement about the lockdown threw even the educated public into a tailspin, and required numerous clarifications and amendments. To argue that this is a once-in-a-century event that caught even developed countries napping could at best be a tenuous defence. Even after it woke from the slumber and announced special trains to ferry the stranded and starving workforce to their homes, confusion reigned. **Onerous paper work and huge costs were heaped on these hapless citizens who manage to barely get by even in the best of times. States acted arbitrarily; courts intervened thoughtlessly. Hunger, humiliation and fear of the disease made thousands of these migrants so desperate that they ventured to walk thousands of kilometres to get home.** All of this could have been managed better **had the Centre worked with States to map out a strategy to support those who wanted to stay where they were**, and organised the return of those who chose to do so in an orderly manner. A huge cost has already been paid in lives and suffering, but even now there can be measures to mitigate the situation. For that, it must have a more open and honest communication with State governments, and citizens. Tough measures may be essential but caring ones are just as vital. This unfolding tragedy must be stopped in its tracks.

Aarogya Setu: Who All Can Access Your Data, And When?

- ➔ **The Ministry of Electronics & Information Technology issued a data-sharing and knowledge-sharing protocol for the Aarogya Setu app, laying down guidelines for sharing such data with government agencies and third parties.** Prior to this, the only legal shield around the mechanism was the app's privacy policy. The executive order came amid concerns expressed by a number of experts over the efficacy and safety of the app. Experts have now said that while on the one hand a decision of such nature should be backed by a personal data protection law, the loosely worded nature of the protocol too is an area of concern. Currently, India's personal data protection bill is in the process of being approved by Parliament.

Why Has the Government Issued These Guidelines?

The executive order issued by IT Secretary Ajay Prakash Sawhney, who is also the Chairperson of the Empowered Group on Technology and Data Management (one of several empowered groups constituted by the Home Ministry to deal with various aspects of the Covid-19 pandemic), says that "in order to formulate appropriate health responses for addressing the COVID-19 pandemic, data pertaining to individuals is urgently required". Here, individuals mean persons who are infected, or are at high risk of being infected, or who have come in contact with infected individuals. To fulfil this purpose, and ensure that data collected from the app is gathered, processed and shared in an appropriate way, the government has issued these guidelines.

What Data Can Be Collected and Shared by Aarogya Setu?

The data collected by the Aarogya Setu app is broadly divided into four categories – **demographic data, contact data, self-assessment data and location data.** This is collectively called **response data.** **Demographic data** includes information such as **name, mobile number, age, gender, profession and travel history.** **Contact data** is about any other individual that a given individual has come in close proximity with, including the duration of the contact, the proximate distance between the individuals, and the geographical location at which the contact occurred. **Self-assessment** data means the responses provided by that individual to the self-assessment test administered within the app. **Location data** comprises the geographical position of an individual in latitude and longitude.



What Entities Will Be Able to Access This Aarogya Setu Data?

According to the protocol, the response data containing personal data may be shared by the app's developer – National Informatics Centre (NIC) – with the Health Ministry, Health Departments of state/Union Territory governments/ local governments, National Disaster Management Authority, state disaster management authorities, other ministries and departments of the central and state governments, and other public health institutions of the central, state and local governments, “where such sharing is strictly necessary to directly formulate or implement an appropriate health response”. The protocol also lay the ground for sharing the data with any third parties – “only if it is strictly necessary to directly formulate or implement appropriate health responses”. Further, for research purposes, the response data can be shared with Indian universities or research institutions and research entities registered in India. The guidelines also empower universities and research entities to share the data with other such institutions, “only if such sharing is in furtherance of the same purpose for which it has sought approval to access such data from the expert committee”.

What Are the Checks and Balances?

The protocol says the response data that can be shared with ministries, government departments and other administrative agencies has to be in de-identified form. This means that, except for demographic data, the response data must be stripped of information that may make it possible to identify the individual personally; it must be assigned a randomly generated ID. Further, the NIC shall, “to the extent reasonable”, document the sharing of any data and maintain a list of the agencies with which data has been shared. This documentation will include the time at which data sharing was initiated, with which entities it was shared, the categories of such data, and the purpose of sharing the data. The protocol also calls for any entity with which the data has been shared to not retain the data beyond 180 days from the day it was collected. The protocol reads back to the Disaster Management Act, 2005 to establish the penalties in case of violation of the protocol. It also has a sunset clause, which calls for the empowered group to review the protocol after six months; unless extended, it will be in force only for six months from the date of issue.

What Are the Concerns Being Raised Over Aarogya Setu?

Legal experts have stressed the need for a personal data protection law to back the government's decision to make the app mandatory for everyone. “They are going the Aadhaar way. This cannot be done via an executive order, especially since there are a number of privacy concerns with the app,” said Prasanth Sugathan, volunteer legal director at SFLC.in. Sugathan said the data being shared with third parties was one of the biggest areas of concern. “They should have listed the third parties with which the data can be shared,” he said, adding that it was left open-ended and had a possibility of misuse. Further, he said the process of de-identifying the data should have been detailed, given that reversing de-identification was not difficult. The protocol, in fact, seeks to disincentivise reversal of de-identification. “Any university or research institution/ entity which accesses anonymised response data... shall not reverse anonymise such data or re-identify individuals in any manner. If any person knowingly or unknowingly, takes any action which has the effect of such data no longer remaining anonymised, any rights granted to them under this protocol shall stand terminated, and they shall be liable for penalties under applicable laws for the time being in force,” it reads.

- ➔ Data of nearly 13,000 Aarogya Setu App users who have tested positive for COVID-19 have so far been transferred to the server for health intervention, says Ajay Sawhney, Chairman, Empowered Group on Technology and Data Management.



- It stores an encrypted signature when the user comes in proximity with other registered devices. This interaction information is not pushed to the server unless the user tests positive.
- Encrypted data of all users, stored in their devices, got deleted automatically in 30 days. Data of the users who undergo tests were kept for 45 days and for those who had tested positive, it was stored in the server till 60 days from the day they recovered from the illness.
- Based on the data of fewer than 13,000 users who tested positive, alerts were sent to 1.4 lakh users, he said. Nearly 9.8 crore people had so far downloaded the contact-tracing app. The same service would soon be made available in feature phones.
- Upon sign-up, every app user was assigned a unique randomised anonymous device ID. All communications between two devices and between the device and the server was done using that ID. No personal detail was used or shared with anyone. The location data was used in case the person tested positive, only to map places the user visited in the past 14 days, for sanitisation and testing of people to prevent further spread.
- The information was combined with self-assessment data to identify the areas that were likely to turn into a hotspot. The details were shared with district and State authorities for timely preventive steps. The tool had helped in identification of 697 such potential hotspots.

Forced to Adopt New Habits (Anand Damani - Behavioural Scientist and Partner at Briefcase)

- Starting new habits is tough and requires overcoming inertia. Most of the time humans like maintaining the status quo. The majority of us don't change the default settings when we buy a new mobile phone. Nor we do change the default settings of any new app we download. The tendency to stick with defaults happens across different aspects of our lives, from personal to social to office work. But this pandemic has jolted us out of our inertia. We're now doing new things that we haven't done before. Those not used to clean their own dishes or homes are doing so now. Those not used to work from home are forced to do so now. Managers who wouldn't allow their teammates to work from home have no choice but to ask them to work from home now. The pandemic has forced us to start new habits. One habit that we Indians are not used to is maintaining sufficient physical distance from one another in public spaces. There are many reasons for this. Urban cities are densely packed with people. Houses in slums are cramped. Few roads have footpaths, forcing pedestrians to take up a portion of the road. Lanes are narrow; even main roads are narrow. Trains and buses are always packed. Queues are long. The population is overwhelming.

Environmental Factors

Behavioural science studies are showing evidence that a large part of human behaviour is led by environmental factors. In normal times we don't pay much attention to our environment because we don't need to. If one has to take a crowded train to work because of lack of better choice, we get used to it because the goal is to get to office, in time. The environment becomes part of our sub-conscious. We navigate through life, lanes, stations, etc. without paying much attention to our surroundings. But the pandemic is now making us aware of our surroundings. Besides behaviours like hand washing, sanitising and wearing masks to prevent contracting COVID-19, the pandemic is driving another big behavioural change – keeping safe distance. Merely informing people that they need to maintain at least six-foot distance from one another is not enough. People tend to forget about distancing while talking to one another. Maintaining distance is an alien concept for us. That's why we're now seeing examples of behavioural design nudges in our environment that help us in maintaining distance in public spaces. Markings in the form of circles and squares are being painted outside grocery stores and pharmacies to help people maintain distance. People are now standing in these circles and



squares while waiting in queues. I hope relevant authorities implement this rule, wherever crowds need to be managed.

Maintaining Physical Distancing

Around the world behavioural design nudges are being implemented to help people keep safe distance from one another. Restaurants in Hong Kong are putting tapes over alternate tables so that people do not occupy tables next to each other. A bus station in Thailand has put stickers on alternate seats so that people sit leaving one seat empty. Schoolchildren in Hangzhou, China are being made to wear caps with fan-like blades so that they cannot come close to other children. A police station in Thailand has placed transparent protective shields on desks creating a barrier between the police inspector and civilians. We are likely to see many more examples of such behavioural design in the near future that help us keep safe distance, because the lockdown will eventually be lifted.

The Death of Fatalism (Rajeev Bhargava - Professor, CSDS, Delhi)

- The pandemic is an epoch-changing moment. Millions have fallen sick; hundreds of thousands have succumbed to the disease. We have been caught unawares and still do not know how to deal with it. Historic events such as this compel us to raise big questions usually submerged in the hustle and bustle of life: what is and what isn't in human control? How to make sense of collective helplessness in the face of abrupt changes? What is the place of contingency, fortune and misfortune in our life? **Fatalism provides one answer: human agency is insignificant. We are permanent victims of inscrutable forces beyond our control.** With the arrival of the pandemic, the surge of fatalism seems inevitable within popular consciousness. What else can we expect in the land of Karma – the idea that birth, status, marriage, occupation, all life experiences, and death are predetermined? Isn't our personal destiny inscribed on our forehead or in the lines of our palm? Are we not already allotted a share (bhaga) of fortune or misfortune at birth? Isn't Hinduism virtually synonymous with fatalism? Surely, we must then expect a lot of fatalistic gloom in these times.

The Near-Absence of Fatalism

Yet, there is scarce evidence for it. I don't see ordinary people resigned to their fate – an inscrutable, unpredictable force that acts on humans against their will, mocks their agency and humiliates them. Instead, they expect governments to take charge, doctors and nurses to save lives, scientists to deliver a cure, fellow citizens to behave responsibly. The poor do not seem to abjectly surrender to their fate either. They are willing to take huge risks and return home, not die of hunger when abandoned by governments. In short, Hindu fatalism seems to be a myth spun by Western, orientalist imagination. Or, perhaps, sustained by the rich who imagine the poor to be victims of fate; it is not what the poor believe about themselves. This near-absence of fatalism in India is not a gift of modernity. Historically, large segments of Indian thought are non-fatalistic and give an important place to human agency. The philosopher Sukumari Bhattacharjee made a plausible case for the absence of fatalism in various ancient texts: The Rig Veda, the Brahmanas, the Samhitas, the Upanishads, the Aranyakas, and in Jaimini's Purva Mimamsa. **The theory of Karma found in the teachings of Buddha and Mahavira are not just atheistic but valorise human agency.** Though the idea of fate exists, it is immanent, inscribed in and dependent upon human action spread over many births. Likewise, in Puranic literature, fate and human agency coexist. In the Mahabharata, there are two kinds of Rishis. The **pravrtti sages** (engaged in the world) draw upon the power of tapas (religious austerity) to **dominate their surroundings**; the **nivrtti sages** (renunciates) actively acquire spiritual knowledge by which to **escape their surroundings**. Both reject the argument that humans are victims of forces beyond their control. In ancient India, perhaps only the **atheistic**



Ajivikas embraced fatalism. In Indian folk literature, one frequently finds a god or goddess coming to write the bhagya (share of fortune/fate) on the forehead of the new born. Several Indian languages have a term for it: talaiyeluttu and talaiviti in Tamil; haneli barediddu and hanebareha in Kannada; phalalikhita in Sanskrit. In Hindustani too, phrases such as 'Hamari kismetmein yeh likha hai' are common. This is often taken as an affirmation of Indian fatalism. But then the same literature invites us to use one's wit, to overturn or at least modify bhagya writ on our forehead. **Fate can be thwarted by action, particularly by those prepared to take risks. It can also be challenged, especially among the underprivileged, by 'witchcraft', or worship of ancestors and local deities.** Anthropologists like Kathleen Gough record the derision with which Dalits in Tamil Nadu dismiss ideas of bhagya, phalalikhita, or inexorable fate. For upper castes, astrology appears to perform the same function, for it suggests appropriate strategies to manage bhagya (fortune), or avert durbhagya (misfortune), not surrender to it. In conditions of extreme, prolonged distress, entire world views may emerge that make human vulnerability permanent, unexpected, unpredictable forces salient, and render human agency, order and reason insignificant. Consider the idea of the absurd which emerged during the Second World War, underscoring the futility of the search for meaning, quite like fatalism that stresses the futility of human action. But extreme action-negating world views like fatalism must not be conflated with perspectives that give importance to fate. Fate is an integral, recurrent feature of the human condition. In every civilisation, such concepts emerge unbidden. All ancient world views had a term for it: moira in Greek, ming in Chinese and bhagya in Sanskrit. Modern world views too must incorporate fate. Why? **The human world can always be viewed as a great contest between human agency and nature, something currently beyond control.** The more humans are able to control their destiny, the less room in their perspective they have for fate. **The more the world is comprehended, the less inscrutable it is. But there are times when most human beings feel utterly helpless – say, in times of wars, natural calamities, social upheavals, or personal misfortune. In such moments of extreme vulnerability and loss of control, when things seem beyond rational comprehension, ordinary human beings with their practical consciousness rely on notions such as fate. They submit, surrender, resign themselves to and eventually accept their condition – 'so be it', 'such is my lot'.**

Human Powers Versus Chance

In short, an ongoing battle rages between what the Italian humanist Machiavelli calls Virtù (human powers) and Fortuna (chance/fate). **We need to constantly experience and evaluate which way the balance will tilt. Individuals, societies and, indeed, humanity must have a realistic view of what is given and the extent to which it can be altered. It is impossible to entirely give up a conception of something beyond us and equally, to entirely reject a modicum of responsibility for one's actions. We are always in part responsible for what is happening to us, though this contract or enlarges depending on circumstances.** However, one element that perpetually evades control is sheer fortuitousness in our lives – accidents, coincidences, disease, disasters, sudden bereavements – all of which defy human agency and thwart the best of plans. They compel us to rely solely on the idea of fate. **Indeed, more than good luck, fate is linked to misfortune and death. No wonder accidents that result in death are called fatal and human beings who perish in disasters are called fatalities.** In sum, while fatalism whose over-valorisation of fate nullifies human agency must disappear, views that introduce the dialectic of fate and human agency to account for contingency, misfortune and bad luck cannot be erased. However, even their relevance or efficacy can be reduced by better understanding, sounder explanations, with the wisdom to know what can and cannot be controlled, indeed by properly evaluating what should or should not be controlled.



