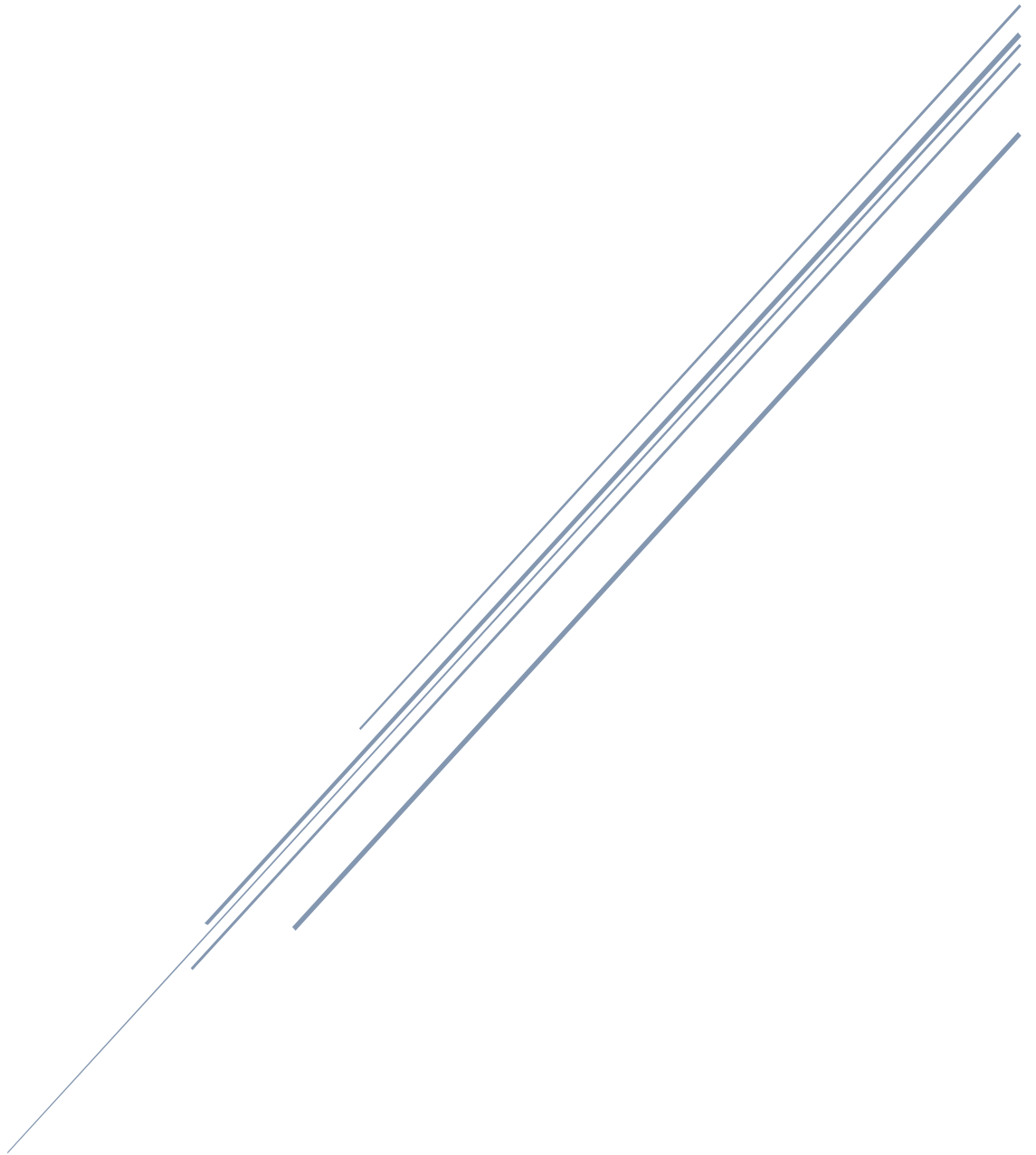


CURRENT AFFAIRS FOR UPSC

CURRENT AFFAIRS, 20TH DECEMBER, 2020 TO 2ND JANUARY, 2020





INTERNATIONAL

WHY THE GEORGIA SENATE RACES MATTER

Under Georgia's election law, if no candidate in an election is able to secure at least 50 per cent of votes, the top two candidates must go for a re-match to try and win the mandated minimum vote share. For both seats in the elections held on November 3, no candidate from either party was able to win more than half the votes. Thus, on January 5, Republican Senator David Perdue will seek re-election against Democratic challenger Jon Ossoff, while incumbent Republican Kelly Loeffler will try to defend her seat against Democrat Rev. Raphael Warnock.

Candidates and votes

In the November election, Perdue got 49.8% of the vote, while Ossoff managed 47% — the votes won by Shane Hazel of the Libertarian Party ensured neither Perdue nor Ossoff could establish a clear majority. The winner of this seat will serve a full six-year term in the Senate. Loeffler was appointed to the Senate in 2019. She was chosen by Georgia's Republican Governor Brian Kemp to replace Senator Johnny Isakson, who retired due to health reasons. The winner of this seat will only serve only two years, the remainder of Isakson's six-year term. In the November, the Democrat Warnock received the biggest share of votes (32.7%), with Loeffler coming second at 26%.

Why the polls matter

Republicans hold 50 of the 100 seats in the US Senate, while the Democrats have 48, including two independents, Angus King of Maine and Bernie Sanders of Vermont, who lean Democratic. If the Democrats win these two seats, the Senate will see a 50-50 tie, where the deciding vote will be cast by the Vice President, the Democrat Kamala Harris. The Senate majority is crucial for Joe Biden's government, which could otherwise see its key appointments, policy decisions and attempts to fulfil campaign promises hobbled by Republicans. The current Republican Senate leader, Mitch McConnell, takes pride in calling himself the "Grim Reaper", and had strangled several pieces of legislation pushed by the Barack Obama administration.

- According to the US' constitution, all 50 states are allowed to have their own election system and are thus free to decide what the minimum share of votes is to win a race. Several states, including Georgia, require candidates to get a minimum of 50 per cent of the total votes. Some states ask only for 40 per cent, and others do not have the option of runoff elections at all. But these are only Senate elections, so why the excitement?
- If the Democratic Party is able to clinch both seats and reach the crucial 50-seat threshold in the senate, it would create a unified government since the Democrats already have a majority in the US House. In this case, for the first two years of his term, President-elect Biden's administration will be able to enjoy the enormous power that comes with control of both chambers and the executive branch. Democrats are pushing the message that if they win the two Senate seats in Georgia, Congress will provide a more generous package with better benefits for the unemployed. But if the Democrats lose, then it will be challenging for them to enact their major priorities like expanding healthcare and fighting climate change. The Senate's senior-most Republican Mitch McConnell is likely to block pretty much everything



that is laid before him by the Democrats. Basic duties like allocating funds for government projects and paying debts will become a struggle and their more ambitious proposals — such as a multi-trillion-dollar plan to curb carbon emissions and to create more jobs in the country — won't stand a chance in a Republican-majority Senate. It isn't just policy proposals, if Senate Republicans win the fight to keep their majority, McConnell will also have complete authority to stifle Biden's picks for the federal judiciary. For the last six years, the senate — led by McConnell — has been confirming conservative judges, a trend that Democrats hope to reverse if they win the upcoming runoff elections.

- The US state of Georgia, traditionally a stronghold of President Donald Trump's Republican Party, has recently delivered crucial victories for the Democratic Party. In the November 3 election, the state voted for president-elect Joe Biden, and in one of the two Senate runoffs on January 5, picked Democrat Raphael Warnock to replace incumbent Republican Kelly Loeffler. In the second runoff, another Democrat, Jon Ossoff, looks set to defeat Republican David Perdue, who has been Georgia's Senate representative since 2015. All eyes on Georgia run-offs.

HOUSE VOTES TO OVERRIDE TRUMP'S VETO OF DEFENCE BILL

The Democratic-controlled House voted overwhelmingly to override President Donald Trump's veto of a Defence Bill, setting the stage for what would be the first veto override of his presidency. The veto override was supported by 212 Democrats, 109 Republicans and an independent. Twenty Democrats opposed the override, along with 66 Republicans and an independent. The Senate, which is expected to vote on the override this week, also needs to approve it by a two-thirds majority. Mr. Trump rejected the Defence Bill last week, saying it failed to limit social media companies he claims were biased against him during his failed re-election campaign. *Mr. Trump also opposes language that allows for the renaming of military bases that honour Confederate leaders.* The Defence Bill, known as the National Defence Authorisation Act, or NDAA, affirms 3% pay raises for U.S. troops and authorises more than \$740 billion in military programmes and construction. House Speaker Nancy Pelosi, Democrat from California, said after the vote that the House had done its part to ensure the NDAA becomes law "despite the President's dangerous sabotage efforts".

BHARAT RAMAMURTI, ON BIDEN'S NATIONAL ECONOMIC COUNCIL

US president-elect Joe Biden named Indian-American Bharat Ramamurti as Deputy Director of the National Economic Council (NEC) for financial reform and consumer protection. NEC is the White House advisory agency to the president on domestic and global economic policymaking. Other additional members of the NEC include Joelle Gamble, and David Kamin, who was former president Barack Obama's economic adviser. 7

Ramamurti, a graduate of Harvard College and Yale Law School, is the Managing Director of the Corporate Power programme at the Roosevelt Institute, a liberal think-tank.



TRUMP EXTENDS VISA BAN UNTIL MARCH 31

President Donald Trump on Thursday *extended pandemic-related bans on green cards and work visas to large groups of applicants through March 31, while a federal appeals court sided with him on a rule that requires new immigrants to have their own health insurance.* The twin developments on the final day of 2020 encapsulated how Mr. Trump has made U.S. immigration policy more restrictive without support from Congress.

Biden's promise

President-elect Joe Biden has promised to undo many of Mr. Trump's actions but it is unclear how quickly and even to what extent. Federal judges have limited the impact of the pandemic-related visa bans, which were set to expire on Thursday. Mr. Biden, who is now forced to decide when and whether to lift them after taking office January 20, doesn't specifically address the issue in his immigration platform. *Mr. Biden also doesn't directly address the health-insurance requirement in his platform. In April, Mr. Trump imposed a ban on green cards issued abroad that largely targets family members of people already in the U.S. After a surprisingly chilly reception from immigration hawks, the administration went much further in June by adding H-1B visas, which are widely used by American and Indian technology company workers and their families; H-2B visas for non-agricultural seasonal workers; J-1 visas for cultural exchanges; and L-1 visas for managers and other key employees of multinational corporations. Mr. Trump said the measures would protect American jobs in a pandemic-wracked economy, while business groups said they would hamper a recovery.* "The effects of COVID-19 on the U.S. labour market and on the health of American communities is a matter of ongoing national concern," Mr. Trump's proclamation on Thursday read.

On asylum-seekers

By contrast, the administration's edict to immediately expel asylum-seekers and others who cross the border illegally from Mexico was justified on grounds of containing the coronavirus, though reporting by The Associated Press and others found that government scientists saw no evidence for it. A temporary ban on non-essential travel across the Mexican and Canadian borders was also done for public health. In its ruling issued on Thursday, a 9th Circuit Court of Appeals panel voted 2-1 to clear the way for Mr. Trump's requirement that immigrants have health insurance. New immigrants must demonstrate they can obtain coverage within 30 days and pay their medical expenses. A Federal Judge blocked the rule from taking effect almost immediately after it was announced in October 2019. Judge Daniel P. Collins, a Trump appointee, wrote that the President acted within his authority, relying largely on the Supreme Court's ruling that upheld Mr. Trump's travel ban on several predominantly Muslim countries. He was joined by Judge Jay Bybee, who was appointed by President George W. Bush. Judge A. Wallace Tashima, who was appointed by President Bill Clinton, dissented, calling the policy "a major overhaul of this nation's immigration laws without the input of Congress — a sweeping and unprecedented exercise of unilateral Executive power."



WHO WAS SAMUEL LITTLE, AMERICA'S MOST PROLIFIC SERIAL KILLER? (FOR PSYCHOLOGY OPTIONAL)

Samuel Little, who the FBI described last year as the “most prolific” serial killer in US history, died on Wednesday in a hospital in California. Although convicted for the murder of three women in 2014, Little had by the time of his death confessed to killing 93 women between 1970 and 2005. Little, whose criminal record was more deadly than that of infamous killers such as the Green River killer Gary Ridgway (49 murders), Ted Bundy (36) and John Wayne Gacy (33), was serving three consecutive life sentences without parole.

Who was Samuel Little?

Little, a former competitive boxer, would mostly target marginalised and vulnerable women, such as sex workers and drug addicts, who he believed would have few people looking for them after they were killed. He would knock his victims out first by punching them, and then strangle them to death. As per the FBI, many of his victims' deaths, however, were originally ruled overdoses or attributed to accidental or undetermined causes. Little would then dump their bodies in an alley, a dumpster and a garage. Some bodies were never found, the agency's website reads. In 2012, Little was arrested at a homeless shelter in the southern state of Kentucky on a drug-related charge, and was then extradited to California. Even before the arrest, Little had a large criminal record across the US, with crimes ranging from armed robbery to rape, and had been in and out of jail for many years. In California, authorities carried out DNA testing on Little, which linked him to three unsolved killings from 1987 and 1989 in Los Angeles county. At the trial, Little pleaded not guilty, but was convicted and sentenced to three consecutive life sentences, without parole.

America's 'most prolific' killer

In 2018, while still in jail, Little opened up to Texas Ranger James Holland, who began to elicit from Little a breathtaking number of confessions. Holland interviewed Little for around 700 hours, during which Little provided details of several killings that had until then only been known to him. Known as an expert interrogator, Holland has described Little as both a genius and a sociopath. Parallely, the FBI's Violent Criminal Apprehension Program (ViCAP) was also linking cases to Little. Then, in October 2019, the FBI confirmed Little to be the “most prolific” serial killer in US history. The agency also said its analysts believed that all of the 93 confessions he had made until then were “credible”, and uploaded some of the confession videos on YouTube. So far, law enforcement agencies have verified nearly 60 of these murders, an Associated Press report said. Little was also a skilled artist, and drew pictures of his victims for the FBI. The agency released these pictures online in an effort to seek public assistance in helping trace the killings. In some of the pictures, Little has written details alongside, such as the name of the victim, in which year the killing took place and where he killed them. “For many years, Samuel Little believed he would not be caught because he thought no one was accounting for his victims,” said ViCAP Crime Analyst Christie Palazzolo. “Even though he is already in prison, the FBI believes it is important to seek justice for each victim—to close every case possible.”



A US SENATOR BLOCKED A BILL THAT WOULD GIVE HONG KONGERS REFUGEE STATUS. HERE'S WHAT IT MEANS

The passage of a bill that would have given Hong Kong citizens special refugee status in the US was blocked following objections from Republican Senator Ted Cruz. The bill, called the Hong Kong People's Freedom and Choice Act, would have allowed Hong Kong citizens to reside and work in the US as part of a federal programme reserved for individuals from war-torn countries or those who are seeking refuge from natural disaster or other difficult circumstances. The legislation would have also allowed Hong Kong residents already residing in the US to remain in the country if they feared political persecution and harassment by government authorities in Hong Kong. It would have granted Hong Kong residents 'Temporary Protected Status' in the US.

In an attempt to justify the last-minute blocking of the legislation, Cruz had said that Democrats were using this bill "to advance their long-standing goals on changing (US) immigration laws". Cruz had also claimed that China would be using this legislation to exploit US immigration laws and to recruit spies working in the interest of China. Cruz had insisted that the legislation was a part of a purported larger immigration agenda by the Democrats who were pushing for relaxed immigration rules. Immigration has been a point of contention for years between the two political parties in the US and under the Trump administration, immigration laws have become even more harsh.

China and Hong Kong are a few issues that lawmakers from both political parties in Washington find themselves agreeing upon and observers have noticed increasing bipartisan unity on these specific issues. With Cruz's objection, the passage of the bill is now unlikely in the US Senate. Lawmakers will also be going on break for the winter and work will resume in January next year. This bill would have to be reintroduced and the process will have to be repeated. The blocking of the bill has led to disappointment among many pro-democracy activists. Hong Kong activists took to social media platforms to share how the blocking of this bill would impact them and others back in Hong Kong seeking refuge in western countries. Over the past few months, several pro-democracy activists have been arrested or forced to flee Hong Kong because of China's suppression of the movement.

CHINA SLAMS U.S. OVER TIBET BILL, S. CHINA SEA 'TRESPASS'

The United States and China sparred over Tibet and the South China Sea, with new moves from Washington marking the start of the last month of President Donald Trump in office fuelling fresh tensions in an already fraught relationship. China hit out at the U.S. for passing the *Tibetan Policy and Support Act (TPSA)*, a landmark legislation that *calls for the opening of a U.S. consulate in Lhasa and also underlines U.S. backing for the Dalai Lama to determine his successor*. The Act said such decisions "should be made by the appropriate religious authorities within the Tibetan Buddhist tradition" with the "wishes of the 14th Dalai Lama... [playing] a determinative role", and described "interference" in the succession by China as "a clear violation of the fundamental religious freedoms for Tibetan Buddhists and the Tibetan people". *With the Act, the U.S. will back the choice made by the Dalai Lama, even as China has made clear it would anoint its own successor, just as it did by naming its own 11th Panchen Lama in 1995 as Gyancaïn Norbu, rejecting the Dalai Lama-backed candidate, Gedhun Choekyi Nima, aged six at the time, who has not been seen in public since*. China said it "resolutely opposes" the "adoption of Bills containing such ill contents on China".



“Issues related to Tibet, Taiwan and Hong Kong concern China's sovereignty and territorial integrity. They are China's internal affairs that allow no foreign interference,” Foreign Ministry spokesperson Wang Wenbin said. “The Chinese government is determined in safeguarding national sovereignty, security and development interests. We urge the U.S. to stop meddling in our domestic affairs under those pretexts, refrain from signing the bills or implementing the negative contents and items in them that target China and undercut China's interests, so as to avoid further damaging overall China-U.S. cooperation and bilateral relations.”

‘Momentous landmark’

The passing of the TPSA, which will have to be signed into law by Mr. Trump, was welcomed by the “government-in-exile” in Dharamsala and its leader or Sikyong Lobsang Sangay, who described it as “a momentous landmark for the Tibetan people” and said “by passing the TPSA, Congress has sent its message loud and clear that Tibet remains a priority for the U.S”. China also slammed new moves by the Trump administration to *add 58 Chinese companies to a list of firms that it says have links to the Chinese military and to restrict visas for Chinese officials linked with human rights abuses.* Mr. Wang added that the U.S. was “weaponizing its visa policy to impose various visa sanctions on Chinese individuals citing so-called issues related to Hong Kong, Xinjiang, Tibet, religion and human rights”.

Naval dispute

Both sides also clashed over the South China Sea, with the Chinese military on Tuesday saying it had “warned” a U.S. destroyer sailing in waters off the disputed Spratly islands (called Nansha by China). “On December 22, the US guided missile destroyer USS John S. McCain trespassed into the waters adjacent to China's Nansha islands and reefs without Chinese government's permission, and the naval and aerial forces of the Chinese PLA Southern Theater Command conducted whole-process tracking and monitoring on the U.S. destroyer and warned it off.”. China accused the U.S. of “seriously violating China's sovereignty and security, and gravely undermining peace and stability in the South China Sea”. *This was the ninth freedom of navigation operation conducted this year by the U.S., the most in the past five years, according to South China Sea Strategic Situation Probing Initiative, a Beijing-based think tank, reported the Communist Party-run Global Times.*

WHO IS CHINESE CITIZEN JOURNALIST ZHANG ZHAN JAILED FOR COVID-19 REPORTING?

Chinese citizen journalist Zhang Zhan was on Monday sentenced to four years in prison, after being found guilty of “picking quarrels and provoking trouble”– a charge that the country's authoritarian government often levels against activists. Zhang, 37, is among several citizen journalists who are facing backlash from the Chinese regime for covering the coronavirus outbreak in Wuhan.

Who is Zhang Zhan?