Business & Economics

How Covid-19 Has Affected the Global Economy

- Amid the coronavirus pandemic, several countries across the world resorted to lockdowns to “flatten the curve” of the infection. These lockdowns meant confining millions of citizens to their homes, shutting down businesses and ceasing almost all economic activity. According to the **International Monetary Fund (IMF)**, the **global economy is expected to shrink by over 3 per cent in 2020 – the steepest slowdown since the Great Depression of the 1930s**. Now, as some countries lift restrictions and gradually restart their economies, here’s a look at how the pandemic has affected them and how they have coped.

Coronavirus (COVID-19) And Global Growth

The IMF’s estimate of the global economy growing at -3 per cent in 2020 is an outcome “far worse” than the 2009 global financial crises. Economies such as the US, Japan, the UK, Germany, France, Italy and Spain are expected to contract this year by 5.9, 5.2, 6.5, 7, 7.2, 9.1 and 8 per cent respectively. Advanced economies have been hit harder, and together they are expected to grow by -6 per cent in 2020. Emerging markets and developing economies are expected to contract by -1 per cent. If China is excluded from this pool of countries, the growth rate for 2020 is expected to be -2.2 per cent. China’s GDP dropped by 36.6 per cent in the first quarter of 2020, while South Korea’s output fell by 5.5 per cent, since the country didn’t impose a lockdown but followed a strategy of aggressive testing, contact tracing and quarantining. In Europe, the GDPs of France, Spain and Italy fell by 21.3, 19.2 and 17.5 per cent respectively.

Oil and Natural Gas

Due to the fall in travel, global industrial activity has been affected. Oil prices fell further in March as the transportation section, which accounts for 60 per cent of the oil demand, was hit due to several countries imposing lockdowns. Not only oil, early this year in China, due to Covid-19-related containment measures, the demand for natural gas fell, as a result of which many Chinese LNG buyers halted their imports as storage tanks filled.

Industrial Metals

Due to lockdowns in China, followed by in the US and Europe, the demand for industrial metals reduced as factories shut down. As per IMF, China accounts for roughly half of the global demand for industrial metals.

Food and Beverages

IMF projects a decrease in food prices by 2.6 per cent in 2020, caused by supply chain disruptions, border delays, food security concerns in regions affected by Covid-19 and export restrictions. In the lockdown period, while the price of cereals, oranges, seafood and arabica coffee has increased, prices of tea, meat, wool and cotton have declined. Further, the decline in oil prices has put a downward pressure on the prices for palm oil, soy oil, sugar and corn.

How Have Countries Coped?

According to an assessment by the World Economic Forum (WEF), supporting SMEs and larger businesses is crucial for maintaining employment and financial stability. In India, Finance Minister Nirmala Sitharaman has announced some details of the Atmanirbhar Bharat Abhiyan package, to provide relief to Medium, Small and Micro Enterprises (MSMEs) in the form of an increase in credit guarantees. Many advanced economies in the world have rolled out support



packages. While India's economic stimulus package is 10 per cent of its GDP, Japan's is 21.1 per cent, followed by the US (13 per cent), Sweden (12 per cent), Germany (10.7 per cent), France (9.3 per cent), Spain (7.3 per cent) and Italy (5.7 per cent). However, the WEF notes, "...there is concern that the size of packages may prove insufficient for the duration of the crisis; that disbursement may be slower than is needed; that not all firms in need would be targeted; and that such programmes may be overly reliant on debt financing." In Asia, countries including India, China, Indonesia, Japan, Singapore and South Korea account for about 85 per cent of all the Covid-19 cases on the continent. South Korea stands out, since business and economic activities were not completely stopped and therefore, their economy was not severely affected. China recently lifted its lockdown and has since then been gradually reopening its economy without an aggressive second wave of infections so far. Further, even as economic activity resumes gradually, the situation will take time to normalise, as consumer behaviours change as a result of continued social distancing and uncertainty about how the pandemic will evolve. For instance, in its World Economic Outlook report for 2020, the IMF mentions that firms may start hiring more people and expanding their payroll only slowly, as they may not be clear about the demand for their output. Therefore, along with clear and effective communication, broad monetary and fiscal stimuli will be required to be coordinated on an international scale for maximum impact, and, "would be most effective to boost spending in the recovery phase."

Funds and the PM

- On March 28, the **Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund**, or the PM CARES Fund, was set up to tackle distress situations such as that posed by the COVID-19 pandemic. In one-and-a-half months, the fund has raked in thousands of crores worth of donations including unlimited tax-free contributions from major corporates.

Who May Contribute to The Fund?

The fund receives voluntary contributions from individuals and organisations and does not get any budgetary support. **Donations have been made tax-exempt, and can be counted against a company's corporate social responsibility (CSR) obligations.** It is also exempt from the Foreign Contribution (Regulation) Act, 2010, and accepts foreign contributions, although the Centre has previously refused foreign aid to deal with disasters such as the Kerala floods. The Prime Minister chairs the fund in his official capacity, and can nominate three eminent persons in relevant fields to the Board of Trustees. The Ministers of Defence, Home Affairs and Finance are ex-officio Trustees of the Fund.

Does Not India Already Have A Fund with Similar Objectives?

Yes. The **Prime Minister's National Relief Fund (PMNRF)** was set up in January 1948, originally to accept public contributions for the assistance of Partition refugees. It is now used to provide immediate relief to the families of those killed in natural calamities and the victims of major accidents and riots and support medical expenses for acid attack victims and others. The PMNRF was initially managed by a committee which included the Prime Minister and his deputy, the Finance Minister, the Congress President, a representative of the Tata Trustees and an industry representative. However, in 1985, the committee entrusted the entire management of the fund to the Prime Minister, who currently has sole discretion for fund disbursement. A joint secretary in the PMO administers the fund on an honorary basis. As of December 2019, the **PMNRF had an unspent balance of ₹3,800 crore** in its corpus. Opposition leaders have questioned the need for a new PM CARES Fund, given that the PMNRF has similar objectives. **States also have similar Chief Minister's Relief Funds, and State governments have**



appealed for donations noting that they bear the major burden of implementing COVID-19 relief operations.

Are Donations Pouring In?

In its 45-day existence, PM CARES has attracted a large amount of donations. Within the first half hour after the PM's tweet on March 28, donors as varied as the IAS Association and Bollywood actor Akshay Kumar had pledged to contribute ₹21 lakh and ₹25 crore, respectively, to the fund. In the first week, news reports suggested that publicly declared donations added up to at least ₹6,500 crore. In the month since then, lakhs of public and private sector employees have donated a day's salary to the fund, with some claiming it was done without their permission or knowledge. Among major donations include ₹500 crore from employees of the Defence Ministry, Army, Navy, Air Force and defence public sector units, as well as ₹500 crore each from the Tata Group and Reliance Industries. Protests have been raised against companies such as Reliance which have made major donations to PM CARES even while cutting salaries of their own employees, as well as the Railways, which donated ₹151 crore to PM CARES, but could not provide free transport for destitute migrant workers. The Centre has not responded to queries on how much money is in the PM CARES Fund, or how and when it will be used to provide relief. A senior official told The Hindu that an announcement will be made "once a respectable amount of money" has been collected.

What Are Some of The Other Concerns Around It?

It is not clear whether the fund comes under the ambit of the RTI Act or oversight by the Comptroller and Auditor General of India, although independent auditors will audit the fund. One RTI query to the PMO by activist Vikrant Tongad was refused, citing a Supreme Court observation that "indiscriminate and impractical demands under RTI Act for disclosure of all and sundry information would be counterproductive", while other RTI queries have not received a response even after the statutory 30-day period. The PM CARES web page is opaque regarding the amount of money collected, names of donors, the expenditure of the fund so far, or names of beneficiaries. The PMNRF provides annual donation and expenditure information without any detailed break-up. The PM CARES Fund's trust deed is not available for public scrutiny. The decision to allow uncapped corporate donations to the fund to count as CSR expenditure – a facility not provided to PMNRF or the CM's Relief Funds – goes against previous guidelines stating that CSR should not be used to fund government schemes. A government panel had previously advised against allowing CSR contributions to the PMNRF on the grounds that the double benefit of tax exemption would be a "regressive incentive".

What Labour Law Changes Mean

- As the economy struggles with the lockdown and thousands of firms and workers stare at an uncertain future, some state governments last week decided to make significant changes in the application of labour laws. The most significant changes were announced by three BJP-ruled states – UP, MP and Gujarat – but several other states, ruled by the Congress (Rajasthan and Punjab) as well as BJD-ruled Odisha, too made some changes, although smaller in scope. UP, the most populous state, has made the boldest changes as it summarily suspended the application of almost all labour laws in the state for the next three years. On the face of it, these changes are being brought about to incentivise economic activity in the respective states. Keeping aside the questions of law – labour falls in the Concurrent List and there are many laws enacted by the Centre that a state cannot just brush aside – the key question is: Are these the long-pending reforms of the labour market that economists used to talk about, or is the suspension of labour laws an ill-timed and retrograde step that critics have made it out to be?



What Are Indian Labour Laws?

Estimates vary but there are **over 200 state laws and close to 50 central laws**. And yet there is no set definition of “labour laws” in the country. Broadly speaking, they can be divided into four categories. The main objectives of the **Factories Act**, for instance, are to ensure safety measures on factory premises, and promote health and welfare of workers. The **Shops and Commercial Establishments Act**, on the other hand, aims to regulate hours of work, payment, overtime, weekly day off with pay, other holidays with pay, annual leave, employment of children and young persons, and employment of women. The **Minimum Wages Act** covers more workers than any other labour legislation. The **most contentious labour law**, however, is the **Industrial Disputes Act, 1947** as it relates to terms of service such as layoff, retrenchment, and closure of industrial enterprises and strikes and lockouts.

Why Are Labour Laws Often Criticised?

Indian labour laws are often characterised as “inflexible”. In other words, it has been argued that thanks to the onerous legal requirements, **firms (those employing more than 100 workers) dither from hiring new workers because firing them requires government approvals**. Even the organised sector is **increasingly employing workers without formal contracts**. This, in turn, the argument goes, has **constrained the growth of firms** on the one hand and **provided a raw deal to workers** on the other. Others have also pointed out that there are too many laws, often unnecessarily complicated, and not effectively implemented. This has laid the foundation for corruption and rent-seeking. Essentially, **if India had fewer and easier-to-follow labour laws, firms would be able to expand and contract depending on the market conditions, and the resulting formalisation** – at present **90% of India’s workers are part of the informal economy** – would help workers as they would get better salaries and social security benefits.

Is That What Is Proposed by States Like UP?

As a matter of fact, no. **UP, for instance, has summarily suspended almost all labour laws including the Minimum Wages Act**. Radhicka Kapoor of ICRIER characterised this as “**creating an enabling environment for exploitation**”. That’s because far from being a reform, which essentially means an improvement from the status quo, the removal of all labour laws will not only **strip the labour of its basic rights but also drive down wages**. For instance, what stops a firm from **firing all existing employees and hiring them again at lower wages**, she pointed out. In that sense, from the perspective of the workers, the government has **completely turned its stand from asking firms not to fire workers and pay full salaries at the start of the lockdown, to stripping workers of their bargaining power now**. Moreover, far from pushing for a greater formalisation of the workforce, this move will in one go turn the existing formal workers into informal workers as they would not get any social security.

Why Will Wages Fall?

Even before the Covid-19 crisis, thanks to the deceleration in the economy, wage growth had been moderating. Moreover, there was always a wide gap between formal and informal wage rates. For example, **a woman working as a casual labourer in rural India earns just 20% of what a man earns in an urban formal setting**. If all labour laws are removed, **most employment will effectively turn informal and bring down the wage rate sharply**. And there is no way for any worker to even seek grievance redressal, said Amarjeet Kaur, General Secretary of AITUC.

Would These Changes Not Boost Employment and Spur Economic Growth?

Theoretically, it is possible to generate more employment in a market with fewer labour regulations. However, as the experience of states that have relaxed labour laws in the past



suggests, **dismantling worker protection laws have failed to attract investments and increase employment**, while not causing any increase in worker exploitation or deterioration of working conditions. Employment will not increase, because of several reasons. First, there is already too much unused capacity. Firms are shaving off salaries up to 40% and making job cuts. The overall demand has fallen. If the intention was to ensure more people have jobs, then **states should not have increased the shift duration from 8 hours to 12 hours**. They should have allowed two shifts of 8-hours each instead, she said, so that more people can get a job. Both Srivastava and Kapoor said this move and the resulting **fall in wages will further depress the overall demand in the economy, thus hurting the recovery process**. "The timing is all wrong."

Could the Government Have Done Something Else?