Zhang, a former lawyer from Shanghai, is one among the many journalists and professionals who travelled to Wuhan in February this year, when the coronavirus outbreak in China was at its peak. According to a New York Times report, this was the period when the Chinese government was busy tackling the virus, and thus the country's strict censorship regime had become relatively more relaxed. During an interview recorded before her arrest, Zhang said she travelled to Wuhan after coming across an online post by a local resident describing the living conditions in the city



during the pandemic. While in Wuhan, Zhang reported from various parts of the city, its crowded hospitals, and also documented the arrests of journalists and harassment meted out to the families of those seeking accountability, a BBC report said. Zhang offered a scathing criticism of the Chinese government while reporting from the city, while also questioning its propaganda. She recorded live videos and wrote articles despite receiving threats from officials, and her work gained significant traction on social media. Zhang had also been arrested in 2019 for speaking in support of activists in Hong Kong. A

A day after Zhang was sentenced, both the US and the EU denounced China's court system. In a statement, US Secretary of State Mike Pompeo said, "The United States strongly condemns the People's Republic of China's (PRC) sham prosecution and conviction of citizen journalist Zhang Zhan on December 28. China has no free press, and the government is known for punishing whistleblowers or activists who question its response to the pandemic. *An analysis by the Committee to Protect Journalists, a press freedom organisation, identified China as the No 1 jailer of journalists globally in 2020, the South China Morning Post reported.*

CHINA SET TO LAUNCH THIRD AIRCRAFT CARRIER IN 2021

The launching of China's third and largest aircraft carrier is likely to take place next year, State media in China reported on Wednesday, with a renewed push to take forward military modernisation plans amid a number of territorial and maritime disputes. China one year ago launched its second aircraft carrier, the Shandong, which was the first to be built at home. It joined the Liaoning, which was developed by retrofitting a Soviet-era cruiser and commissioned in 2012. The Shandong, which has already been deployed in the Taiwan Straits and in the South China Sea, is likely to be combat ready next year. Two larger aircraft carriers are being built at the Jiangnan Shipyard near Shanghai, the first of which is likely to be launched in 2021, the Global Times reported on Wednesday. This means it could be commissioned into service and be combat ready by 2023. This will be China's first that has an integrated electric propulsion system, an upgrade from its Soviet-modelled carriers, as well as an electromagnetic launch system for aircraft. Chinese strategic experts have previously said the PLA Navy is working towards six aircraft carriers, with two likely to be deployed in China's near seas, including for the Taiwan Straits and the South China Sea, two for the western Pacific and two for the Indian Ocean. The Shandong this year was deployed to sail through the Taiwan Straits and also in the South China Sea, where tensions with the U.S. have flared. Next year will also see the maiden flight of a new "aircraft carrier-based" stealth fighter, developed from the fifth-generation FC-31, Fu Qianshao, a Chinese military aviation expert, told the newspaper, while the J-20 stealth fighter jet with domestically developed engines would also make its debut next year.

Political statement

The launch of the carrier would be one of the highlights for the People's Liberation Army in 2021, a politically important year in China when *the ruling Communist Party will mark its centenary in July*, an event around which its launch may be tied. China's media identified the border with India, the Taiwan Straits and the South China Sea as hotspots, with tensions rising in 2020 and expected to continue in the new year. An article in the Global Times quoted several Chinese strategic experts as expecting tense relations to continue in the new year, although the situation along the Line of



Actual Control (LAC) had, in the newspaper's view, somewhat cooled with both sides holding several rounds of military-level talks aimed at disengagement.

ENGLAND IN LOCKDOWN

In a bid to control *the spread of the highly transmissible new COVID-19 variant (VOC 202012/01), the U.K. announced on Monday a fresh lockdown in London and southeast England, which is expected to be in force till mid-February.* The decision comes after much dithering; the scientific advisory panel had recommended days before Christmas that the government consider a national lockdown, including shutting down educational institutions. As on January 4, the U.K. has reported 2.7 million cases and over 75,500 deaths, the second-highest toll in Europe. More than 50,000 new cases have been reported daily since December 29, 2020, with a peak of nearly 59,000 cases on January 4 and over 400 deaths daily. On Monday, more than 26,000 COVID-19 patients were admitted in hospitals, an increase of 30% from the previous week. Though the new variant does not cause increased disease severity or mortality, a surge in cases and hospitalisation can lead to more deaths. *It is more transmissible, the reason why the reproduction number (number of people a person can infect) is 1.5-1.7; the spread is considered to be under control when the reproduction number is less than 1.* Based on an analysis of cases and genome sequences of nearly 44,500 samples collected from England between September 21 and December 13, it was found that even during the previous lockdown, the new variant spread in many locations. This even as fresh cases were generally dropping due to reduced spread of the then dominant strain. *There is evidence that the earlier lockdown was effective in containing the previously predominant strain, suggesting that the new variant grew in absolute terms. The rapid spread of the new variant even during the previous lockdown might not reflect a general failure of control measures but highlights the inherent nature of the new variant to rapidly spread given its higher transmissibility.* That areas with slower baseline virus spread also reported a slightly reduced spread of the new variant suggests that it is indeed possible to reduce if not suppress the transmission of the new variant if the lockdown is stricter and compliance is better. It is for this reason that unlike in the previous lockdown, schools and universities too are to be closed now. The new variant appears to affect a greater proportion of individuals under 20 years. The selective spread among the young might probably be more because educational institutions were open during the previous lockdown than due to the inherent nature of the virus. Since a resurgence of the new variant is likely when the lockdown is lifted, the focus is on accelerating vaccine roll-out so that much of the population is protected and transmission is cut. The spread of new variants should alert other countries, particularly South Africa where a problematic mutation has been found, to remain vigilant.

BRITAIN LEAVES EUROPE'S SINGLE MARKET

Brexit becomes a reality as Britain leaves Europe's customs union and single market, ending nearly half a century of often turbulent ties with its closest neighbours. The U.K.'s tortuous departure from the European Union takes full effect when the Big Ben strikes 11:00 p.m. in central London, just as most of the European mainland ushers in 2021 at midnight. Brexit has dominated British politics since the country's *narrow vote to leave the bloc in June 2016*, opening deep political and social wounds which remain raw. But both sides are now keen to move on to a new future. Prime Minister Boris Johnson called Brexit "a new beginning in our country's history and a new relationship with the EU as their biggest ally". The British pound surged to a 2.5-year peak against the U.S. dollar before the long-awaited departure from the single market. ***Legally, Britain left the***



EU on January 31, but it has been in a transition period during fractious talks to secure a free-trade agreement with Brussels, which was finally clinched on Christmas Eve. Once the transition ends, EU rules will no longer apply, with the immediate consequence being an end to the free movement of more than 500 million people between Britain and the 27 EU states. Customs border checks will be back for the first time in decades, and despite the free-trade deal, queues and disruption from additional paperwork are expected. Britain — a financial and diplomatic big-hitter plus a major NATO power — is the first member state to leave the EU, which was set up to forge unity after the horrors of World War II. The EU has lost 66 million people and an economy worth \$2.85 trillion, but Brexit, with its appeal to nationalist populism, also triggered fears that other disgruntled members could follow suit. “It’s been a long road. It’s time now to put Brexit behind us. Our future is made in Europe,” Commission president Ursula von der Leyen said on Wednesday, as she signed the trade pact. In the short term, all eyes will be closer to home and focused on how life outside the EU plays out in practical terms. British fishermen are disgruntled at a compromise to allow continued access for EU boats in British waters. The key financial services sector also faces an anxious wait to learn on what basis it can keep dealing with Europe, after being largely omitted from the Brexit trade deal. Northern Ireland’s border with EU member state Ireland will be closely watched to ensure that movement is unrestricted — a key plank of a 1998 peace deal that ended 30 years of violence over British rule.

THE UK-SPAIN PACT THAT SAVES GIBRALTAR FROM A HARD BREXIT

Hours before the Brexit transition period ended on New Year’s Eve, Spain announced it had struck a deal with the UK to maintain free movement to and from Gibraltar – a small portion of land on the southern tip of the Iberian peninsula that Britain controls but Spain claims as its own. Officially remaining a British Overseas Territory, Gibraltar will now be part of the Schengen zone and follow EU rules, thus ensuring that a hard border does not separate it from the rest of Europe.

The status of Gibraltar

Gibraltar, with an area of just 6.8 sq km and a population of around 34,000 people, has been the subject of intense dispute between Spain and Britain for centuries. This is mainly because of its strategic location. The territory, which is connected to Spain by a small strip of land and surrounded by sea on three sides, serves as the only opening from the Atlantic Ocean into the Mediterranean Sea, making it a key location on the shortest sea route between Europe and Asia via the Suez Canal. *Gibraltar fell into British hands after a war in 1713, and has since remained with Britain despite several attempts by Spain to retake it.* Due to its strategic importance, Gibraltar came to be highly fortified by Britain since the 18th century, thus earning its commonly known name– “the Rock”. *Even during World War II, Gibraltar’s port was critically important for the Allies, and it continues to be a key base for NATO. When Britain joined the EU in 1973, Gibraltar was a “crown colony”, but was reclassified as a British Overseas Territory in 2002. In two referendums, one in 1967 and the other in 2002, Gibraltarians overwhelmingly voted to remain a British territory. Currently, the territory is self-governing in all aspects, except for defence and foreign policy, which are managed by London, and Gibraltarians have British citizenship.*

The Spain-UK post-Brexit deal

The result of the 2016 Brexit referendum gave rise to the possibility of a hard border coming up between Gibraltar and the rest of Europe, despite 96 per cent of the vote in Gibraltar being in



favour of remaining in the EU. *Gibraltarians mainly voted 'Remain' because the territory's economy depends on an open border with Spain, which sends over 15,000 workers and 200 trucks there daily.* However, free movement will now continue thanks to the Spain-UK deal, as Gibraltar is being placed in the Schengen area, with Spain acting as a guarantor. **The Schengen passport-free zone includes 22 countries from the EU, and four others –Norway, Switzerland, Iceland and Liechtenstein. The UK has never been a part of this zone.** According to a BBC report, the EU will now place Frontex border guards for the next four years to ensure free movement to and from Gibraltar, and the territory's port and airport would become the external borders of the Schengen area. "With this, the fence is removed, Schengen is applied to Gibraltar... it allows for the lifting of controls between Gibraltar and Spain," Spain's Foreign Minister Arancha González Laya said. González Laya also said that the deal would mean the EU's fair competition rules in areas such as the labour market and the environment would continue to apply to Gibraltar. *Although the deal covers free movement, it does not address the sovereignty dispute between Spain and the UK. Britain has called the deal a "political framework" for a separate treaty that it wants to sign with the EU concerning Gibraltar.*

WHY UK'S DECISION TO ABOLISH 'TAMPON TAX' IS SIGNIFICANT

The UK began 2021 by abolishing a 5 per cent Value Added Tax (VAT) on women's sanitary products, often referred to as the "tampon tax" and which many activists had described as sexist. It now joins the list of countries which have already eliminated this tax, which includes India, Australia and Canada. The measure had been promised by the British Chancellor of the Exchequer (equivalent to finance minister) Rishi Sunak in March last year, and is part of a wider UK government effort called 'End Period Poverty'.

The "tampon tax"

Until December 31, the UK was a part of the EU, where period products such as sanitary napkins and tampons are classified as non-essential, and member states are required to levy a 5 per cent tax on them. Now that the UK is out of the 27-member bloc, it is not bound by its directives, under which sanitary products had been subjected to five different VAT rates since 1973– with the lowest 5 per cent slab being applicable since 2001. The removal of the tax has thus been praised by women's right activists and Brexit proponents at the same time. According to the BBC, the EU itself has been in the process of removing the tax on period products. In 2018, the bloc published proposals to change the tax rules, but these are yet to be accepted by all members. In the Republic of Ireland, however, there is no VAT on such products despite the country being an EU member. This is because Ireland's tax rates were in place before the EU imposed its own tax laws, the report said. Scotland, which is a part of the UK, made history in November 2020 by becoming the first country in the world to make period products free of cost to those who need them.

The movement against tampon tax

In 2001, the British government led by the Labour Party – which currently sits in the opposition– had moved sanitary products to the 5 per cent tax slab, which was the lowest possible rate under EU regulations. Then in 2015, the Conservative Party government led by former Prime Minister David Cameron established a 'Tampon Tax Fund' which allocated the funds generated from VAT on period products to projects supporting vulnerable women and girls. As per a government website, the UK has so far donated 47 million pounds to charities from the VAT collections since



then. A year later, a zero tax rate was legislated for allowing the UK to bring in a change in its tax regime once it could do so under its legal obligations.

WHY ARGENTINA'S LEGALISATION OF ABORTION IS HISTORIC

Argentina's Congress legalised abortions up to the 14th week of pregnancy this week, in what was a ground-breaking decision in a country that has some of the world's most restrictive abortion laws.

This change is historic and its implications may be witnessed beyond Argentina, in Latin America at large. Women, activists and supporters of the bill flooded the streets of Buenos Aires Wednesday, cheering and crying following the ruling, while critics and opponents were seen staging their own protests against it.

What does this bill mean?

Prior to the passing of the bill, abortions were only permitted in cases of rape or when the woman's health was at serious risk. Activists have been campaigning for years, calling for an overturning of this law that has been in existence since 1921. Two years ago, the country had almost passed the abortion bill, which was narrowly defeated. The bill calls for greater autonomy for women over their own bodies and control of their reproductive rights, and also provides better healthcare for pregnant women and young mothers.

The Catholic Church and the evangelical community wield immense power and influence in Argentina and had strongly opposed the passing of this bill. In fact, for several decades, following the beliefs of the Catholic Church, even the sale of contraceptives was prohibited in the country.

What impact will this have in Latin America?

Activists are hopeful that *the passage of this law will have an impact in other countries in Latin America. At present, abortions are illegal in Nicaragua, El Salvador and the Dominican Republic. In Uruguay, Cuba, Guyana, and in some parts of Mexico, women can request for an abortion, but only in specific cases, and each country has its own laws on the number of weeks of pregnancy within which the abortion is legal.* The countries also have varying degrees of punishment and penalties meted out to girls and women, including jail. Women's rights activists have acknowledged that despite the new law in Argentina, the fight is far from over in the region. Anti-abortion groups and their religious and political backers have attempted to stall any progress in the process. Most recently, in Brazil's conservative president Jair Bolsonaro had vowed to veto any pro-abortion bills in the country.

MAYHEM IN NIGERIA

The recent release of scores of abducted school boys is doubtless a huge relief for Nigeria, where families often have to contend with bandits holding innocent civilians hostage for a ransom. The childrens' return to freedom is but a temporary reprieve for the government of *President Muhammadu Buhari, whose response to the decade-old Boko Haram jihadist insurgency has come under increasing scrutiny.*

Failure to combat insurgency



*A former army general and military ruler in the 1980s, Mr. Buhari, now in his second term, has repeatedly insisted that Boko Haram has been defeated. But the many splinter groups that have emerged, the deaths of about 36,000 people, and the displacement of nearly two million tell a different story. Casualties from landmine explosions, banned by the United Nations in 1997, in Nigeria are the fifth highest in the world, according to the Mines Advisory Group. The gruesome abduction of over 600 boys on December 11 night, reportedly carried out by proxies of Boko Haram, in *Katsina in the country's north-western region* shows how the organisation has expanded into new territory. The ghastly incident was a chilling reminder of the 2014 *kidnapping of 276 girls in the town of Chibok in the north-eastern Ekiti province*. Many of them are still missing. The massacre of at least 110 rice farmers and fishermen in November, coinciding with local elections in the north-eastern State of Borno, is the most brutal incident this year, according to Nigeria's UN humanitarian coordinator. Abuja has sought to deflect responsibility for the sectarian campaign that has exploited religious divisions between the Muslims in the north and Christians in the south. Comparing the decade-long challenge to the *1967 Biafran civil war, former President Goodluck Jonathan in 2012 admitted to Boko Haram's infiltration into Nigeria's legislative, executive and the security services*. He initially played down the 2014 Chibok abductions, whereas the country's First Lady at the time dismissed the outcry against the horror as discrediting her husband's re-election prospects. The national security adviser in 2015 blamed cowardice by soldiers for the army's failures, while admitting that new equipment had not been procured for several years. Contrast this with the assessment of the regional leaders. *In 2014, the Borno State Governor was quite candid in saying that Boko Haram was better equipped than the Nigerian army. Last August, the current Governor of Borno pointed to sabotage within the military as the reason for the failure to combat the insurgency*. By November 2018, the situation had worsened for the government, with the killing of some 100 Nigerian soldiers on the country's border with Niger. *A Boko Haram faction called the Islamic State in West Africa Province claimed that it had carried out the attacks, which put the government under increased spotlight*. But even as Nigeria's House of Representatives and the Senate have called for the heads of the armed forces, appointees of Mr. Buhari, to step down, the latter has maintained that the decision was a presidential prerogative.*

Crackdown on protests

The official stance of denial stretches beyond tackling insurgency. This was evident in the crackdown on countrywide protests in October demanding the disbanding of the infamous *federal Special Anti-Robbery Squad (SARS)*. *The unrest, which was triggered by visuals going viral of one of the SARS officers shooting down a man in Lagos city, left at least 15 people dead, according to Amnesty International*. The Special Weapons and Tactics Team that has replaced SARS is seen as a cure worse than the ailment. Regulators slapped a fine on media houses that covered the indiscriminate shootings by security forces and blocked the accounts of financiers of the protests. Last year, prominent global charities engaged in humanitarian relief were accused of collusion with the insurgents and expelled. Two decades since the return to democracy, Nigeria must do more to uphold the rule of law.

Islamic State in Africa

We are in an Islamic State, declared Abubakar Shekau in a 52-minute video, shot somewhere in north eastern Nigeria, in August 2014. The leader of Boko Haram, the Sunni jihadist group that had captured swathes of territories in the Borno and Yobe States, also said, 'We have nothing to do with Nigeria.' He later declared allegiance to Abu Bakr al-Baghdadi, the self-declared 'Caliph'



of the Islamic State terror organisation, who was killed by American forces in 2019. Shekau's claim came a few months after over 200 girls were abducted from a school in the town of Chibok in Borno by Boko Haram. The Chibok abductions—most of the girls are still missing—triggered a global campaign against the jihadists. Muhammadu Buhari, a former military dictator, contested the 2015 presidential election, promising to defeat Boko Haram and restore security in the northeast. Mr. Buhari won and in his first term, he set up a regional coalition to fight the terrorists. The campaign was effective. Within a year, the Nigerian troops liberated most of the towns and villages Boko Haram had controlled and pushed the jihadists back to the Sambisa forest and the Mandara mountains. But the offensive did not defeat Boko Haram, who regrouped in the forest and started a relentless terror campaign in recent years. When Boko Haram claimed the abductions of hundreds of school boys in Katsina State in the northwest on December 11, many were surprised as the region was well outside the group's area of operations. The government claimed that local "bandits" were behind the abductions. But Boko Haram had released a video showing the boys in distress, before most of them were released on Friday after talks between the authorities and the kidnappers. The jihadists said they carried out the operation as the school was providing "unIslamic teachings". One of the boys released told the media that they were captured by "the men of Shekau". The attack on schools and children is nothing new for the group. Boko Haram's founder Mohammed Yusuf, a popular cleric based in Maiduguri in Borno, was a vocal opponent of Nigeria's school system, which he called the "western education" system. In 2002, he set up a religious complex, including an Islamic school and a mosque, in Maiduguri, which attracted hundreds of young students from across the country. But Boko Haram, whose official Arabic name was 'Jama'atu Ahlis Sunna Lidda'awati wal-Jihad (People for the Propagation of the Prophet's Teachings and Jihad), was more than a group of preachers. The locals called them Boko Haram (which in the Hausa language means 'Western education is forbidden') because of their hardline opposition to the school system.

WHY HAS INDONESIA BANNED THE ISLAMIC DEFENDER'S FRONT OR FPI?

Indonesia banned the hardline religious group the Islamic Defender's Front, raising the prospect of rising political tension in the world's largest Muslim-majority nation. The ban came after last month's return of the group's spiritual figurehead, Rizieq Shihab, from self-exile in Saudi Arabia, leading to concern in government that he could be seeking to harness opposition forces against President Joko Widodo, widely known as Jokowi, using Islam as a rallying cry.

What is the Islamic Defender's Front?

Formed in the late 1990s, the Islamic Defender's Front, widely known by its Indonesian initials FPI, advocates a strict interpretation of Islam and developed a reputation for raiding bars and brothels, intimidating religious minorities. It once forced the cancellation of a Lady Gaga concert. It has also been involved in humanitarian work after natural disasters. Its political sway has risen in recent years, and in 2016 the FPI played a role in mass protests against Jakarta's Christian former governor, who was jailed for insulting Islam.

Who is its leader?

Cleric Rizieq Shihab, 55, has for years been a controversial figure in Indonesia. He was jailed in 2008 for inciting violence and left the country in 2017 after facing charges of pornography, and insulting the state ideology, which were later dropped. This week a court ordered police to reopen



the pornography case. His role in 2016 mass rallies raised concern about the rise of identity politics and political Islam.

How big a force is Islam in Indonesian politics?