Srivastava said that instead of creating exploitative conditions for the workers, **the government should have – as most governments have done across the world – partnered with the industry and allocated 3% or 5% of the GDP** towards sharing the wage burden and ensuring the health of the labourers "because if Covid hits them, the whole country would be sunk". Moreover, beyond labour regulations, firms face a lot of other hurdles like the shortage of skilled labour and the weak enforcement of contracts etc.

Legal but Not Appropriate (M.R. Madhavan - The President and Co-Founder of PRS Legislative Research)

- Over the last few days, many States have made changes to their labour laws. **Himachal Pradesh, Rajasthan and Punjab have extended the maximum daily hours of work in a factory from eight/nine to 12, and allowed up to 72 hours a week in overtime**. The provision of paying overtime wages at twice the normal rate would apply for working beyond these limits. Gujarat has made a similar change but the wages for overtime will be at the same rate (not double). **Uttarakhand has increased the daily limit to 11 hours with overtime limited to 18 hours a week**. **Haryana has allowed work for 12 hours a day, and up to 60 hours a week, with overtime pay**. **Madhya Pradesh has made similar changes**. These changes have been made through notifications issued by the State governments, and will be applicable for the next three months. **M.P. has also suspended most provisions of the Industrial Disputes Act, 1946 (except those related to retrenchment and layoffs) for 1,000 days for State undertakings**. In addition, M.P. issued an ordinance to amend two laws. The **M.P. Industrial Employment Standing Orders Act** will apply to establishments with more than 100 workmen (up from the existing threshold of 50), in line with the Central Act. The ordinance also enables the government to exempt establishments from the provision of another Act that provided for a labour welfare fund. The **Uttar Pradesh government has approved an ordinance that exempts establishments from all labour laws for three years with some exceptions** (safety and security of workers, provisions related to employing women and children, payment of wages on time and above prescribed minimum wages, and no bonded labour). As this will **override provisions of some Central laws, it will require the assent of the President** or, in effect, the assent of the Central government. The question is, was there sufficient consultation before all these changes were made?

Lawful Changes

As per the Constitution, legislature has the authority to make laws. **Such laws could delegate powers to the government which are in the nature of detailing some requirements**. For example, the **Factories Act allows State governments to exempt factories from the provisions of the Act during public emergencies for a maximum period of three months**. A public emergency is defined as a grave emergency whereby the security of India or any part is threatened by **war, external aggression or internal disturbance**. Most States have used this



provision, presumably interpreting the current situation as an 'internal disturbance'. Haryana has used a provision that allows relaxation of work hours "to deal with an exceptional press of work". The Constitution also permits Central and State governments to make laws through the issuance of an **ordinance** when the legislature is not in session. Such a law needs to be ratified by the legislature within six weeks of the beginning of the next session. **M.P. and U.P.** are using this procedure.

The Importance of Consultation

While the changes made are lawful, we need to see whether it is appropriate to make such far-reaching provisions without scrutiny by the legislature. Usually, any change in an Act follows a rigorous process of public consultation, scrutiny by committees of Parliament, and debates in the House before being approved. The changes described here have not gone through such a process. However, most of these have a three-month time limit, and any extension would need to be approved by the legislature.

- The abrogation of labour laws raises many constitutional and political questions. But will it expand employment and output growth, as claimed by its proponents? Such a step, **by popular belief, will reduce wage costs, increase profits and augment productive investment and growth. Improved supply is expected to create demand (following Say's Law in economics).** Such (simplistic) reasoning assumes that labour laws are the binding constraints on expanding output. Surely, the lockdown has disrupted supply, but only temporarily. There are no inherent shortages at the moment as the inflation rate remains moderate. Agricultural produce is rotting in farms for lack of transport. Industrial production is held up as migrant workers have fled for their lives. Before the lockdown, annual GDP growth rate had plummeted to 4.7% during October-December quarter of 2019-20, from 8.3% in the full year of 2016-17. **The slowdown is due to lack of demand, not of supply, as widely suggested. With massive job and income losses after the lockdown, aggregate demand has totally slumped, with practically no growth.** Therefore, the way to restart the economy is to **provide income support and restore jobs.** This will not only address the humanitarian crisis but also help revive consumer demand by augmenting incomes. **Scrapping labour laws to save on labour costs will do just the opposite: it will reduce wages, lower earnings (particularly of low wage workers) and reduce consumer demand.** Further, it will lead to an **increase of low paid work that offers no security of tenure or income stability.** The rationale for scrapping labour laws to attract investment and boost manufacturing growth poses two additional questions. One, if the laws were in fact so strongly pro-worker, they would have raised wages and reduced business profitability. But the **real wage growth (net of inflation) of directly employed workers in the factory sector has been flat (2000-01 to 2015-16) as firms have increasingly resorted to casualisation and informalisation of the workforce to suppress workers' bargaining power,** evidence suggests. Two, is it right to blame the disappointing industrial performance mainly on labour market regulations? **Industrial performance is not just a function of the labour laws but of the size of the market, fixed investment growth, credit availability, infrastructure, and government policies.** In fact, there is little evidence to suggest that amendment of key labour laws by Rajasthan and Madhya Pradesh in 2014 took them any closer to their goal of creating more jobs or industrial growth. The role of labour market regulations may be more modest than the strong views expressed against them in the popular debates.

Rationalize Labour Laws

Surely, India's complex web of labour laws, with around 47 central laws and 200 State laws, need rationalisation. However, now more than ever before, reforms need to maintain a delicate balance between the need for firms to adapt to ever-changing market conditions and workers' employment security. Depriving workers of fundamental rights such as freedom of association and the right to collective bargaining, and a set of primary working conditions (such as



adequate living wages, limits on hours of work and safe and healthy workplaces), will create a fertile ground for the exploitation of the working class. **Presently, over 90% of India's workforce is in informal jobs, with no regulations for decent conditions of work, no provision for social security and no protection against any contingencies and arbitrary actions of employers.** Abrogation of labour laws, as proposed by the Uttar Pradesh government, will free more employers from the obligations they currently hold for ensuring the job security, health, and social protection of their workers. It **will increase informal employment in the formal sector instead of encouraging the growth of formal work.** As India battles the economic and social consequence of the COVID-19 pandemic, many State governments have seized the opportunity to scrap labour laws on the pretext of encouraging employment. Such a decision makes little economic sense currently, as it will reduce share of wages in output, thereby **reducing growth in domestic demand and hurting output expansion.** Significantly, **exports cannot be an option for now as the global economy is staring at the possibility worse than the Great Depression.** Hence, the Uttar Pradesh government's move will only result in a race to the bottom on workers' pay and labour standards, making workers worse off, without creating additional jobs, as it is a lack of demand that is currently holding up output growth. The Uttar Pradesh ordinance needs to be revoked, lock, stock, and barrel.

Equal Freedom and Forced Labour (Gautam Bhatia - Delhi-Based Lawyer)

- Soon after Independence, while the Constitution of a free India was being drafted, Dr. B.R. Ambedkar, the chairperson of the Drafting Committee, was asked to prepare a note on the idea of Fundamental Rights. In a terse document, **B.R. Ambedkar observed that thus far, the purpose of Constitutions had been to limit state power, in order to preserve the freedom of the individual.** But this was too narrow an understanding of freedom, because it ignored the fact that often, it was private parties – individuals and corporations – that exercised great sway over the economic and social life of the nation. **B.R. Ambedkar therefore argued that fundamental rights must also “eliminate the possibility of the more powerful having the power to impose arbitrary restraints on the less powerful by withdrawing from the control he has over the economic life of the people” – or, more euphemistically, to tackle the “the dictatorship of the private employer”.**

Labour Rights

B.R. Ambedkar, a long-time advocate for the rights of labour, and who had been instrumental in the passage of an eight-hour working day a few years before, was writing as part of a long-standing intellectual and political tradition. Labour movements had been key to the successful freedom struggle, and indeed, **the 1931 Karachi Declaration and Bill of Rights – a fore-runner to the Constitution – expressly placed labour rights on a par with ordinary civil rights such as the freedom of speech and expression.** In its Preamble, it declared that “political freedom must include... real economic freedom of the... millions”. These principles eventually found their way into the Indian Constitution in the form of **“Directive Principles of State Policy”,** while a few of them were retained as fundamental rights. Prominent among these was the **right against forced labour, guaranteed by Article 23** of the Constitution. How do we understand the concepts of “force” and “freedom” in the backdrop of this history? A certain narrow understanding would have it that I am only “forced” to do something if there is a gun to my head or a knife at my throat. In all other circumstances, I remain “free”. As we all know, however, that is a very impoverished understanding of freedom. It ignores the **compulsion that is exerted by serious and enduring differences of power, compulsion that may not take a physical form, but instead, have a social or economic character that is nonetheless as severe.** In such circumstances, people can be placed in positions where they have no genuine choices



left. As K.T. Shah, another member of the Constituent Assembly, famously wrote, “necessitous men are not free men”.

Judicial Stand

In 1983, the Supreme Court understood this point. The Court was called upon to **address the exploitation of migrant and contract labourers**, who had been put to work constructing the Asian Games Village. In a landmark judgment, **PUDR vs. Union of India**, the Court held that **the right against forced labour included the right to a minimum wage**. It noted that often, migrant and contract labourers had “no choice but to accept any work that came [their] way, even if the remuneration offered... is less than the minimum wage”. Consequently, the Court held that **“the compulsion of economic circumstance which leaves no choice of alternatives to a person in want and compels him to provide labour or service” was no less a form of forced labour than any other, and its remedy lay in a constitutional guarantee of the minimum wage**. A market economy is sustained by a set of laws – the laws of contract, of property, and so on. **This legal structure ensures that capital and labour do not face each other as equals across a mythical bargaining table**. There is a structural inequality that enables the former, going back once more to B.R. Ambedkar’s language, to “make the rules” for the latter. This amounts to a form of “private government”, a situation in which there exists democracy in the political sphere, but unilateral term-setting in the context of the workplace. **Of late, with the rise of the platform or gig economy, the rise of casualisation and precarious employment, and further fractures within the workforce, this inequality of power has only grown starker**. The purpose of labour laws, which arose out of a long period of struggle (often accompanied by state-sanctioned violence against workers), has always been to **mitigate this imbalance of power**. The shape and form of these laws has, of course, varied over time and in different countries, but the basic impulse has always remained the same: in B.R. Ambedkar’s words, to secure the “rights to life, liberty, and the pursuit of happiness”, in both the public and the private spheres. **In some countries, the path chosen has been to give workers a stake in private governance, through strong trade union laws and mandatory seats for labour in the governing boards of firms (“co-determination”)**. In other countries (such as India), the path has been to create a detailed set of laws, covering different aspects of the workplace, and depend upon State agencies for their enforcement.

The Indian Situation

To be sure, India’s labour law structure has been criticised on multiple counts. It is argued that it sets up a labour bureaucracy that is prone to corruption; that the adjudicatory mechanisms are inefficient; the rights that labour laws grant are effectively submerged in a creaking judicial system, thus providing no real relief; that the system creates an unconscionable tiered structure where a majority of the workforce, engaged in contract labour or informal employment, has very few rights, while those in formal employment have greater security, at least in theory; in a recent interview, it was even pointed out that **many prominent labour unions prefer to arrive at an accommodation with the management, rather than represent the interests of their constituents**. These problems certainly call for a debate on the future of labour rights, especially in a world where the rapidly changing nature of work is already rendering old concepts of jobs and employments obsolete (courts around the world, for example, are struggling with how to classify platform workers such as Uber drivers). But this debate must be guided by B.R. Ambedkar’s insights that remain relevant even today, **the Constitutional guarantee against forced labour, and the understanding of force and freedom that takes into account differences in power**. What is very clear, however, is that the steps being taken by various State governments, ostensibly under cover of the COVID-19 pandemic, are grossly unconstitutional: various State **governments are in the process of removing labour laws altogether** (for a set period of time). What this means, in practice, is that the **economic power**



exercised by capital will be left unchecked. In his Note on Fundamental Rights, B.R. Ambedkar pointed out that this would be nothing other than the freedom to “increase hours of work and reduce rates of wages”. Ironically, an increase in **working hours and a removal of minimum wages are two proposals strongly under discussion**. If the Constitution is to remain a charter of freedom, however, it must be equal freedom – and that must be the yardstick from which we measure proposed legal changes in the shadow of COVID-19.

The Face of Exploitation (N.S. Tanvi - Advocate at The Madras High Court)

- The lockdown has clearly established that migrant workers are the backbone of India's economy. **The sudden announcement of the nationwide lockdown on March 23 left an estimated 13 crore migrants with no way to return home and no money**. However, the State and Centre remained quiet about ensuring adequate relief to them or ways for them to return home. When the lockdown was relaxed from April 20, the **Standard Operating Procedure issued permitted asymptomatic workers to return to their worksites where they were to reside, but not to their home State**. This denial, trade unions alleged, was because **industry heads were worried that there would be labour shortage when industries reopened; that if migrant workers returned home, they may not come back to work immediately**. However, the same industrial heads did nothing to ensure that these workers were given adequate food, shelter and their dues during the lockdown. Recently, **Karnataka cancelled Shramik trains after the Chief Minister met prominent builders in the State**. The **April 29 order** permitting inter-State movement of migrant workers was just eyewash. It **permitted only “stranded workers” to leave**, with the Centre clarifying that **workers “otherwise residing normally at places, other than their native places for purposes of work” are not “stranded”**. Yet another circular said that the workers, who have no money left, **would have to pay for their train tickets**. It was clear that all these were **deliberate attempts to prevent workers from leaving the State**. **Railways and inter-State travel are within the Centre's control**. The Central government could have ensured that travel was free. Effectively, the **Centre once again sought to protect industry at the cost of the workers' rights**, while appearing as though it was doing its best for the workers. The dispute about payment of fare also provided a ready excuse to the States to prevent workers from crossing borders.