With nearly 90% of Indonesia's population Muslim, Islam has always been important in politics. However, the 2016 rallies spearheaded by the FPI and other Islamic groups saw the religion take on an increasingly prominent political role. In a move widely seen as an attempt to appeal to Islamic voters, the president, Jokowi, chose senior cleric Ma'ruf Amin as his vice presidential running mate in 2019. While Rizieq was overseas, hardline Islamic groups such as the FPI were relatively quiet. On his return, Rizieq began meeting several key opposition figures and promising a "moral revolution", a potential challenge to Jokowi ahead of elections scheduled for 2024.

What could happen next?

While the decision to ban the FPI is legally sound, analysts say the move may backfire and only lead to new iterations. Hours after the chief security minister announced the ban, a senior FPI member in Jakarta, Novel Bamukmin, told Reuters the group would fight for their beliefs and "defend the country from traitors". The government could ban the FPI, he said, but they would only reform anew. Security analysts have said the ban, based on historical precedents in what appears to be a politically motivated decision, would do little to address the views of a sidelined minority.

MALLS FOR PEACE

Here's a sentence that would have seemed like fake news just a year ago: "Thousands of Israeli tourists flocked to Dubai, even as 'Made in Israel' alcohol has become ubiquitous on store shelves in the city." The UAE and Israel, after all, only fully normalised diplomatic relations as recently as September 2020. In December, over 70,000 Israeli tourists visited Dubai, firming up the long-held belief of many a market fanatic: Malls and markets are at least as important to peace between peoples and nations as treaties. Israelis are discovering something that the upper and aspiring classes in India have known for years now. Dubai is essentially one large shopping mall, with quite a bit of entertainment and sightseeing thrown in, which makes for a great getaway. In fact, like Indians, Israelis are discovering that selfies with the city's skyline in the backdrop are quite the status symbol. The stringent COVID-induced lockdowns in Israel's cities have meant that Dubai has become a destination for everything from weddings to business conferences. And tourists have reportedly found little bigotry or animosity in the market-town. For societies that have historically been seen as antagonistic to each other, this is no small feat. The sheer volume of the tourist traffic has been a pleasant surprise for many, including those who were worried that the detente in parts of West Asia would be short-lived. Tourism and markets, after all, are more than just sectors and spaces that make money. From the earliest bazaars, marketplaces have been a space for exchange, which is as much cultural as it is economic. And when people travel, when they interact with the host population, they come to see those who have been demonised as human beings — not merely the "other". Besides, even if the Dubai malls don't bring about world peace, who doesn't like a little duty-free shopping?



WHY NOT EVERYONE IS HAPPY WITH AUSTRALIA CHANGING ITS NATIONAL ANTHEM

On New Year's Eve, Australia's Prime Minister Scott Morrison made a surprise announcement: the government will remove a reference to the country being "young and free" in the national anthem. The move comes weeks after *Gladys Berejiklian, the leader of Australia's most populous state, New South Wales, had urged the country to make changes to its national anthem, 'Advance Australia Fair', particularly the line "we are young and free", which Berejiklian had said dismissed centuries of indigenous history.*

What was the issue with the national anthem?

'Advance Australia Fair' was written in 1878, but it became the official national anthem only in 1984. Critics say the words in the second line that reads "for we are young and free", obliterate more than 50,000 years of indigenous history and is an attempt at historical revisionism. Critics say the word "young" in the national anthem had implied that *Australia's history only starts with colonisation. Australia marks January 26 as the date when the "First Fleet" sailed into Sydney Harbour in 1788, carrying mostly convicts and troops from Britain. But many indigenous people in the country refer to Australia Day as "Invasion Day".* The change that takes effect on January 1, is the first amendment to 'Advance Australia Fair' since 1984. Now the lyrics will read: "Australians all let us rejoice/ For we are one and free".

While some indigenous Australians, particularly political leaders, have welcomed the change, there have been others who have criticised what is essentially a symbolic move.

WHY THE IRAN NUCLEAR DEAL COULD BE SAVED BY INCOMING BIDEN ADMINISTRATION

With Democrats set to gain control of US foreign policy in January, hopes are up that the historic Iran nuclear deal, signed by former President Barack Obama and repudiated by President Donald Trump, could be salvaged by the incoming Joe Biden administration. *This was the feeling expressed at a high-level virtual conference on Monday between the foreign ministers of Iran, France, Germany, UK, China and Russia- countries other than the US who are parties to the deal, and whose goal is to prevent Iran from developing a nuclear bomb in exchange for relief from economic sanctions. A joint statement of the meeting read, "Ministers acknowledged the prospect of a return of the US to the JCPOA and underlined their readiness to positively address this in a joint effort." Biden has in the past expressed willingness for the US returning to the deal, which was signed while he was vice president under Obama.*

What is the Iran nuclear deal?

The Iran nuclear deal, officially the Joint Comprehensive Plan of Action (JCPOA), was signed between Iran and the P5 (the five permanent members of the UN Security Council-the US, UK, France, China and Russia) plus Germany and the European Union in Vienna in July 2015. Under the agreement, which came into force in January 2016, Tehran agreed to limit its nuclear program in return for relief from crippling economic sanctions imposed by the UN, US and the EU. The deal, signed after years of negotiations that began during the Obama administration, limited the number of centrifuges Iran could run and restricted them to an older, slower model. Iran also reconfigured a heavy-water reactor so it couldn't produce plutonium, and agreed to convert its enrichment site at Fordo into a research centre. It granted more access to inspectors from the UN's nuclear watchdog, the



International Atomic Energy Agency (IAEA), and allowed it to look at other sites. In exchange, world powers lifted the economic sanctions that had kept Iran away from international banking and the global oil trade. The deal allowed Iran to purchase commercial aircraft and reach other business deals. It also unfroze billions of dollars Iran held overseas. As part of the agreement, restrictions on Iran's uranium enrichment and stockpile size will end in 2031, 15 years after the deal. In 2016, the IAEA acknowledged that Iran met its commitments under the nuclear deal, and most sanctions on Iran were lifted. The country slowly re-entered the global banking system and began selling crude oil and natural gas on the international market.

So why did the US decide to leave the agreement?

During his 2016 campaign, *President Donald Trump criticised the deal for being too lenient on Iran, and for not addressing Iran's ballistic missile program or involvement in regional conflicts. So, after the Republicans won the presidential race that year, the US first tried in vain to renegotiate the accord with Iran, and then unilaterally withdrew from it in May 2018.* Relations between Washington and Tehran have continued to deteriorate ever since. *In August that year, the Trump administration reimposed sanctions on Iran, and also warned other countries against doing business with the hydrocarbon-rich nation. A temporary waiver granted to eight countries to buy Iranian oil, including India, ended in April 2019.* The five other JCPOA participants, however, continued to be parties to the deal, thereby weakening the impact of US sanctions.

What happened after the US withdrawal?

Despite the US withdrawal, Iran said it would continue to uphold its commitments under the JCPOA. In June 2018, it announced an expansion of its enrichment infrastructure within the limits of the deal. But a year later in May 2019, reeling under reimposed US sanctions, Tehran said it would cease to adhere to some of the deal's commitments, unless other members agreed to its economic demands. Two months later, the IAEA confirmed that Iran had exceeded its enrichment limits. *Then in January this year, after its top security and intelligence commander, Major General Qassem Soleimani, was killed in a US drone attack in Baghdad, Iran said it would abandon limitations on enriching uranium, refusing to adhere to the nuclear deal.* Iran did, however, say that it would continue to cooperate with IAEA inspectors. Washington-Tehran relations suffered another setback in December, when Iran's senior-most nuclear scientist, *Mohsen Fakhri-zadeh, was assassinated near Tehran in an operation widely believed to be orchestrated by Israel, a US ally.* As per a report in The New York Times, the killing of Fakhri-zadeh could "complicate" the effort by Biden to revive the 2015 Iranian nuclear deal, which he has pledged to do.

What is the significance of Monday's meeting?

At the high-level meeting, the participating countries "*re-emphasized their commitment to preserve the agreement*" and agreed that "*full and effective implementation of the JCPOA by all remains crucial,*" as per an Associated Press report. The report, however, said that the challenge in resuming the agreement in its present form is that Iran is currently in *violation of several of its important commitments, such as the limits on stockpiles of enriched uranium. Iran, though, has clarified that it will "rapidly reverse" its infringements once the United States and the three European powers "perform their duties."* JCPOA countries are also optimistic about reviving the deal because *Iran has continued to allow IAEA inspectors full access to its nuclear sites, even as it has violated its treaty obligations.*



WAR AND WORDS

*With the Afghan government and the Taliban preparing to resume talks in Doha next week, one of the pressing problems Afghanistan is facing remains unaddressed — the surging violence. The year 2020 was one of the bloodiest in Afghanistan's 19-year-long conflict. It saw a U.S.-Taliban agreement in February where the Americans promised to withdraw troops in return for the insurgents' assurance that they would not allow terrorist groups such as al-Qaeda to operate from Afghan soil. In September, the Afghan government and the Taliban began peace talks for the first time in Doha. But despite these diplomatic openings, both sides have continued their attacks. In the quarter that ended on September 30, violence surged by 50%, according to the U.S. Special Inspector General for Afghanistan Reconstruction. Afghanistan also saw increased targeted killings, especially of media professionals. On December 10, Malala Maiwand, a TV host, was shot dead along with her driver. In less than two weeks, Rahmatullah Nikzad, a freelance photographer, was killed in Ghazni. The Taliban have denied any role, but government officials say the insurgents, who banned TV and turned print and radio into propaganda platforms when in power in the late 1990s, were behind the attacks as they seek to silence critical voices. The peace talks are a complicated process. The U.S. first cut a deal with the Taliban and then arm-twisted the government to join the talks. *Abdullah Abdullah, who challenged the 2019 election results and formed a short-lived parallel government questioning the legitimacy and authority of President Ashraf Ghani, is heading the government delegation in the talks. Mr. Ghani's Vice-President, Amrullah Saleh, the former intelligence chief, is known for his strong anti-Taliban views.* Despite the divisions within, the government had demanded a ceasefire, but the Taliban resisted such demands and emphasised other talking points such as prisoner swaps and the future governance system. As a result, violence continued even as both sides negotiated ways to end the war. *Earlier in December, after three months of talks, the Taliban and the government delegation agreed on a set of "rules and procedures" for the talks. But a ceasefire is still elusive.* The Trump administration, in its quest to get out of the war, failed to extract any major compromise from the Taliban when it rolled out the peace process. The insurgents, who control most of the countryside, are already upbeat. *The next American administration should carry out an honest review of the entire peace process and push the Taliban to make concessions. The talks are vital to finding a lasting solution to the conflict. But it should not be on the Taliban's terms, which could erase whatever little progress Afghanistan has made since the fall of the Taliban.**

WHO IS OMAR SHEIKH AND WHAT IS DANIEL PEARL MURDER CASE?