Violating Rights

Through their various actions, the States and the Centre are consistently and systemically violating the fundamental rights of migrant workers. **Article 23** of the Constitution prohibits “forced labour”. The **Supreme Court, in PUDR v. Union of India (1982), held that “the word ‘force’ must... be construed to include... force arising from the compulsion of economic circumstances which leaves no choice of alternatives to a person in want and compels him to provide labour or service even though the remuneration received for it is less than the minimum wage.”** It would also run afoul of the **International Labour Organization's ‘Employment and Decent Work for Peace and Resilience Recommendation, 2017’** which requires states to **ensure marginalised groups “freely choose employment” while rebuilding after any disaster**. Thus, the various Home Ministry directives and State ordinances would be violative not only of India's own Constitution but also its international commitments. Industry leaders, ministers and bureaucrats have denied workers the dignity and respect they deserve as fellow humans. Workers are being treated as a resource to be exploited by industry and state. The workers have no autonomy. This autonomy over self is at the core of dignity, a fundamental right. Until we develop a plan that respects this invisible 13-crore force, there can be no real revival of India's economy or society.

- The Confederation of Indian Industry has suggested 12-hour work shifts and that governments issue directions to make workers join duty failing which the workers would face penal actions.



Thus, after an organised abandonment of the unorganised workforce, the employers want the state to reintroduce laissez-faire and a system of indenture for the organised workforce too. This will take away the protection conferred on organised labour by Parliament.

Colonial Exploitation

The move is reminiscent of the barbaric system of indentured labour introduced through the Bengal Regulations VII, 1819 for the British planters in Assam tea estates. Workers had to work under a five-year contract and desertion was made punishable. Later, the Transport of Native Labourers' Act, 1863 was passed in Bengal which strengthened control of the employers and even enabled them to detain labourers in the district of employment and imprison them for six months. Bengal Act VI of 1865 was later passed to deploy Special Emigration Police to prevent labourers from leaving, and return them to the plantation after detention. What we are witnessing today bears a horrifying resemblance to what happened over 150 years ago in British India. Factory workers too faced severe exploitation and were made to work 16-hour days for a pittance. Their protests led to the Factories Act of 1911 which introduced 12-hour work shifts. Yet, the low wages, arbitrary wage cuts and other harsh conditions forced workers into 'debt slavery'. The labour laws in India have emerged out of workers' struggles, which were very much part of the freedom movement against oppressive colonial industrialists. Since the 1920s there were a series of strikes and agitations for better working conditions. Several trade unionists were arrested under the Defence of India Rules. The workers' demands were supported by our political leaders. Britain was forced to appoint the Royal Commission on Labour, which gave a report in 1935. The Government of India Act, 1935 enabled greater representation of Indians in law-making. This resulted in reforms, which are forerunners to the present labour enactments. The indentured plantation labour saw relief in the form of the Plantations Labour Act, 1951.

Trade unions have played critical roles in transforming the life of a worker from that of servitude to one of dignity. In the scheme of socio-economic justice, the labour unions cannot be dispensed with. Any move to undo these laws will push the workers a century backwards. Considering the underlying constitutional goals of these laws, Parliament did not delegate to the executive any blanket powers of exemption. Section 5 of the Factories Act empowers the State governments to exempt only in case of a "public emergency", which is explained as a "grave emergency whereby the security of India or any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance". There is no such threat to the security of India now. Hours of work or holidays cannot be exempted even for public institutions. Section 36B of the Industrial Disputes Act enables exemption for a government industry only if provisions exist for investigations and settlements.

No Statutory Support

The orders of the State governments therefore lack statutory support. Labour is a concurrent subject in the Constitution and most pieces of labour legislation are Central enactments. The Constitution does not envisage approval by the President of a State Ordinance which makes a whole slew of laws enacted by Parliament inoperable in the absence of corresponding legislations on the same subject. *Almost all labour contracts are now governed by statutes, settlements or adjudicated awards arrived through democratic processes in which labour has been accorded at least procedural equality. Such procedures ensure progress of a nation. In Life Insurance Corporation v. D. J. Bahadur & Ors (1980), the Supreme Court highlighted that any changes in the conditions of service can be only through a democratic process of negotiations or legislation.* Rejecting the Central government's attempt to unilaterally deny bonus, the Court said, "fundamental errors can be avoided only by remembering fundamental values", as otherwise there would be a "lawless hiatus". The orders and ordinances issued by the State governments are undemocratic and unconstitutional. The existing conditions of



labour will have to be continued. Let us not forget that global corporations had their origins in instruments of colonialism and their legacy was inherited by Indian capital post-Independence. The resurgence of such a colonial mindset is a danger to the society and the well-being of millions and puts at risk the health and safety of not only the workforce but their families too. **In the unequal bargaining power between capital and labour, regulatory laws provide a countervailing balance and ensure the dignity of labour.** Governments have a constitutional duty to ensure just, humane conditions of work and maternity benefits. The health and strength of the workers cannot be abused by force of economic necessity. Labour laws are thus civilizational goals and cannot be trumped on the excuse of a pandemic.

Centre Borrows Another \$1 Billion From World Bank For COVID-19 Relief

- The Centre is taking another **\$1 billion loan** from the **World Bank** to support its COVID-19 relief measures and financial assistance for the poorest and most vulnerable communities. The money will also be used **for reforms in India's social security net, making it more integrated, portable and focussed on the urban poor.** The bank had already **approved a \$1 billion loan to support India's health sector** in April, taking its **total commitment** to India's COVID-19 response to **\$2 billion.** The new support will be funded in two phases. An allocation of \$750 million – more than ₹5,600 crore – will be made immediately to help fund the Pradhan Mantri Garib Kalyan Yojana, which the Centre announced in March to scale up cash transfers and free food grain distribution to vulnerable communities, pensioners and poor workers, and provide insurance support to health workers. The second phase will provide \$250 million – almost ₹1,900 crore – post July 2020, which will fund additional cash and in-kind benefits based on local needs through state governments and portable social protection delivery systems. The money will also be used to implement reforms.

Labour Short, Can Direct Seeding Be Alternative to Paddy Transplanting?

- The two granary states of Punjab and Haryana could face a shortage of an estimated 10 lakh labourers, mainly seasonal migrants from Bihar and Uttar Pradesh, to undertake transplantation of paddy in the upcoming kharif season. With lockdown relaxations not extending to trains to ferry these labourers who usually arrive by early June, farmers are now being encouraged to adopt **'direct seeding of rice' (DSR)** in place of **conventional transplanting.**

How Is DSR Different from Normal Transplanting of Paddy?

In transplanting, farmers prepare nurseries where the paddy seeds are first sown and raised into young plants. These seedlings are then uprooted and replanted 25-35 days later in the main field. **The nursery seed bed is 5-10% of the area to be transplanted.** In DSR, there is no nursery preparation or transplantation. The seeds are instead directly drilled into the field by a tractor-powered machine. The Punjab Agricultural University (PAU) in Ludhiana has developed a **'Lucky Seed Drill'** that can both sow seeds and simultaneously spray herbicides to control weeds. This machine is different from the more popular **'Happy Seeder'**, used to directly sow wheat on combine-harvested paddy fields containing leftover stubble and loose straw.

But Why Spray Herbicides Along with Sowing Seeds?

Paddy seedlings are transplanted on fields that are "puddled" or tilled in standing water using tractor-drawn disc harrows. For the first three weeks or so after transplanting, the plants have to be irrigated almost daily (if there are no rains) to maintain a water depth of 4-5 cm. Farmers continue irrigating every 2-3 days even for the next 4-5 weeks, when the crop is in the tillering (stem development) stage. The underlying principle here is simple: Paddy growth is compromised by weeds that compete for nutrition, sunlight and water. **Water prevents growth**



of weeds by denying them oxygen in the submerged stage, whereas the soft 'aerenchyma tissues' in paddy plants allow air to penetrate through their roots. Water, thus, acts as a herbicide for paddy. The threat from weeds recedes once tillering is over; so, does the need to flood the fields. In DSR, water is replaced by real chemical herbicides. Farmers have to only level their land and give one pre-sowing irrigation or rauni. Once the field has good soil moisture, they need to do two rounds of ploughing and planking (smoothing of soil surface), which is followed by sowing of the seeds and spraying of herbicides.

What are these herbicides?

There are two kinds. The first is called pre-emergent, i.e. applied before germination. In this case, the pre-emergent herbicide used is Pendimethalin. The Lucky Seed Drill that sow's paddy can also spray the chemical, which costs ₹450-500 at one litre per acre. Alternatively, farmers can use an ordinary seed drill and apply the herbicide immediately after sowing. The second set of herbicides is post-emergent, sprayed 20-25 days after sowing, depending upon the type of weeds appearing. They include Bispyribac-sodium (₹600-700 at 100 ml/acre) and Fenoxaprop-p-ethyl (₹700-800 at 400 ml/acre).

What Is the Main Advantage With DSR?

The most obvious one is **water savings**. According to PAU's director of research Navtej Singh Bains and principal agronomist Makhan Singh Bhullar, **the first irrigation (apart from the pre-sowing rauni) under DSR is necessary only 21 days after sowing. This is unlike in transplanted paddy, where watering has to be done practically daily to ensure submerged/flooded conditions in the first three weeks. The second savings, relevant in the present context, is that of labour. About three labourers are required to transplant one acre of paddy in a single day.** Pritam Singh Hanjra, a farmer from Urlana Khurd village in Haryana's Panipat district, says that the transplanting labour costs last year were around ₹2,400 per acre, "which may double this time". As against this, the cost of herbicides under DSR will not exceed ₹2,000 per acre.

Are There Drawbacks?

The main issue is **availability of the herbicides**. The seed requirement for DSR is also higher, at 8-10 kg/acre, compared to 4-5 kg in transplanting. Further, **laser land levelling, which costs ₹1,000/acre, is compulsory in DSR.**

One for The Poor

- In the second of a series of measures that are part of a ₹20 lakh crore economic package, Union Finance Minister Nirmala Sitharaman has tried to address the needs of these sections, apart from small farmers. She has recognised that migrant workers have taken to the **Mahatma Gandhi National Rural Employment Guarantee Scheme** in a major way after the Centre gave explicit instructions to reopen the scheme. As in the past, this remains a **lifesaver for people dependent on fragile livelihoods**, and the decision to extend it to the monsoon season is welcome. The government should also ensure that wages are paid without delays, a major problem with the scheme's implementation lately. A waiver or at least an extension of the 100-day limit per household too would have helped. It is now up to the States to ensure the scheme is implemented properly.

For migrants who are still stationed in their places of work and who are not beneficiaries of the National Food Security Act or State schemes, the Finance Minister has promised 5 kg of food grains per person and 1 kg of channa per family per month for two months. This will bring the number of people receiving subsidised food grains close to the legal requirement of the National Food Security Act (67% of the population). It is a welcome relief for many starved



workers, but the government could have extended the Public Distribution System coverage to include more people who are suffering from loss of jobs and livelihoods, besides migrant workers. Ms. Sitharaman also announced that the 'one nation, one ration card' scheme to allow migrants access any fair price shop across the country will be implemented by March 2021. But this scheme, as implemented now, has been utilised only sparingly by migrants, and concerns from States like Tamil Nadu where PDS is near-universal are yet to be addressed. Many of the announcements, including one for small farmers, are a combination of liquidity and credit-easing measures or the extension of existing schemes. As things stand, they fall short of the substantive fiscal measures that could stimulate demand in the economy. After all, that seemed to be the crux of the Prime Minister's promise of spending ₹20 lakh crore.

PM Modi's Self-Reliant India Mission Economic Package

- Prime Minister Narendra Modi said the country should view the Covid-19 crisis as an opportunity to achieve economic self-reliance. In his address to the nation, he stressed on the importance of promoting "local" products. He called it Atmanirbhar Bharat Abhiyan (or Self-reliant India Mission) and said that in the days to come, his government will be unveiling the details of an economic package towards this aim, which, after including the earlier reliefs announced by Finance Minister Nirmala Sitharaman and the RBI, would be worth ₹20 lakh crore – or 10 per cent of GDP in FY20.

Is This A New Package?

Not entirely. While the PM did not give the details, he did specify that this calculation of ₹20 lakh crore includes what the government has already announced and the steps taken by the Reserve Bank of India (RBI). This means the total amount of additional money – that is over and above what the government would have spent even in the absence of a Covid crisis – will not be ₹20 lakh crore. It would be substantially less.

Why?

That's because the PM has included the actions of RBI, India's central bank, as part of the government's "fiscal" package, even though only the government controls the fiscal policy and not the RBI (which controls the 'monetary' policy). Government expenditure and RBI's actions are neither the same nor can they be added in this manner. Nowhere in the world is this done, clarifies Prof NR Bhanumurthy of NIPFP. For instance, when the US is said to have announced a relief package of \$3 trillion (₹225 lakh crore), it only refers to the money that will be spent by the government – and it has nothing to do with what the Federal Reserve (US central bank) might have done.

So, Will the Actual Amount Spent by The Government Be Less Than Rs 20 Lakh Crore? If So, By How Much?

A rough estimate suggests that the RBI's decisions have provided additional liquidity of ₹5-6 lakh crore since the start of the Covid-19 crisis. Add this to the ₹1.7 lakh crore of the first fiscal relief package announced by the Centre on March 26. Together, the two already account for 40 per cent of the ₹20-lakh crore package. That leaves an effective amount of ₹12 lakh crore. However, if the government is including RBI's liquidity decisions in the calculation, then the actual fresh spending by the government could be considerably lower than ₹12 lakh crore. That's because RBI has been coming out with long term bond buying operations (long term repo operation or LTRO, to infuse liquidity into the banking system) worth ₹1 lakh crore at a time. If, for argument's sake, RBI comes out with another LTRO of ₹1 lakh crore, then the overall fiscal help falls by the same amount.



Why Shouldn't RBI's Package Be Included in The Overall Package?

That's because **direct expenditure by a government** – either by way of wage subsidy or direct benefit transfer or payment of salaries or payment for construction of a new hospital etc – **immediately and necessarily stimulates the economy**. In other words, that money **necessarily reaches the people** – either as someone's salary or someone's purchase. But credit easing by the RBI – that is, making more money available to the banks so that they can lend to the broader economy – is not like government expenditure. That's because, especially **in times of crisis, banks may take that money from RBI and elsewhere and, instead of lending it, park it back with the RBI**. This is exactly what is happening right now. At the last count, **Indian banks had parked ₹8.5 lakh crore with the central bank**. So in terms of calculations, RBI has given a stimulus of Rs 6 lakh crore. But the reality is that it has received an even bigger amount back from the banks.

Self-Reliant India: Which Sectors Depend on Imports, And Which Do Not

- ➔ Prime Minister Narendra Modi brought up the importance of local manufacturing and consumption of locally produced goods, stating that Indians needed to become “vocal for local”. He hinted that the government would need to undertake major reforms in order for the Indian industry to play a major role in the global supply chain. Yet, how self-reliant are India's industries currently and how soon can they step up?

What Sectors Heavily Depend on Imports Right Now and Cannot Immediately Scale Up Production Domestically?

Electrical equipment such as smartphones and computers are a key part of India's import bill. The value addition in India's electronics industry is limited to mostly assembly, while the country depends on imports to access most of the primary and critical components used to make them, including printed circuit boards (PCBs). For instance, around 88 per cent of the components used by the mobile handsets industry are imported from countries like China, according to the Confederation of Indian Industry. Over 60 per cent of the country's medical devices are imported as well. Other products heavily imported into the country are **cells and modules used by the country's solar power industry**.

What Sectors Partially Depend on Imports to Make Their Finished Products?

India's **pharmaceutical industry** is capable of making finished formulations, and also has domestic manufacturers of several key ingredients used to make them. However, the industry also **imports some key ingredients for antibiotics and vitamins currently not manufactured in India**. The country is currently trying to encourage domestic firms to make these key ingredients, known as **fermentation-based APIs**. However, this may take a few years. India imported around ₹249 billion worth of key ingredients, including fermentation-based ingredients, in FY19, and this accounted for approximately 40 per cent of the overall domestic consumption, according to CII. **Medical devices like ventilators also rely on imports of several crucial components like solenoid valves and pressure sensors**. Some auto manufacturers depend on imports for various components, while the country's **electric vehicles industry is dependent, “to a large extent” on Chinese imports for chemicals used to make cathodes and battery cells**, it said. **Local dyestuff units in India are also heavily dependent on imports of several raw materials, while specialty chemicals for textiles like denim are also imported**, according to CII. For instance, when China initiated its lockdown of Wuhan earlier this year during the COVID-19 pandemic, nearly 20 per cent of India's dyes and dyestuff industry production was hit due to a disruption in raw material.



Are There Any Sectors That Are Already Self-Reliant, Have Minimal Dependence on Imports or Have the Capacity to Immediately Scale Up Production Here?

According to trade experts like JNU professor Biswajit Dhar, India is not as dependent on imports for **some textile components like yarn**. “Although the domestic industry argues that China is a major threat, if you look at the global scenario, India’s share in textiles has been going up,” he said. While technology transfer is required for more advanced and critical medical devices, **the country does have the capacity to domestically make products like hot water bottles, mercury thermometers, hypodermic needles, wheelchairs and patient monitoring display units**, according to some industry executives. “Many items, even what was made here in the past, are not made now by manufacturers as they prefer to import and market,” said Rajiv Nath, Forum Coordinator, Association of Indian Medical Devices Industry (AIMED).

What Are the Issues with Scaling Up Production in Import Dependent Sectors?

The manufacture of some of the key products that India imports such as semiconductors, displays and other very capital-intensive electrical equipment may not be possible soon as manufacturing these requires large, stable sources of clean water and electricity. They also need a high degree of **policy certainty as these require high upfront investments**. Indian firms can however begin producing less sophisticated components if certain policy measures are taken. **The Indian industry faces much higher costs in inputs such as electricity and much higher logistics costs than Chinese firms**. Vinod Sharma, MD of Deki Electronics, said it costs ₹4/kg for a shipment of cable to arrive at Mumbai from a city 300 km away from Shanghai but it costs around ₹14/kg for that shipment to be transported from Mumbai to a factory in Noida. This is also true for **fermentation-based APIs**, which Indian pharma executives claimed the country became less competitive in when China began receiving infrastructure and logistic support to produce and sell them at cheaper rates.

What Policy Measure Does Industry Need for Greater Local Production?

A key issue holding back manufacturing in the country and a **lack of flexibility in labour laws, high costs and low availability of land and high cost of electricity**. Some states including UP and Madhya Pradesh have relaxed some labour laws with Karnataka likely to follow suit. “You have to work on making the industry efficient first. For this you have to have policies to ensure (these industries) actually grow. You need an **industrial policy**, you need an **innovation policy** and you need to look at what the industries need in terms of making their infrastructure more efficient,” added JNU’s Dhar.

Will Banks Open Fund Tap to MSME Sector? Govt Guarantee Helps, But A Lot Hinges on The Fine Print

- Loans to MSMEs are mostly given against property (as collateral) because often there isn’t a robust cash flow analysis available. But in times of crisis, like the one currently playing out, property prices fall and this inhibits the ability of MSMEs to seek loans. It also means that banks are less willing to extend loans.
- Efforts to pump liquidity via the banks have been a non-starter because banks simply do not want to lend any new money. Banks, quite justifiably, suspect that any new loans will only add to their growing mountain of **non-performing assets (NPAs)**. So, the government was facing an odd problem: **Banks had the money but were not willing to lend to the credit-starved sections of the economy, while the government itself did not have enough money to directly**



help the economy. The solution – credit guarantees – finally chosen by the government is not a new one, because this fiscal conundrum is not a new one either.

- The government's decision to put in place a liquidity infusion package for micro, small and medium enterprises, which entails providing MSMEs – whose accounts are standard – collateral-free loan totalling up to ₹3,00,000 crore, is expected to boost fund flow to lakhs of stressed units in the sector.
- These loans will have a four-year tenure, a 12-month moratorium on principal payments and a cap on interest costs. The government has said it will provide a full guarantee to lenders against expected credit losses on these loans. MSMEs with outstanding loans up to ₹25 crore and turnover up to ₹100 crore can avail these loans up to 20 per cent of their outstanding credit.

Why This Amount

- Total outstanding loan to MSMEs by the banking and NBFC sector would be around ₹16 to 18 lakh crores. Assuming that 80% of these loans are working capital loans where there would be a 20% incremental funding needs, that gives an amount of approximately ₹3 lakh crore. So the government is hoping that this credit guarantee will help those MSMEs take out another loan and recover: The hope is that since these MSMEs were able to pay back before the crisis, there is no reason why they cannot after the crisis, provided they are given some extra money to survive this period.

Will Banks Come Forward to Lend to MSMEs?

MSMEs, which make up for about 45 per cent of the country's total manufacturing output, 40 per cent of exports, almost 30 per cent of the national GDP are stressed due to depleting internal reserves and low visibility of demand for next six months at least. The availability of funds through the banking channel, along with a moratorium on repayment, would help them survive through the economic slump resulting from the lockdown. The measures for MSME through guarantees, equity infusion and debt support will incentivise bank lending to MSMEs as well as providing crucial support to stressed entities in the current situation. While MSMEs already running loan accounts with banks may benefit immediately, companies that take loan for the first time may face difficulties.

How Will Bank Funds Flow To MSME?

Banks had already indicated that they are willing to lend to MSMEs and NBFCs, provided the government gives the guarantee. The Indian Banks Association (IBA) proposed the guarantee last month to step up credit flow to the MSME sector which is in the doldrums due to the lockdown triggered by the coronavirus. The stipulation that banks and NBFCs extending ₹3 lakh crore as standard MSMEs credit are to be provided 100 per cent credit guarantee cover by the government on interest and principal is expected to incentivize banks to extend MSME loans without any reluctance, said a bank official. These loans can be availed till October 31, 2020 and there's no fresh collateral. While these loans are expected to be sanctioned by banks through the normal channels, they don't expect any risk due to the guarantee.

What Are the Other Measures?

There is a subordinate debt scheme, worth ₹20,000 crore, which will allow loans to MSMEs that were already categorised as "stressed", or struggling to pay back. In this case, the government's guarantee is not full, but partial. However, bankers say more clarity is needed in the case of the proposed ₹20,000 crores subordinate debt provision available for stressed MSMEs. Two lakh MSMEs which are NPAs or are stressed can avail of this facility. As much as ₹4,000 crore will be provided to Credit Guarantee Fund Trust which will in turn provide partial



credit guarantee support to banks. The third measure is the creation of a fund with a corpus of ₹50,000 crore to infuse equity into “viable” MSMEs, thus helping them to expand and grow. The government intends to put in Rs 10,000 crore and get others, possibly institutions like LIC and SBI, to fund the remaining amount. Then there is a change in the definition of an MSME that was pending for long. Now MSMEs will be judged on turnover and there will be no difference between a manufacturing MSME and a services MSME.

The debt given by the banks will be used to infuse equity in the unit by the promoter. However, it's still not clear whether the funds will be refinanced directly from budget or some other agency. There's no clarity on whether the RBI will provide this money through its liquidity window or it will be routed through a mechanism like MUDRA which is registered with the RBI as an NBFC or SIDBI. Under the MUDRA scheme, loans issued by banks are refinanced by MUDRA.

Who Is Chipping In with Funds?

Technically, banks are providing the funds – Rs three lakh crore – from their kitty. It's not going from the government exchequer. The catch is the guarantee offered by the government. This is a big comfort for banks which are saddled with close to ₹10 lakh crore bad loans. Bankers are expecting detailed guidelines from the government and/ or the RBI on the MSME schemes.

How Will It Impact Credit Culture?

Even as loan taps may open up for credit-starved MSMEs, analysts also caution that this could impact the credit culture as banks may become lenient in credit assessment. A 12-month moratorium on repayment could also mean that any problem of expected non-performing assets will be kicked down the road. Whether banks will follow stringent credit appraisal for loans that are fully backed by state guarantee is also debatable.

A more prudent option would have been a split (say an 80%-20%) wherein the government assures to pay back only 80% of the new loan. This circumvents the problem of a moral hazard. As a result, it is quite likely that the government will have to start shelling out money in the next financial year when MSME NPAs rise once the moratorium is over.

- ➔ NBFCs, housing finance firms and micro finance entities get a much-required liquidity boost in the form of a ₹30,000 crore scheme wherein their debt paper will be fully guaranteed by the government. With this, and the partial credit guarantee scheme of ₹45,000 crore, the government has broken the logjam wherein banks were unwilling to extend credit despite the RBI's strong push. This should largely attenuate the liquidity crisis in the non-banking space for now.
- ➔ The Minister has also done well in addressing the liquidity issues of power distribution companies through a ₹90,000 crore infusion that will be securitised on their receivables and backed by a State government guarantee. The announcements are focused on the liquidity part of the crisis.
- ➔ While the headline numbers appear big, the reality is that the government will be called upon to bear the liability only if the economic situation becomes hopeless; it may not come to that. What the announcements do is to break the confidence logjam in the credit market and give the assurance to lenders and borrowers that the government is willing to backstop their commitments. This is the signal that MSMEs and their lenders needed as liquidity was always there but only for the most credit worthy of borrowers. Here, the government has played its role to perfection.



Pre Atmanirbhar And Atmanirbhar Package

→ In response to the biggest economic crisis since 1979 triggered by the Covid-19 pandemic and the subsequent 54-day lockdown – one of the harshest in the world, the Central government's fiscal relief so far is limited to just about 1.1% of GDP. **It has, however, allowed states to increase their borrowing limit unconditionally by 0.5% of their Gross State Domestic Product (GSDP) or ₹1.07 lakh crore.** A chunk of the Centre's fiscal relief – ₹40,000 crore or 0.2 per cent of GDP – has come as **additional allocation to MGNREGA** over and above the Budget Estimate of ₹61,500 crore in the fifth and final tranche of the Atmanirbhar package announced by Finance Minister Nirmala Sitharaman. **Much of the May 12 Atmanirbhar package of Prime Minister Narendra Modi totalling ₹20 lakh crore and elaborated over the last five days by Sitharaman has been liquidity driven, with little burden on the exchequer.** The government also took this opportunity to re-package some of the old measures, and push some new reforms such as in agriculture, public sector enterprises, which has been pending for long.

Includes PM Garib Kalyan Yojana, ₹15,000 Crore Towards Anti-Covid Health And ₹7,800 Crore Loss of Revenue

The money that the poor got in their hands over the last two months following the Central government announcements has been just ₹33,176 crore so far, Finance Minister Sitharaman said. This includes ₹10,025 crore to women Jan Dhan account holders, ₹16,394 crore to farmers under PM Kisan Yojana (frontloading of payment without additional fiscal cost), ₹2,807 crore to old persons, widows and the disabled, and ₹3,950 crore to construction workers (also without any fiscal outgo since it is paid from the Building and Construction Workers' Cess Welfare Fund). To a question on why did the government not consider putting more money – ₹5,000 to ₹7,000 as recommended even by Noble laureates – in the hands of the people, Sitharaman said, "There are many ways to address the problem... What we did will have a greater impact." The Centre has also finally agreed to a continuous demand from states to increase their borrowing limit. **Finance Minister Sitharaman said the borrowing limit has been increased to 5 per cent of GSDP from 3 per cent of GSDP, but states can borrow only 0.5 per cent of it unconditionally. The Centre has linked 1 per cent – to be released in tranches of 0.25 per cent each – to reforms in urban local body revenues, one-nation one ration card, power distribution and ease of doing business. The balance 0.5 per cent would be released once states implement at least three of the four milestones.**

Breakdown of The Pre Atmanirbhar-Bharat ₹20 Lakh Crore Package Under the Atmanirbhar Bharat Abhiyan

March 26, 2020: FM Nirmala Sitharaman announces the Pradhan Mantri Garib Kalyan Yojana

Size of the package: ₹1.7 lakh crore or 0.85% of GDP

Of which the following three components do not put any 'additional' burden on the Government of India Budget:

- ❖ Front-loading of PM Kisan funds: ₹17,380 crore
- ❖ Building and Other Construction Workers Welfare Cess Fund: ₹31,000 crore
- ❖ District Mineral Foundation Funds: ₹35,925 crore

Additional Fiscal Cost to The Central Govt:

₹85,695 crore (0.43% of GDP)

March 27, 2020: Liquidity injection by Reserve Bank of India

Size of the package: ₹3.74 lakh crore (1.8% of GDP)



Of which:

- ❖ Targeted Long-Term Repo Operations (TLTRO): ₹1,00,000 crore
- ❖ Cash Reserve Ratio (CRR) cut of 100 basis points to 3% of net demand and time liabilities: ₹1,37,000 crore
- ❖ Accommodation under Marginal Standing Facility hiked from 2% of Statutory Liquidity Ratio to 3%: ₹1,37,000 crore

Fiscal cost to the Central Govt: 0

April 17, 2020: Liquidity injection by Reserve Bank of India

Size of the package: 0.5% of GDP

Of which:

- ❖ Targeted Long-Term Repo Operations 2.0: ₹50,000 crore
- ❖ Refinance of Sidbi, Nabard and NHB: ₹50,000 crore

Fiscal Cost to Central Govt: 0

April 27, 2020: Special Liquidity Facility for Mutual Funds: ₹50,000 crore

Size of the package: 0.25% of GDP

Fiscal cost to Central Govt: 0

May 12, 2020

Prime Minister Narendra Modi announces ₹20 lakh crore Atmanirbhar package, says the size of the economic package is 10% of GDP, and includes earlier announcements made by the RBI and the Finance Minister.