British-born militant Ahmed Omar Saeed Sheikh, convicted for the abduction and murder of US journalist Daniel Pearl in 2002, was ordered to be released by a Pakistani court, and will walk out of prison on Saturday, PTI reported. The Sindh High Court in its order said that Sheikh and his three aides— Fahad Naseem, Salman Saqib and Sheikh Adil— who were convicted and sentenced in the case, should not be kept under “any sort of detention” and declared all notifications of the Sindh government related to their detention “null and void”. It also described the four men’s detention as “illegal”. The US State Department said it was “deeply concerned” by the ruling, and added that it would “be following closely” the ongoing case.

Daniel Pearl, aged 38, was an American journalist who worked as the South Asia bureau chief of The Wall Street Journal. He was abducted in Pakistan’s Karachi in January 2002 while working on a story about Pakistani terror groups linked to Al Qaeda. Pearl was later beheaded and a graphic



video of his decapitation was sent to Karachi's US consulate about a month later. After global outcry and pressure from the US, Pakistan's then-President Pervez Musharraf had Omar Sheikh and the three other militants arrested in the same year, after which they were convicted for Pearl's abduction and murder. Sheikh remained on death row since this conviction. In 2011, however, a report by students and faculty at Georgetown University and the International Consortium of Investigative Journalists cast doubt on the convictions. The report said that while Sheikh and the three others were responsible for abducting Pearl, they were not culpable for his murder. Pearl's killing is believed to have been carried out by Khalid Sheikh Mohammed, a militant who was also involved in the September 11 attacks, and is currently at the US military's Guantanamo Bay detention camp.

Sheikh is among the three terrorists that India had freed in 2000 in exchange for the hostages of the hijacked IC-814. Sheikh, now 47, grew up in East London, and dropped out of university to join relief efforts during the Bosnian war. Pervez Musharraf in his book 'In the Line of Fire' has alleged that Sheikh was sent to the Balkans by the British intelligence agency MI6. After the Balkans, Sheikh joined a terror outfit in Pakistan, and trained in Pakistan and Afghanistan before being sent to India for kidnapping Western tourists. In India, he served time in jail from 1994 to 1999 for his role in the kidnappings. On January 1, 2000, Sheikh was freed along with Maulana Masood Azhar and Mushtaq Ahmed Zargar by India in exchange for the nearly 150 hostages of the hijacked Indian Airlines flight.

India has also linked Sheikh to the 9/11 attacks, accusing him of taking part in transferring \$100,000 to Mohammad Atta, one of the militants who flew planes into the World Trade Centre in New York City.

WHO WAS KARIMA BALOCH, THE PAKISTANI ACTIVIST FOUND DEAD IN CANADA?

Human rights activist Karima Baloch was found dead in Toronto, Canada on Sunday, the Balochistan Post reported. Baloch was a vocal critic of the Pakistani government and had actively worked to highlight human rights violations perpetrated upon people in Balochistan.

Who was Karima Baloch?

In 2016, BBC had included Baloch in their 'BBC 100 Women 2016' list for her work involving "*campaigns for independence for Balochistan from Pakistan.*" She had used her social media profile to highlight *abductions, torture, forced disappearances and other human rights violations that people in Balochistan were being subjected to by the Pakistan government and the army.* In her activism, she had placed emphasis on fighting for the rights of *Balochi women, and had highlighted how the legal system and religious groups in Pakistan would use state and social machinery to intentionally target women, particularly from vulnerable groups.* In her last tweet on December 14, she had shared a news report by *The Guardian* titled '*Kidnap, torture, murder: the plight of Pakistan's thousands of disappeared*'.

What is known about her death?

According to The Balochistan Post, Toronto police had stated that Baloch was last seen on December 20 in the *Bay Street and Queens Quay West area in Toronto* and had sought public assistance in locating her. Baloch's family later said that her body had been found and requested



for privacy, the news publication reported. *Baloch was living with refugee status in Canada because she had been targeted for her activism in Pakistan.*

Have other Baloch activists been targeted?

This isn't an isolated occurrence. Earlier this year in March, Sajid Hussain, founder and chief editor of The Balochistan Post, who had consistently highlighted human rights violations that Baloch people were being subjected to, was found dead in the *Fyris River near Uppsala, Sweden*. He had been missing for days before his body was found. Hussain had fled Pakistan in 2017 and had sought political asylum in Sweden after he had been subjected to death threats, police raids, interrogation and other harassment for his work.

WHO IS LOUJAIN AL-HATHLOUL, THE SAUDI ACTIVIST SENTENCED TO NEARLY SIX YEARS IN PRISON?

Loujain al-Hathloul, one of the most prominent women's rights activists from Saudi Arabia, was Monday sentenced to five years and eight months in prison by a Saudi Specialised Criminal Court. The Saudi Arabian authorities have charged her under the state's broad counter-terrorism laws for undermining national security and trying to change the political system of the country, a Reuters report said. Following the sentence, al-Hathloul's sister Lina al-Hathloul posted on Twitter: "Loujain cried when she heard the sentence today. After nearly three years of arbitrary detention, torture, solitary confinement – they now sentence her and label her a terrorist. Loujain will appeal the sentence and ask for another investigation regarding torture". Even so, al-Hathloul's prison sentence will end in March 2021, since the court has suspended 34 months of her sentence and has calculated the prison verdict from May 2018 onwards, when she was first detained by the authorities. The American Bar Association (ABA) notes that the Saudi authorities created the Specialised Criminal Court (SCC) in 2008 to prosecute thousands of detainees who were kept in detention "without charge" since being held after the terrorist attacks — claimed by al-Qaeda — inside the kingdom in 2003. However, shortly after the setting up of this court, the caseload was expanded from the trials of alleged violent extremists to include political dissidents, religious minorities and human rights activists.

Who is al-Hathloul?

al-Hathloul has been instrumental in the movement to lift the driving ban on women and the "Wilayah" male guardianship system. It was only last year in August that Saudi Arabian women were allowed to travel abroad without obtaining permission from a male guardian, apply for passports and register their marriages and divorces. However, the importance of the step for women's rights notwithstanding, both critics and detached observers noted at the time that the dismantling of the kingdom's rigid 'male guardianship' system was probably only an effort to deflect from its deeply questionable human rights record, which includes the gruesome murder of journalist Jamal Khashoggi in Istanbul in October 2018. In 2014, al-Hathloul, who had a driving license issued in the UAE, was detained for 73 days for attempting to drive into Saudi Arabia from the UAE. Following this, weeks before the Saudi Arabian authorities lifted the ban on women drivers in 2018 (the last such ban in the world) she was arrested along with several other women's rights activists. In 2015, al-Hathloul stood for elections in Saudi Arabia, which was also the first time that women were allowed to vote and stand for elections. Even so, her name was not added to the ballots, according to Amnesty International. al-Hathloul was detained in 2018 on grounds



of national security. She was charged under Article 6 of the Anti-Cybercrime law that penalises the production and transmission of material deemed to impinge on public order, religious values, public morals and life, as per UN Human Rights. For over 10 months after she was detained, she was not charged and there was no trial. According to Amnesty International, she was waterboarded, given electric shocks, was sexually harassed and was threatened with rape and murder during this time.

According to a report published by the British non-profit Reprieve, Saudi Arabia has carried out its 800th execution under the crown prince's five-year-rule and as per Amnesty International, the kingdom executed 184 people in 2019. In 2014, blogger Raif Badawi was sentenced to 10 years in prison and also sentenced to 1,000 lashes for "insulting Islam" and for setting up a liberal media forum. He was also ordered to pay a fine of 1 million riyals. Badawi, who was arrested in 2012, had previously called for May 7 to be observed as a "day for Saudi liberals". The first 50 lashes of his sentence were carried out in public view in Jeddah on January 9, 2015. In April this year, Saudi Arabia's state human rights commission said it is abolishing flogging as a punishment for crime. Before it was abolished, flogging was mandatory as a form of corporal punishment for several offences including murder, breach of peace, homosexuality, consumption or possession of alcohol, adultery, pestering girls, spending time with the opposite sex, insulting Islam and bringing in liqueur chocolates into the country, among others. Before the ban on women drivers was lifted in 2018, any woman caught driving could also be sentenced to flogging. This form of corporal punishment could be used by judges at their discretion as an alternative or in addition to other punishments.

WHAT'S AT STAKE IN NEPAL'S POLITICAL CRISIS?

Nepal Prime Minister K P Oli recommended dissolution of the House of Representatives, the lower of Parliament, a move promptly approved by President Bidhya Devi Bhandari. This effectively ended the unity forced among the left forces that had led to the creation of the single, grand Nepal Communist Party three years ago. It plunged national politics into turmoil and the five-year-old Constitution into uncertainty, and raised questions about the haste with which the President approved Oli's recommendation. Oli took the step when he realised that a factional feud within the party had reached the point of no return and he faced possible expulsion both as party chief and as Prime Minister. Since then, a dozen petitions have been filed in the Supreme Court challenging the dissolution with two years left of the present House's tenure. Each faction has also approached the Election Commission claiming it is the real party.

Oli's battles

Oli is fighting a losing battle in the party. He has declared that the next election will be held on April 30 and May 10 next year with him leading a caretaker government, but his fate will be decided by agitating crowds and the Supreme Court. There's also a movement for restoration of Nepal as a Hindu kingdom. His move has created bitterness between the breakaway communist group he leads and other parties. On Monday evening, Oli got his followers to padlock the party office, effectively bringing it under his control, but going by the numbers in the dissolved Parliament, the Central Secretariat, the Standing Committee and the Central Committee, Oli is in a minority. *But with Parliament dissolved and with a President seen as favourable to him, Oli will have the power to rule without being accountable to none. The dissolution came hours before a Standing*



Committee meeting that was expected to order a probe into corruption charges levelled against him by party co-chairman Pushpa Kamal Dahal Prachanda.