Why the Atmanirbhar Bharat Abhiyan Economic Package Is Being Criticised

- On the face of it, as Prime Minister Narendra Modi said in his address to the nation on May 12, the Atmanirbhar Bharat Abhiyan economic package is worth ₹20 lakh crore, which is around 10% of India's GDP in the 2019-20 financial year. Yet, many have openly questioned the ability of this economic package to either provide adequate immediate relief to the most distressed sections of the economy, or indeed stem the rapid decline in India's Gross Domestic Product (GDP) growth. Let me attempt to explain why that is happening and why this package is seen as inadequate. With a nationwide lockdown for the better part of April and May, the total quantum of economic activity in the country – measured by the monetary value of all goods and services produced – has sharply curtailed. Given an uncertain future for the rest of the year, most observers estimate that the Indian economy will contract. That is, it will produce less in 2020-21 than it did in 2019-20. This means the Gross Value Added (GVA is a proxy for the income earned) across sectors – agriculture, industry and services – will fall. As incomes fall, three things will happen. One, individuals (like you and me) will cut down their expenditure. In particular, all discretionary expenditure – be it an additional pack of cigarettes or a new car or a house – will come down sharply. Two, seeing overall demand fall, businesses, which were already not investing, will likely postpone their investments further. Three, the government revenues will take a massive hit. This means that if the government wants to maintain its level of fiscal deficit (the gap between what it earns as revenues and what it spends), it will have to cut its overall expenditure this year. These three types of "expenditures" – by individuals, businesses and government – essentially make up the GDP of India. There is a fourth component called net exports (that is, the net of exports and imports), but with the global demand plummeting as well, this too is unlikely to help matters. Of these four engines of growth, only the government has a "superpower" – it is the only one which can spend money even when it doesn't have it. Moreover, when the government spends money – say ₹100 – the



economy moves ahead by far more than ₹100. Now let's come back to why this economic package is being criticised. The key criticism is that the **government doesn't seem to be raising its total expenditure** – at least not by the quantum required to arrest the sharp decline in GDP. According to an assessment by Prof N R Bhanumurthy of the National Institute of Public Finance and Policy (NIPFP) and published by National Council of Applied Economic Research (NCAER), the way things are going, **India's GVA will contract by a whopping 13% this year under the Base case scenario**. The **Base case scenario refers to a scenario where governments (both Centre and states) bring down their expenditure in line with their falling revenues to maintain their fiscal deficit target**. What this means, in turn, is that India's GDP will decline by 12.5% under the Base case scenario. **To lift growth, the governments would have to spend more and counteract the natural downward spiral of the economy**.

It shows that only if the government spends 3% of the GDP over and above what it promised to do in the Union Budget 2020-21, will the economic growth stay in the positive territory. Short of that, the Indian economy will contract. **Of course, higher public spend will come at the cost of higher levels of fiscal deficits and higher inflation, but a growth contraction will come at the cost of widespread economic ruin, job losses and even deaths**. At present, there is no sure-shot way of knowing what will be the final level of government spending at the end of this financial year. Most calculations suggest that – **far from the promised level of 10% of the GDP – the actual government expenditure in the Atmanirbhar Bharat Abhiyan is just 1% of GDP**. And we still don't know **if this 1% (of GDP) expenditure is over and above the Budgeted expenditure or will it be funded by expenditure cuts elsewhere**. It is clear then that Atmanirbhar Bharat Abhiyan economic package is likely to do little for India's economic growth in this financial year, and that is why it is being criticised.

What Is The 'One Nation, One Ration Card' System Announced by The Finance Minister?

- Finance Minister Nirmala Sitharaman announced the national rollout of a 'One Nation, One Ration Card' system in all states and Union Territories by March 2021. As of now, about 20 states have come on board to implement the inter-state ration card portability. According to the Finance Minister, this system will enable migrant workers and their family members to access PDS benefits from any Fair Price Shop in the country.

What Is the One 'One Nation, One Ration Card' System?

Under the National Food Security Act, 2013, about 81 crore persons are entitled to buy subsidized food grain – rice at ₹3/kg, wheat at Rs 2/kg, and coarse grains at Re 1/kg – from their designated Fair Price Shops (FPS) of the Targeted Public Distribution System (TPDS). Currently, about 23 crore ration cards have been issued to nearly 80 crore beneficiaries of NFSA in all states and UTs. *In the present system, a ration cardholder can buy food grains only from an FPS that has been assigned to her in the locality in which she lives*. However, this will change once the 'One Nation, One Ration Card' system becomes operational nationally. This is how it will work:

Suppose a beneficiary lives in the district of Basti in Uttar Pradesh and migrates to Mumbai for work. Currently, she is no longer able to purchase subsidised food grains from a PDS shop in her new locality in Mumbai. However, under the 'One Nation, One Ration Card' system, the beneficiary will be able to buy subsidised food grains from any FPS across the country. **The new system, based on a technological solution, will identify a beneficiary through biometric authentication on electronic Point of Sale (ePoS) devices installed at the FPSs, and enable that person to purchase the quantity of foodgrains to which she is entitled under the NFSA**.



How Will the System of Ration Card Portability Work?

Ration card portability is aimed at providing **intra-state as well as inter-state portability** of ration cards. While the Integrated Management of Public Distribution System (IM-PDS) portal (<http://www.impds.nic.in/>) provides the technological platform for the inter-state portability of ration cards, enabling a migrant worker to buy food grains from any FPS across the country, the other portal (annavitrان.nic.in) hosts the data of distribution of food grains through E-PoS devices within a state. **The Annavitrان portal enables a migrant worker or his family to avail the benefits of PDS outside their district but within their state.** While a person can buy her share of food grains as per her entitlement under the NFSA, wherever she is based, the rest of her family members can purchase subsidised food grains from their ration dealer back home.

Since When Has the One Nation, One Ration Card System Been in The Works?

Work on this ambitious project started about two years back when **the government launched a scheme called Integrated Management of Public Distribution System (IM-PDS) in April 2018** to reform the public distribution system in the country. The PDS system was marred with inefficiency leading to leakages in the system. To plug the leakages and make the system better, the government started the reform process. For this purpose it used a technological solution involving the use of Aadhaar to identify beneficiaries. Under the scheme, **the seeding of ration cards with Aadhaar is being done.** Simultaneously, PoS machines are being installed at all FPSs across the country. **Once 100 per cent of Aadhaar seeding and 100 per cent installation of PoS devices is achieved, the national portability of ration cards will become a reality.** It will enable migrant workers to buy food grains from any FPS by using their existing/same ration card.

How Many States Have Come on Board to Roll Out Inter-State Portability of Ration Cards?

It was initially proposed to nationally rollout the 'One Nation, One Ration Card' scheme by June 1, 2020. **So far, 17 states and UTs – Andhra Pradesh, Goa, Gujarat, Haryana, Jharkhand, Kerala, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan, Telangana, Tripura, Uttar Pradesh, Bihar, Punjab, Himachal Pradesh, and Dadra & Nagar Haveli and Daman & Diu – have come on board to roll out the inter-state portability of ration cards under the NFSA.** Three more states – **Odisha, Mizoram, and Nagaland – are expected to come on board by June 1,** taking the number of States and UTs to 20 under the One Nation, Once Ration Card System.

How Has Been the Experience of Ration Card Portability So Far?

The facility of inter-state ration card portability is available in 20 states as of now but the number of transactions done through using this facility has been low so far. According to data available on the IMPDS portal, only 275 transactions have been done until May 14. However, the number of transactions in intra-state ration card portability is quite high. The data available on the Annavitrان portal shows that about one crore transactions took place using the facility last month. It means that usages of intra-state ration card portability are way higher than the inter-state portability.



Life & Science

Sal Forest Tortoise Habitat Stretches Over Unprotected Areas

→ The **sal forest tortoise** is widely distributed over eastern and northern India and Southeast Asia. However, it is not common in any of this terrain. In fact, 23 of the 29 species of freshwater turtle and tortoise species found in India come under the threatened category in the IUCN red list and are under severe existential threat due to human activities. **Also known as the elongated tortoise (Indotestudo elongata), the sal forest tortoise, recently assessed as critically endangered, is heavily hunted for food.** It is collected both for local use, such as decorative masks, and international wildlife trade. A recent study by ecologists in the **Wildlife Institute of India, Dehradun, finds that the area designated as a protected area network has only a small overlap with the actual habitat it roams around in.** According to the authors of the study published in the journal *Herpetological Conservation and Biology*, **over 90% of the potential distribution of the species falls outside current protected area's network.** Also, in northeast India, the representation of the species in protected areas is least, and there is little to no connectivity among most of the protected areas where the species is present. The study also found that 29% of the predicted distribution of the species falls within high occurrence fire zones or areas where there is management burning. **"This includes Uttarakhand State which is the "westernmost" distribution limit of the species and where field surveys were conducted with the help of Uttarakhand forest department,"** says Abhijit Das, an author of the study, from the Wildlife Institute of India, Dehradun, in an email to *The Hindu*. According to him, **especially in northeast India, which is a suitable habitat for the species, they experience jhum fire.** Such an intervention may not only directly kill the animals but also open up habitats, which, in turn, increases the chance of people finding the tortoise easily. **Forest fires also perturb soil moisture which may impact forest floor thus changing the whole community on which the reptiles depend. According to the IUCN the population of the species may have fallen by about 80% in the last three generations (90 years).**

Monitoring Needed

Dr. Das says: "We need to realise that tortoises are no less threatened than tigers. Thus, they should be part of regular monitoring effort. In summer days, **these tortoises select moist patches such as dry stream beds.** Such areas should be protected from the spread of forest fire." The study covers not only parts of India but also Bangladesh, Bhutan and Nepal. Dr. Das observes: "It is not difficult to go to these countries for research or even in having collaborations. However, transboundary research has not picked up in our countries. For tigers, yes, there are some efforts in this line, but not for many other species which are equally threatened globally." There is for tigers, the **"Tiger Conservation Unit"** and transboundary conservation reserves such as **Manas for the Indo-Bhutan region, the Sundarban for the India-Bangladesh region.** "The **critically endangered brackish water turtle (Batagur baska) distributed in India and Bangladesh** also needs such support," he adds. There is little information on the population sizes of the sal forest tortoise, or any such species, mainly because they are so rare, live in remote areas of the forest and funding opportunities to study them are few. Species having large distribution may suffer myriad problems. **"Protected areas are designated in a largely mammal-centric way. Many reptiles and amphibians which are equally threatened live outside protected areas where exploitation risk is more,"** says Dr. Das.



Why Florence Nightingale Matters Today, How Outbreak Threatens Her Legacy

- The 200th birth anniversary of **Florence Nightingale**, founder of **modern nursing**, falls on May 12. Her relevance today cannot be understated, given the Covid-19 pandemic. And yet the events leading up to the anniversary can only be called ironic. **Nightingale (1820-1910), who had considerable mathematical skills, is credited with being the first healthcare professional to use data to show that infection control improves health outcomes. Through her career she stressed a practice that is relevant as ever today – handwashing.** The irony is that the pandemic has not only ruined her anniversary but is also threatening part of her legacy. The Florence Nightingale Museum in London, which no longer gets the visits that sustain it, has announced it is facing a battle for survival and launched fundraising schemes to save itself.

Nurse and Mathematician

In 1840, Nightingale begged her parents to let her study mathematics instead of “worsted work and practising quadrilles”, but her mother did not approve of this idea (Archive of Mathematical History, University of St Andrews). Eventually, they did grant her permission to be tutored in the subject. Then in 1851, she resisted her parents and studied nursing, which was not considered a respectable profession in those days. Her signature effort came during the **Crimean War (1854-56)**, when she answered a government call for nurses and took a posting as ‘Superintendent of the Female Nursing Establishment of the English General Hospitals in Turkey’. This is where she earned the name ‘**Lady with the Lamp**’, for walking around patients’ beds at night, holding a lamp. This also where she did her pioneering work with statistics. **When she arrived, diseases such as cholera and typhus were rife in the hospitals. Nightingale collected data, calculated the mortality rate, and showed that an improvement of sanitary methods would reduce the number of deaths. The mortality rate dropped from 60% to 42.7% by February 1855, and to 2.2% by the spring, according to the St Andrews archive.** She used her data to create graphics, the most famous of which is a polar area diagram that used areas to represent variations in death rate.