The unification & its end

Prachanda led the Maoist insurgency for a decade (1996-2006) before joining mainstream politics. Oli was a fierce critic of the politics of violence that caused more than 17,000 deaths. But Oli approached the Maoists in 2017 for a merger between their parties, pre-empting the possibility of an alliance between the Maoists and the Nepali Congress that may have come in the way of Oli's prime ministerial ambitions. Oli was leading the Communist Party of Nepal-Unified Marxist Leninist, and Prachanda represented the Nepal Communist Party (Maoist). Following the merger, the two leaders agreed that they would lead the government by turn, a promise that Oli did not honour at the end of his two-and-a-half years, thus sowing the seeds of separation. Now, as a split appears inevitable, Oli is hoping to continue in power with those following him.

Questions over Constitution

What has happened has left a question mark over the Constitution of 2015, and its key features like federalism, secularism and republic. There are already popular protests on the streets. The split in a party with a two-thirds majority has raised concerns that it may lead to a systemic collapse. "We will go for a decisive nationwide movement to have this Constitution dumped," said Balakrishna Neupane, convener of an ongoing citizens' movement.

Constitution & dissolution

Dissolution of the House is not new in Nepal, but this is the first such instance after the new Constitution of 2015 that places safeguards against dissolution. "The new constitution does not envisage such a step without exploring formation of an alternative government," said Dr Bhimarjun Acharya, a leading constitutional lawyer. The 1991 Constitution, scrapped in 2006, had provisions for dissolution of Parliament at the Prime Minister's prerogative.

The opposition Nepali Congress and the Madhes-based Janata Samajbadi Party have reasons to hope than an early poll will earn them a bigger space in Parliament. But it fears that the likely street protest and violence, besides the onset of rain in late April and early May, could be used as an excuse to further defer the election.

The China factor

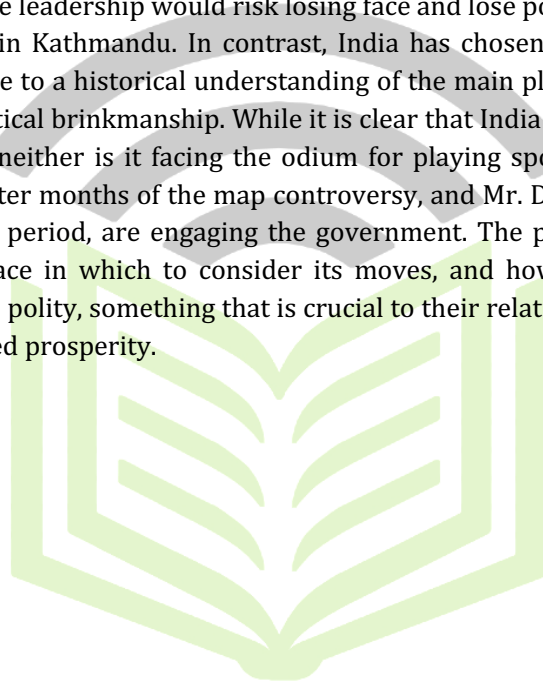
China has been a big factor in Nepal's internal politics since 2006. It is seen as having lobbied, visible or secret, to prevent the split. China has also invested in crucial sectors like trade and Investment, energy, tourism and post-earthquake reconstruction, and is Nepal's biggest FDI contributor. It has increased its presence in Nepal because of a perception that India played a crucial role in the 2006 political change.

Himalayan Manoeuvre

By sending a senior delegation of the Communist Party of China to Kathmandu within days of Prime Minister K.P. Sharma Oli's controversial decision to dissolve Parliament and call for elections, Beijing has sent a worrying message that it is prepared to intervene in Nepal's politics. The team led by the Vice Minister of the CPC's International Department, Guo Yezhou, met political



leaders and called on President Bidya Devi Bhandari and Mr. Oli, with a stated mission to try and reverse the split in the party and convince Mr. Oli and his rivals Pushpa Kamal Dahal 'Prachanda' and Madhav Nepal to effect a patch up. But Mr. Oli has shown no signs of budging from his decision to mount what has been described a "constitutional coup", calling for elections without discussing alternative government formation options, rushing through an endorsement from President Bhandari, and carrying out, as caretaker Prime Minister, a cabinet reshuffle. Mr. Dahal and Mr. Nepal are clear that they will not reconsider their move to split the unified Communist Party of Nepal (CPN) and apply to the Election Commission for control of the whole, unless Mr. Oli backtracks and restores the Pratinidhi Sabha (Lower House). While it is surprising that both factions have been willing to meet with the Chinese delegation at a time like this, it is even more curious that the Chinese leadership would risk losing face and lose popular goodwill with a move that sparked protests in Kathmandu. In contrast, India has chosen to be more pragmatic and restrained, possibly due to a historical understanding of the main players in Nepali politics, and their penchant for political brinkmanship. While it is clear that India is not playing its traditional leading role in Nepal, neither is it facing the odium for playing spoiler. Both Mr. Oli, who has reached out to India after months of the map controversy, and Mr. Dahal, who has been a closer Indian ally during this period, are engaging the government. The positive situation gives New Delhi a little more space in which to consider its moves, and how to avoid instability in its Himalayan neighbour's polity, something that is crucial to their relations and in the long term, to their closely inter-linked prosperity.



DreamIAS



FOREIGN AFFAIRS

INDIA'S TWO-FRONT CHALLENGE

Till recently, any mention of a two-front war evoked two contrasting opinions. India's military was firmly of the view that a collusive China-Pakistan military threat was a real possibility, and we must develop capabilities to counter this challenge. On the other hand, the political class in general and the mainstay of the country's strategic community felt that a two-front threat was being over-hyped by the military to press for additional resources and funds. They argued that historically, China has never intervened militarily in any India-Pakistan conflict and that the economic, diplomatic, and political ties between India and China rule out any armed conflict between the two countries. As a result, Indian strategic thinking was overwhelmingly focused on Pakistan and the security considerations emanating from there.

Intrusions change things

In the Indian military's thinking, while China was the more powerful — and therefore strategic — foe, the chance of a conventional conflict breaking out was low. The reverse was true of Pakistan, with a greater likelihood of conflict along the western border possibly triggered by a major terror attack emanating from Pakistan. The Chinese intrusions in Ladakh in May this year, the violence that resulted from clashes between the Indian Army and the People's Liberation Army, and the deadlock in negotiations have now made the Chinese military threat more apparent and real. The direct result of this, then, is the arrival of a worrisome two-front situation for New Delhi. Even if the current India-China crisis on the border is resolved peacefully, China's military challenge will occupy greater attention of Indian military planners in the months and years to come. This comes at a time when the situation along the Line of Control (LoC) with Pakistan has been steadily deteriorating. Between 2017 and 2019, there has been a four-fold increase in ceasefire violations. Some media reports had indicated that Pakistan had moved 20,000 troops into Gilgit-Baltistan, matching the Chinese deployments in Eastern Ladakh.

China-Pakistan military links

For sure, *the Sino-Pakistan relationship is nothing new, but it has far serious implications today than perhaps ever before. China has always looked at Pakistan as a counter to India's influence in South Asia. Over the years, the ties between the two countries have strengthened and there is a great deal of alignment in their strategic thinking. Military cooperation is growing, with China accounting for 73% of the total arms imports of Pakistan between 2015-2019 (<https://bit.ly/37V6FWq>). In his remarks on the (recently concluded) **Shaheen IX Pakistan-China joint exercise between the Pakistan Air Force and People's Liberation Army Air Force**, the Pakistan Chief of Army Staff said, "The joint exercise will improve combat capacity of both air forces substantially and also enhance interoperability between them with greater strength and harmony."* It would, therefore, be prudent for India to be ready for a two-front threat. In preparing for this, the Indian military needs to realistically analyse how this threat could manifest itself and the type of capabilities that should be built up to counter it. In a two-front scenario, the larger challenge for India's military would come if the hostilities break out along the northern border with China. In such a contingency, there is a likelihood that Pakistan would attempt to take advantage of India's military preoccupation by limited military actions in Jammu and Kashmir (J&K), and attempt to raise the level of militancy



in Kashmir. It is unlikely that Pakistan would initiate a large-scale conflict to capture significant chunks of territory as that would lead to a full-blown war between three nuclear armed states. In such a contingency, the damage to Pakistan's economy and military far outweighs the advantages of capturing some pieces of ground. Pakistan would prefer the low-risk option of pursuing a hybrid conflict that remains below the threshold of war.

INDIA AND THE WORLD IN 2021: A YEAR TO ENGAGE AND ASSERT

In April 1963, about six months after the 1962 war with China, Prime Minister Jawaharlal Nehru wrote an article in Foreign Affairs magazine, titled 'Changing India'. He conceded that there was a need to "adjust our relations with friendly countries in the light of the changing actualities of the international situation... the Chinese, 'devious and deceptive' as they have proved to be, required that India pay 'considerably more attention to strengthening her armed forces'." This task would need "external aid in adequate measure", he wrote. As India bids adieu to a disruptive year that challenged its diplomatic and military standing, and enters a new one fraught with challenges, it could borrow from Nehru's words. A reflection of events shows India faced seven hard realities in 2020, and has to deal with six challenges and opportunities in 2021.

Hard realities: 2020

#1: China aims for top

According to the Chinese Zodiac, 2020 was the Year of Rat. According to legend, in a competition held by the Jade Emperor to decide the zodiac animals, the quick-witted Rat asked the Ox to carry him across the river and jumped down before the Ox crossed the finish line, so the Rat became the first of the Zodiac animals. In 2020, Beijing tried to behave much like the proverbial Rat. A country which, under President Xi Jinping since 2013, had been consolidating its global influence, saw an opportunity in a world distracted with the pandemic. While it was targeted initially for being the source of the coronavirus, Xi's regime turned around and started to flex its muscle in the region. The Indo-Pacific was its playground, where Chinese naval or militia forces rammed a Vietnamese fishing boat, "buzzed" a Philippines naval vessel, and harassed a Malaysian oil drilling operation. It even tried to arm-twist Australia through trade curbs. And since May, Chinese troops have altered the status quo along the border with India, claimed the lives of 20 Indian soldiers, and violated every agreement to maintain peace. So, while it was infected with the virus first, it claimed to be the first to overcome it, and to recover — as did the proverbial Rat.