Covid-19, The Spoiler

The Florence Nightingale Museum, located at St Thomas’s Hospital, is designed around three pavilions that tell the story of Nightingale’s life. It had been planning to celebrate big in 2020, designated the **International Year of the Nurse and Midwife (May 12 is International Nurses Day every year)**. The 2020 bookings diary was full with exhibitions and events, Director David Green said in a statement emailed by the museum. It closed on March 17. “Prolonged closure and decimated tourist markets for the foreseeable future now threaten the future of the museum as we rely heavily on admissions and retail income to support our small charity, which receives no core funding from government or elsewhere,” Green said.

Cats Can Infect Cats with Covid, Without Symptoms

- Researchers published a paper with evidence that **cats can transmit the novel coronavirus SARS-CoV-2 to one another**, and without showing symptoms. The fact that cats can get infected has been known for some time now; what do the latest findings add to existing knowledge?

Previous Cases & Findings

The most famous case of infection among cats, big or domestic, has been that of four-year-old **Nadia, a Malayan tiger at New York’s Bronx Zoo**. She tested positive last month, having apparently caught the virus from a zoo employee who had not shown symptoms. Within



weeks, a few more tigers and lions at the zoo tested positive. Among domestic cats, the first known infection happened in Belgium. This was after its human started showing symptoms. There has also been at least one previous study, published in Science, that suggested domestic cats can infect one another. Chinese researchers inoculated a number of cats with the virus, and placed three of the cats in cages alongside other caged cats, which had not been inoculated. Later, the cats were euthanised; the virus RNA was found in all the inoculated cats and in one exposed cat, but not in the other two exposed cats.

The Newest Research

The new paper, by researchers from the US and Japan, is published in the New England Journal of Medicine. **The researchers isolated the coronavirus from a human patient and administered it to three cats. SARS-CoV-2 showed in nasal swabs of two cats the following day, and in all three within three days.** The day after administering the virus, the researchers **placed a second cat in each cage.** These three were not administered the virus. Within six days, all of the cats were shedding the virus. And all of it was detected in nasal swabs, but none in rectal swabs. **Each cat shed SARS-CoV-2 for up to six days. None of them showed symptoms, and eventually all of them got rid of the virus.**

What Is New, Why It Matters

The key finding was that **cats can be asymptomatic while carrying the virus.** Also, all the cats went on to clear the virus. In the Science study, the researchers euthanised the cats. Also, the Chinese researchers wrote they could not take nasal swabs because the cats were aggressive. The latest findings, according to the researchers, suggest that cats may be capable of becoming infected when exposed to people or other cats positive for SARS-CoV-2. Other researchers have previously suggested reasons why cats may be vulnerable to infection from humans: feline and human cells have **similar ACE2 receptors**, which are enzymes that facilitate the coronavirus's entry in the body. The general view remains that a cat is more likely to get COVID-19 from a human, than a human getting it from a cat. **The researchers have advised people with symptoms of COVID-19 avoid contact with cats.**

What It Does Not Mean

The Associated Press quoted the American Veterinary Medical Association as saying that just because an animal can be deliberately infected in a lab "does not mean that it will easily be infected with that same virus under natural conditions". It said "there is no evidence to suggest that animals, including pets, that may be incidentally infected by humans are playing a role in the spread of COVID-19." The existing guidelines from the US Centres for Disease Control and Prevention (CDC) say that based on the limited information available so far, the risk of pets spreading coronavirus to people "is considered to be low."

Why It Is Important to Determine Whether Covid-19 Can Spread Through Sewage

- ➔ Researchers in Australia are developing a technology to help track the transmission of the novel coronavirus through wastewater. The early warning surveillance system will identify the virus by its genetic material, or the RNA (Ribonucleic Acid). The researchers, from the University of Queensland and Australia's national science agency CSIRO, **were able to prove the presence of the coronavirus in untreated sewage water in Queensland** after taking samples from one suburban pumping station and two wastewater treatment plants (WWTP). They analysed the wastewater samples using RT-PCR tests, which helps identify gene fragments of the SARS-CoV-2 virus. This is also the method used by hospitals to test for the virus in human



samples. Their paper has been accepted for publication in the journal Science of the Total Environment.

Transmission of Covid-19 Through Wastewater: The Research

The premise of the research was that patients infected by Covid-19 shed the virus in their stool. In fact, the virus had already been detected in the stool of both symptomatic and asymptomatic patients. This information helped identify the virus in untreated sewage. As water is not the primary route of transmission for coronaviruses, it remains unclear whether these virus particles are infectious. There is also no evidence yet to prove the virus can be transmitted through the faecal-oral route. According to Netherlands-based KWR Water cycle Research Institute, **the RNA of the virus can only be stable in wastewater if it is protected by its protein coat, which otherwise would rapidly decompose.** It also stated that the presence of the virus in wastewater seemed unlikely to infect people. Researchers from the University of Stirling, UK, have also warned in the journal Environment International that the virus could be found in human faeces – “up to 33 days after the patient has tested negative for the respiratory symptoms of Covid-19”. Another **study in 2003 found the SARS virus remained infectious in stool at 20 degrees Celsius for a period of 4-5 days.**

So, Why Is This Research Important?

This method of wastewater-based epidemiology (WBE) may be a useful approach to determine the approximate number of people who might be infected by the virus in an area. This is especially because several individuals do not show symptoms, making it harder to detect infectious patients. **The presence of the virus in wastewater could also signal trends in disease transmission, that is, if its spread is increasing or decreasing.** However, researchers say establishing quantitative predictions using untreated samples of wastewater would be one of the “biggest challenges”. These trends, if discovered, could help decision makers increase testing more aggressively in particular areas. The Guardian reported that the testing method detailed by the researchers would be rolled out by Victoria’s health department and that regular testing of sewage water may start in June.

How A Traditional Practice Is Coming in The Way of Japan’s Covid-19 Response

- ➔ In Japan, where the government has been fiercely engaged in tackling the novel coronavirus pandemic, a centuries-old ritual is sharing the blame for impeding social distancing efforts. The extensive and almost unavoidable use of the ‘**hanko**’ – **a personal seal** generally made from wood or plastic — for authorising official documents ranging from contracts, marriage registrations and even delivery slips — has been forcing several employees to go to the office to get work done.

What Is a Hanko?

The hanko is a personal stamp that is equivalent to a signature in other countries, and is an essential part of several transactions. Small-sized and circular or square-shaped, the stamp is wet by an ink pad called ‘shuniku’, and the mark that it leaves on a document is called ‘inkan’. The use of the traditional seal can be traced back to almost two millennia, when an emperor from China’s Han dynasty gave a solid gold stamp to an envoy from Japan in the year 57 AD. Since then, for many centuries, only important places of work such as government departments and temples used these stamps. It was only during the Meiji era of the late 19th century that a law was passed to create a national certification and registration system, and the use of hanko became widespread. **Even today, when many countries have seen a push towards paperless systems and adopting digital signatures, the hanko remains popular in**



Japan. There are specific types of the hanko that are used for authorising different kinds of transactions, such as those requiring registered seals, bank documents, and for day-to-day use.

Why the Use of Hanko Has Come Under A Cloud?

In response to the novel coronavirus pandemic, Japan has been aggressively promoting a work-from-home policy, and on May 4 extended its period of national emergency until the end of the month. Yet, **the centuries-old practice is causing employees to go to their workplace, as companies prefer to keep their registered seals at the office premises for security reasons.** Many are thus having to take packed trains to work, chiefly for stamping-related work. According to a CBS report, so far, only 43 per cent of firms have changed to using digital seals. Even for availing benefits of the government's recently announced stimulus package, stamped forms and personal visits are required, a Japan Times report said. However, as the number of Covid cases in the country continues to rise, the hanko tradition is coming under fierce criticism, with industry leaders demanding that the tradition be abandoned. On April 27, Japanese Prime Minister Shinzo Abe called for a relook into the practice and pushed for the digitisation of contracts. Japan's minister for science and technology policy, who also heads a pro-hanko group in the national parliament, has also expressed his reservations.

Smoking and Covid-19: Recent Claims, And New Findings

- **The World Health Organization (WHO) issued a statement underlining the perils of smoking, and referring to "unproven claims that tobacco or nicotine could reduce the risk of Covid-19". This came days after researchers had published a hypothesis that nicotine may obstruct the novel coronavirus SARS-CoV-2.** Also, researchers from British and Saudi Arabian institutions published a study associating smoking with Covid-19 deaths.

What Has WHO Said?

Its statement said it is constantly evaluating new research, including research that examines the link between tobacco use, nicotine use, and Covid-19. "There is currently insufficient information to confirm any link between tobacco or nicotine in the prevention or treatment of COVID-19," it said. It did not specify who had made unproven claims about nicotine reducing Covid-19 risk.

So, Who Has Made Such Claims?

There has been a hypothesis, by researchers from a number of leading French institutions. In hospital data, they found that the proportion of smokers among Covid-19 deaths (4.4-5.3%) was much lower than the proportion in the general population (25.4%). They hypothesised that the reason might be in protein structures, called **nAChR**, that are found in the nervous system, muscle and certain tissues. Nicotine is known to bind with nAChR; the hypothesis is that if nicotine is already present on human cells, it may block SARS-CoV-2. To test the hypothesis, the researchers are conducting human trials.

Does This Not Go Against the Conventional View?

The widespread view in the scientific community is that smoking is harmful for Covid-19 patients. A few recent studies have suggested various reasons why. **The newest paper, published in PLOS ONE on Monday, reviewed databases to look at the prevalence of smoking – as well as COPD (chronic obstructive pulmonary disease) in Covid-19 patients.** It found current smokers were 1.45 times more likely to have severe complications compared to former and never smokers. Also, critically ill Covid-19 patients with COPD had a 63% risk of severe



disease and a 60% risk of mortality, while critically ill patients without COPD had only a 33.4% risk of severe disease and 55% risk of mortality. The researchers added, however, that the study was not able to examine whether there was an association between the frequency of COPD exacerbations, or severity of COPD, with Covid-19 outcomes.

Covid & Summer: Still an Unsettled Question

- The arrival of summer may have raised hopes that the novel coronavirus will not survive the temperature, but new studies have observed that there is still no statistically significant data to link epidemic growth with latitude and temperature. Even previous research that linked the spread with latitude, temperature and humidity, in fact, had noted that this correlation did not establish causation, and various other factors were not accounted for.

No Temperature Link Found

A recent **study by Canadian researchers** looked at a prospective cohort of 144 geopolitical areas worldwide (3,75,609 cases) with at least 10 Covid-19 cases, and local transmission by March 20. It concluded that **epidemic growth was not associated with latitude and temperature**, but **may be associated “weakly” with relative or absolute humidity**. The study, published in the Canadian Medical Association Journal, excluded China, South Korea, Iran, and Italy. Most of the areas examined were in the northern hemisphere, near sea level, with temperate climates; the median temperature was 12.8°C and the median relative humidity was 69.0%. The study projected that “seasonality” is likely to play “only a minor role”, and stressed that public health interventions – school closures, restricting mass gatherings, social distancing – “appear to have a major impact”.

Can Ultraviolet Light Help Detect, Kill the Coronavirus?

- As countries begin relaxing restrictions, questions are being asked on how post-lockdown scenarios will shape-up and what the “new normal” will be. **Several countries are mandating behavioural changes, like social distancing and wearing masks, while others have considered issuing ‘immunity passports’ or ‘risk-free certificates**. Now, scientists are studying the use of **ultraviolet germicidal radiation (UVGI)** to detect the virus in schools, restaurants and other public places. Through this method, ultraviolet (UV) lights would be able to disinfect contaminated public spaces to stop the transmission of the virus.

To Start Off, What Is Ultraviolet Radiation?

UV light from the sun has shorter wavelengths than visible light and, therefore, is not visible to the naked eye. The full spectrum of UV radiation is sourced from the sun and can be subdivided into UV-A, UV-B and UV-C rays. In this spectrum, UV-C rays are the most harmful and are completely absorbed by the Earth’s atmosphere. Further, while both UV-A and UV-B rays are harmful, exposure to UV-B rays can cause DNA and cellular damage in living organisms. Research published in the Princeton Public Health Review explains that **UV light kills cells. Increased exposure to it can cause cells to become carcinogenic, thereby increasing the risk of getting cancer**. In fact, it is the increased direct exposure to UV rays from the sun that most commonly causes skin cancers.

So, How Does UVGI Work?

UVGI uses these “destructive properties” of UV light to target pathogens. It is thus considered effective in disinfecting the air and helps in preventing certain infectious diseases from spreading. To elaborate, **UVGI replicates UV wavelengths that disinfects contaminated spaces,**



air and water. According to the US Centres for Disease Prevention and Control (CDC), UVGI is a promising method for disinfection but the efficacy of it depends on its dose. In 2005, the CDC revised its guidelines for using UVGI with regards to the spread of tuberculosis (TB) in hospital settings. The guidelines intended to eliminate the spread of infection to healthcare workers from patients or others with unsuspected or undiagnosed infection. According to a report in The New York Times, the approach being suggested by scientists now advises using **fixtures containing UVGI lamps that can be mounted on the walls or suspended from the ceilings**, which are similar to fluorescent lights, which shine light on the upper interior surface of a room and trap pathogens. **Installing a fan in such spaces can further draw the air upward, which increases the speed with which the UVGI can destroy pathogens such as bacteria and viruses.** UVGI fixtures are mostly installed above people's heads since the short wavelengths they release can irritate the skin and eyes.

Is This Method Feasible?

According to a paper published in Public Health Reports, UVGI is most effective in preventing infections that are chiefly spread through smaller droplets and not by direct contact or larger respiratory droplets. While using UVGI, it is important to consider factors such as the **sensitivity of microorganisms to UVGI, the dose of UVGI required to kill them, humidity and weather conditions.** Further, UVGI relies on air circulation in a room, **which means the circulation of air needs to be such that air from below the room, where the pathogen is generated reaches the upper-portions of the room, where the UVGI can trap the pathogen.** Even so, using UVGI on a mass-scale, in public spaces such as schools, universities, restaurants and cinema halls may not be the most cost-effective way to approach disease prevention.

Why Men More Vulnerable to Coronavirus: Now, A Link with Key Enzyme

- Over the pandemic, researchers have come up with various findings – and hypotheses – about why men seem to be more vulnerable to Covid-19 than women. The paper, published in the European Heart Journal on Monday, looks at the **concentration of the enzyme ACE2 in blood.** The new, large study of several thousand patients found **men have higher concentrations of ACE2 in their blood than women.** The researchers measured ACE2 concentrations in blood samples from several thousand heart failure patients from 11 European countries. The study also found that **heart failure patients taking a certain class of drugs (called RAAS inhibitors) did not have higher concentrations of ACE2 in their blood.** Some recent research had suggested that RAAS inhibitors might increase ACE2 concentrations in blood plasma, thereby increasing the risk of Covid-19 for cardiovascular patients taking these drugs, but the new study indicates that this is not the case.

Limitations

In a statement describing the study, the European Society of Cardiology discussed its limitations. **The study looked only at ACE2 concentrations in plasma, not in tissues such as lung tissue, so they cannot be sure that concentrations in the blood are similar to those seen in tissues. It is the ACE2 in lung tissues that are thought to be key to lung infection.** Also, the Cardiology Society statement said, **the study cannot provide definitive evidence on the effects of RAAS inhibitors in Covid-19 patients. Its conclusions are mainly restricted to heart failure patients, and the patients did not have Covid-19.**

New Reasons Why Masks Help Against Covid-19

- After initial debate, the utility of masks during the Covid-19 pandemic seems widely accepted now. The dominant scientific opinion says masks are very useful, and even relatively simple



home-made masks can offer a great degree of protection against the novel coronavirus. In the last few days, several new studies have reinforced this advice with fresh evidence. These studies say the spread can be contained significantly if a large proportion of population begins to use these masks.

Impact of Masks, Quantified

In one study, researchers from universities in Arizona, Harvard and Sydney have, using mathematical models for population in New York, shown that **if 70% of people wore an effective professional mask every time they ventured outdoors**, the pandemic could be eliminated from the city. **The same result could be achieved in the entire US, if at least 80% of the population regularly used masks.** Even low-quality home-made masks could lead to significant reduction in the spread of the disease, though other interventions would also be required in that case to achieve elimination, the study said. "Using face-masks in public (including low-efficacy cloth masks) is very useful in minimising community transmission and burden of COVID-19, provided their coverage level is high. The masks coverage needed to eliminate COVID-19 decreases if the masks-based intervention is combined with strict social distancing strategy," the researchers have said in their study. **The study also found that up to 45% of the deaths projected in New York over the next two months could be prevented if 80% of the people started using some sort of mask.** Dr Salvi said the fact that even home-made masks have been found to be quite effective, everyone should start using it.

More Masks, Shorter Lockdown

Another study, actually a review of available scientific literature, said that for preventing community transmission of the disease, **home-made masks were adequate, even if these were about three times less effective than professional surgical masks in blocking transmission of smaller particles.** It said mask usage by a large proportion of the population could help in reducing the lockdown period as well. "When used in conjunction with widespread testing, contact tracing, quarantining of anyone that may be infected, hand washing and physical distancing, face masks are a valuable tool to reduce community transmission," lead author Jeremy Howard said in an email response. But he warned that use of masks must not lead to people ignoring physical distancing rules. "Expect the lockdown period to be shorter when masks are universally worn," if people stop wearing masks, the probability of a "second wave" in winter was "greatly increased". Dr Jagmeet Singh, professor of cardiology at Harvard Medical School, said the big value of masks was in the fact that it offered **two-way protection.** "When people step out of their homes, they should consider others as possibly infected, and themselves as possible contagion. If they wear a mask, there is a two-way protection. They prevent the possibility of infecting others, and also protect themselves."

Keeping Droplets Out

In another study, Indian researchers from government and private institutions simulated the aerodynamic flow of particles from the mouth during coughing/sneezing (or speaking loudly) to show how masks could help in blocking airborne transmission of the virus. **The study found that while large droplets coming from the mouth were trapped by the mask, smaller ones get transported to much shorter distances, less than 30 cm, as compared to about 2 m in the absence of a mask. Within one minute of sneezing by a person who had not worn a mask, approximately 37% of the potential viral load in the ejecta was found deposited on the floor, within 2 metres of the person, while the remaining 63% remained suspended in the air, between 2 metres and 5 metres from the individual.** However, when a mask was worn, about 70% of virus-laden droplets were deposited on the mask, while those that escaped could potentially take the virus no farther than 1.5 metres, the study found. "Virus particles stay suspended



within 1.5 m of the person, but this suspended concentration falls off sharply after that distance,” the study said, while concluding that the results suggested that airborne transmission from infected persons could be greatly reduced by wearing a simple cotton mask and maintaining a “strict physical distancing of two metres”.

NIV Develops Test to Detect Antibodies

→ The National Institute of Virology (NIV), Pune, has developed an immunological assay – enzyme-linked immunosorbent assay (ELISA) – to detect antibodies that the body develops in response to infection by the SARS-CoV-2 novel coronavirus. The test will detect antibodies in blood samples. ELISA is routinely used for detecting HIV infection. “It has the advantage of testing 90 samples together in a single run of 2.5 hours,”. He also tweeted to say that NIV had transferred the technology to Zydus Cadila for mass-scale production. The Drug Controller General had granted commercial production and marketing permission to Zydus Cadila. This is the first time India has developed an indigenous ELISA test for coronavirus. While ELISA tests for coronavirus are already available in other countries, procuring them in large numbers may be a challenge, particularly during a pandemic. In contrast, availability will be a non-issue when a locally developed test is manufactured in India. The company that has been licensed to manufacture the ELISA test kit will have about a month to make the tests available as collection of 30,000 blood samples taken randomly from the general population in the 75 hotspot districts will begin by the third week of May.

Of Significance

The ELISA test developed by NIV gains significance as the rapid antibody tests imported from China were found to be unreliable and hence the States were instructed not to use them for detecting previous novel coronavirus infection. The ELISA test will be used to screen 30,000 samples from 75 hotspot districts to understand the extent of spread of the virus in the community. India has thus far maintained that there is no community transmission. Since the ELISA test is based on detection of antibodies, it can only help in knowing if the person has been previously infected by coronavirus. *Since it detects antibodies, even people who have remained symptom-free (asymptomatic) during the entire course of the infection will test positive.* While the RT-PCR (reverse transcription polymerase chain reaction) test, which detects the RNA of the coronavirus, enables detection of current infection, it will not be useful if the testing is carried out days after the infection clears as the virus will no longer be present. However, antibodies developed in response to the coronavirus infection will be present in the blood for a longer duration and hence the ELISA test can help detect past infection.

Covid-19's Vitamin D Link: What Data From 20 Countries Show

→ A new study has found an association between low average levels of vitamin D and high numbers of Covid-19 cases and mortality rates across 20 European countries. The research, led by scientists from UK's Anglia Ruskin University (ARU) and Queen Elizabeth Hospital King's Lynn NHS Foundation Trust, is published in the journal Aging Clinical and Experimental Research. Vitamin D is known to modulate the response of white blood cells, preventing them from releasing too many inflammatory cytokines (part of the body's immune response to fight infections). And the SARS-CoV2 virus is known to cause an excess of pro-inflammatory cytokines, called a cytokine storm. The new study shows that Italy and Spain, both of which have experienced high Covid-19 mortality rates, have lower average vitamin D levels than most northern European countries. This, the researchers said, is partly because people in southern Europe, particularly the elderly, avoid strong sun, while skin pigmentation also reduces natural vitamin D synthesis. The highest average levels of vitamin D are found in northern Europe, due



to the consumption of cod liver oil and vitamin D supplements, and possibly less sun avoidance. Scandinavian nations are among the countries with the lowest number of COVID-19 cases and mortality rates per head of population in Europe, ARU said in a statement on the new research. "We found a significant crude relationship between average vitamin D levels and the number Covid-19 cases, and particularly Covid-19 mortality rates, per head of population across the 20 European countries," Dr Lee Smith of ARU said in the statement. "Vitamin D has been shown to protect against acute respiratory infections, and older adults, the group most deficient in vitamin D, are also the ones most seriously affected by Covid-19. A previous study found that 75% of people in institutions, such as hospitals and care homes, were severely deficient in vitamin D. We suggest it would be advisable to perform dedicated studies looking at vitamin D levels in COVID-19 patients with different degrees of disease severity," Dr Lee said.

Now, A Mobile App Predicts COVID-19 Incidence Days in Advance

→ By repurposing an existing mobile application used for personal nutrition studies, a multinational collaboration – the **Coronavirus Pandemic Epidemiology (COPE)** – has developed a **COVID-19 Symptom Tracker** mobile app. The mobile app, which allows for epidemiologic data collection and analysis, was launched in the U.K. on March 24 and in the U.S. on March 29. It already has 2.8 million users as on May 2. **Not only do incidence, disease severity and outcomes vary with age, sex and underlying conditions, even symptoms vary widely.** Even as COVID-19 has spread to over 200 countries and infected over 3.5 million people, the full spectrum of clinical presentation is yet to be characterised in the general patient population, leave alone patient subgroups. **The COVID-19 Symptom Tracker enables people to self-report data related to novel coronavirus exposure, symptoms and infections.** According to a paper published in Science, among the first 1.6 million users (mean age 41 and 75% females) in the U.K. **over the first five days of use has confirmed the variability of symptoms in people with suspected infection.** The most common symptoms were found to be **fatigue and cough, followed by diarrhoea, fever and loss of smell. Shortness of breath was relatively rarely reported.** "Only 0.4% (1,176) of individuals reporting possible COVID-19 symptoms reported receiving a RT-PCR test for COVID-19," says the paper.

Predicting Incidence

The researchers subsequently developed a weighted prediction model based on the symptoms of more than two million individuals who used the app. And they found that the **app can predict the dynamics of COVID-19 incidence a few days in advance of traditional measures, such as positive tests, hospitalisations or mortality.** For instance, in Southern Wales, two spikes in COVID-19 cases were reported by the authorities five to seven days after individuals using the app reported symptoms. Conversely, a decline in reports of symptoms preceded a drop in confirmed cases by several days. Based on the **predictive value of the app,** the researchers are planning to validate the symptom-based modelling of COVID-19 incidence by carrying out additional studies using representative sample of individuals who will undergo uniform COVID-19 testing. The predictive power of the app highlights the **"potential utility of real-time symptom tracking to help guide allocation of resources for testing and treatment as well as recommendations for lockdown or easement in specific areas"** they note.

Definitive Symptoms

Among those who got themselves tested, it became possible to know which symptoms commonly lead to testing, and which symptoms better correlated with a positive test result. For instance, while **cough and fatigue** did lead people to get themselves tested, **the symptoms do not seem to be particularly suggestive of an infection** as revealed by the test results.



Similarly, nobody who had diarrhoea alone tested positive. But people who had cough and/or fatigue and at least one additional symptom – including diarrhoea and loss of smell – were more likely to test positive, the researchers found. They found that loss of smell was a more sensitive symptom than even fever. But a greater number of people with a fever tested positive when fever was accompanied by other symptoms.

Need Prioritizing

“These findings suggest that individuals with complex or multiple (three or more) symptomatic presentation perhaps should be prioritised for testing. Concerningly, 20% of individuals reported complex symptoms (cough and/or fatigue plus at least one of loss of smell, diarrhoea, or fever) but had not yet received testing, representing a substantial population who appear to be at greater risk for the disease,” they write. The researchers are hoping to “release” the app as fair-use open source software to facilitate translation and development in other regions. They have already begun working with their counterparts in Canada, Australia, and Sweden to implement the app in these countries.

The Search for A Coronavirus Cure

→ In the Covid-19 story, there are three possibilities that lie ahead: One, communities develop immunity against the disease, two, a drug is invented to contain the disease, and three, a vaccine is made available. At the earliest, we are 12-18 months away from developing a vaccine for the coronavirus, but global efforts raise hope that we could emerge on the other side of the pandemic. There are some 100 research groups across the world racing to develop a vaccine. These projects are in various stages of development, from research to clinical trials.

How Are Vaccines Developed?

Vaccines usually take years to develop. After research, it is tested on animals and then undergoes human trials – a controversial method of intentionally injecting the virus into people. Each vaccine has to be tested for safety and efficacy in three phases – in phase one, small groups of people receive the trial vaccine; in phase two, it is administered to those who have characteristics similar to whom the new vaccine is intended; and in phase three, it is injected into several thousand people. Finally, researchers also analyse post-marketing data. We must not forget that there is also a business side to vaccines. The SARS and Zika epidemics ended before vaccine could be developed, leaving manufacturers at a financial loss as funding agencies pulled out of the projects. This also derailed other vaccine-development programmes.

Which Countries Are Developing Coronavirus Vaccines?

Called ChAdOx1 nCoV-19, this vaccine would help the body recognise the “spikes” of the virus which are made of protein. As it was already being developing for MERS, it passed the initial stages and is now in the clinical trial phase. In Germany, a vaccine named BNT162 is in the clinical trial stage. It is being developed by US-based Pfizer and the German company BioNtech. In the US, a vaccine, mRNA-1273, is being developed by the National Institute of Allergy and Infectious Diseases (NIAID), in collaboration with biotech company Moderna. China is working on a way to introduce the coronavirus into the body, without its potent elements, to help generate a natural immune response against an actual infection. Researchers at the Academy of Military Medical Sciences, affiliated to China’s People’s Liberation Army, are working with Hong Kong-listed firm CanSino Biologics on the project. There are also studies underway to see whether the Bacillus Calmette-Guérin (BCG) vaccine, which has been used for tuberculosis, protects against the coronavirus. The Indian Council of



Medical Research (ICMR) on Sunday, May 9, 2020 said it had partnered with Bharat Biotech International Limited (MMIL) to develop an indigenous Covid-19 vaccine using the virus strain isolated at the National Institute of Virology (NIV), in Pune.



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