#2: 'Trump Americans'

Over the last four years, the US vacated the leadership space at the world stage under the Donald Trump Administration. It walked out of or weakened almost a dozen multilateral bodies or agreements, from the Iran deal to the WHO. While Beijing moved in to claim space, the Trump Administration did one thing right — it targeted China and the Communist Party of China for disrupting the global order. Once Joe Biden takes over as President, the US is expected to reclaim the space vacated by Trump. But, as former Foreign Secretary Vijay Gokhale has pointed out, the US will be defined by "Trump Americans". "Going forward, America will not be defined by the Democrats or by the Republicans. It will be defined by the Trump Americans... Beyond the optics, the Trump Americans, who are the new political base, will still shape American policy irrespective of who the president is," he wrote in The Indian Express on November 5.



#3: Acceptance for Taliban

Having invaded Afghanistan 19 years ago trying to root out the Taliban, the US finally made peace with them in February as it looks to exit. For India, this meant a beginning of the process of re-engaging with the Taliban, and New Delhi reached out with External Affairs minister S Jaishankar's attendance through virtual mode and a senior Indian diplomat in Doha.

Signalling long-term commitment to Afghanistan's future — under Taliban or other political forces — India has committed \$80 million, over and above its \$3 billion commitment in the last two decades. This means New Delhi too is finally looking at the Taliban as a political actor, although it is controlled by the Pakistan military.

#4: Middle East equations

The US-brokered rapprochement between Israel and four Arab countries — the UAE, Bahrain, Morocco and Sudan — reflected the changing landscape in the region. With Saudi Arabia and Iran competing for leadership, along with Turkey, in the Islamic world, there have been growing calls for ties with Israel. New Delhi has been ahead of the curve, cultivating ties with Israel as well as Saudi-UAE and the Iranians with deft diplomacy. But it has to be careful to not let its gains get impacted by polarising politics at home — be it through the CAA-NRC or religious fault-lines.

#5: Russia-China bonding

Brewing for the last three decades, ties between Russia and China got closer in 2020. India has always felt that it was the West, with its approach towards Russia after the annexation of the Crimea in 2014, that has pushed Moscow towards a tighter embrace of Beijing. This has been possible also due to the US's anti-Chinese rhetoric, collapse of oil prices and Russia's dependence on Chinese consumption. India has strong ties with Russia, and Moscow was the venue for all the India-China official and ministerial conversations over the border standoff. But, it has taken note of Moscow's position on the Quad and Indo-Pacific, a near-echo of Beijing's stance.

#6: Assertive neighbours

The year began with Bangladesh asserting itself on CAA-NRC, and then Nepal claiming territory and issuing a new map. It brought home the reality that neighbours are no pushovers. By the end of the year, New Delhi had moved to build bridges with both, wary of an active Beijing. Bangladesh pushed back, and India did not notify the CAA rules. Nepal reached out at the highest level. India also watched closely the US and Chinese forays with Maldives and Sri Lanka. India appears to have made peace with the involvement of the US in Maldives, and that of Japan in Sri Lanka and Maldives.

7: Aspirational India

Through 2020, India's public articulation of "self-reliance" and refusal to sign trade pacts with RCEP countries was widely perceived as "isolationist" and "inward-looking". India did step up to supply medicines and protective kits to more than 150 countries, but did not come across as the global leader the world needed at this time. Lack of resources, a contracting economy and its populist politics made it come across as an aspirational power.



2021: Challenges, opportunities

#1: Countering China

India's response to the border standoff has been guided by a thinking that one has to stand up to the bully, but that has come at a cost: soldiers braving the harsh winter and military assets deployed on land, in air and at sea. The standoff has reinforced Nehru's belief in 1963 that India needs "external aid in adequate measure". India will need continuing support from the US, Japan, Australia, besides Europe leaders such as France, Germany and the UK.

#2: High table at UN

As India enters the UN Security Council as a non-permanent member for the eighth time, stakes are high in the wake of this leadership contest between China and the rest of the world. India will have to take positions on issues it had carefully avoided — from Tibet to Taiwan, from Iran-Saudi rivalry to the refugee crisis between Bangladesh and Myanmar. While cross-border terrorism is one of the top concerns and India will work towards isolating Pakistan further, a limited fixation on the western neighbour would distract from India's aspirations of being a global leader.

#3: Friendship with US

Much is expected from the Biden Administration for building on Indo-US ties, but a lot will depend on how the US views China in the larger scheme of things. Moves towards a possible US-China trade deal will be watched by South Block closely. One of the key tests will be the future of Quad, and the Indo-Pacific strategy of the new administration. New Delhi will build on its deepening strategic and defence ties with the US, and would want to resolve trade and visa issues.

#4: Wooing Europe

As the UK and the EU agree on a deal, India will look ahead to negotiating a deal with the UK and a long-pending one with the EU. For a start, it has invited British PM Boris Johnson as Chief Guest for Republic Day. In May, there is a possibility of an India-EU summit. Already, France and Germany have come up with their Indo-Pacific strategy, and a potential European strategy is a possibility, but a EU-China trade deal would be dissected by Indian negotiators.

#5: Engaging with neighbours

China's growing economic footprint in India's neighbourhood is a concern. While it is being played out in Nepal, India will also watch China's moves in the rest of the subcontinent. Its moves in Iran, too, were closely watched, and as Presidential elections take place in Iran this year, stakes for engagement will be high. One of the important aspects of 2021 is that, while there is a churning in Nepal, almost every South Asian country has had elections in the last couple of years. That means the governments in these countries are stable. As the world emerges from the pandemic, New Delhi has a lot to gain from what could be "vaccine diplomacy" with neighbours in 2021 — supplying vaccines either free or at affordable costs.

#6: Global, not just aspirational

For long, India has played the role of an emerging power — with ambitions to play the role of a global power. In 2021, New Delhi will host the BRICS summit, and start its preparations for the G-



20 summit in 2023. And the India-Africa Forum summit, which could not be held in 2020, could be held in 2021 or later. New Delhi has opportunities to articulate and be vocal on issues that matter to the world, and be proactive to further its interests. As India looks ahead in 2021, External Affairs Minister S Jaishankar may have taken a leaf out of Nehru's playbook. In his book *The India Way: Strategies for an Uncertain World*, he sums up India's foreign policy goals in this age of disruption, "Many friends, few foes, great goodwill, more influence. That must be achieved through the India Way." In the Chinese Zodiac, 2021 is the Year of the Ox — considered productive for those who are "hardworking and methodical" and "fully feel the weight of their responsibilities". It is "a year when it is necessary to redouble the efforts to accomplish anything at all". That could well be the Indian strategy in the new year, as it navigates a post-Covid-19 future.

INDIA AND ITS NEIGHBOURS

This year, India faced a trifecta of challenges in its neighbourhood from China: the COVID-19 pandemic, the growing competition for influence in South Asia, and aggressive actions at the Line of Actual Control (LAC) by China's People's Liberation Army (PLA).

How has India helped tackle the regional COVID-19 challenge?

The COVID-19 pandemic that originated in China has led to one of the biggest health challenges, causing heavy economic damage in South Asia. India ranks second after the United States in terms of number of cases, and the worst-hit economy among G20 nations. But India is also one of the best poised nations to aid recovery efforts in the region, given its status as one of the world's leading producers of pharmaceutical drugs and vaccines. In March, Prime Minister Narendra Modi held a special virtual summit of eight SAARC nations and proposed a COVID-19 package, for which India provided about half of the \$20 million funding for relief. India's military ran a series of missions to SAARC countries and the Indian Ocean Region (IOR) with supplies of food and medicines, and India's 'Vande Bharat' mission flew home nationals from neighbouring countries, along with lakhs of Indians who had been stranded during the lockdown. India was not the only country in the region providing help. China, too, stepped up efforts to extend its influence in the South Asian region through COVID-19 relief. Chinese Vice-Minister in-charge of the region, Luo Zhaohui, held meetings with different groups of SAARC countries, including one with Pakistan, Afghanistan and Nepal, and another with Pakistan, Nepal, Bangladesh and Sri Lanka to coordinate relief efforts, and promised to provide the Chinese-made Sinovac vaccine to them when it is available. China also shipped relief to South Asia, sending out PPE suits and other medical equipment. Given that all SAARC countries except India and Bhutan are part of the Belt and Road Initiative (BRI), and owe different amounts of debts to Chinese banks, Beijing stepped in to provide partial debt waivers to the Maldives and Sri Lanka. It also extended a massive \$1.4-billion Line of Credit to Pakistan.

Did the military standoff impact regional ties?

China doubled down on territorial claims and its transgressions along its borders with South Asia: from Ladakh to Arunachal Pradesh, PLA soldiers amassed along various sectors of the LAC, leading to violent clashes. The deaths of 20 Indian soldiers at the Galwan valley was the first such casualty in 45 years. China also laid claim to Bhutan's Sakteng natural reserves and pushed along the boundary lines with Nepal, all of which changed India's strategic calculations along its Himalayan



frontiers. That India and Nepal saw their worst tensions in decades over the construction of a road to Lipulekh, leading to Nepal amending its constitution and map to claim Indian territory, added to the already fraught situation. Meanwhile, a new defence pact this year between China and Pakistan vis-à-vis a sharp rise in ceasefire violations along the Line of Control (LoC) with Pakistan to the highest levels since 2003, has made it clear that India must factor in among its military challenges at the LAC the possibility of a two-front war.

How has India dealt with a three-pronged challenge?

The government's response to the challenges has been to assert its Neighbourhood First and SAGAR (Security and Growth for All in the Region) strategies as foreign policy priorities. Apart from the COVID-19 relief and neighbourhood visits, Mr. Modi and External Affairs Minister S. Jaishankar have been in frequent touch with their counterparts in the region. Mr. Modi and Bangladesh Prime Minister Sheikh Hasina held a virtual summit on December 17. India has also upped its game on infrastructure delivery, particularly for regional connectivity in the past year, including completing railway lines to Bangladesh and Nepal, riverine projects, ferry service to the Maldives, identifying other services to Sri Lanka and IOR islands, while also considering debt waiver requests from its neighbours. Unlike in the past, India has also become more flexible about the entry of other powers to help counter China's influence in the region — it recently welcomed the U.S.'s new military dialogue with the Maldives. America's Millennium Challenge Corporation's (MCC) projects in Afghanistan, Bhutan, Sri Lanka, Nepal and Bangladesh are also finding more space. Furthermore, as part of its Indo-Pacific policy, New Delhi is also encouraging its Quad partners — the U.S., Japan and Australia — to collaborate on security and infrastructure initiatives in the neighbourhood, along with promoting forays by other partners like the U.K., France and Germany in the region. It is also significant that despite considerable security challenges from China, India has not sought to elicit support from its neighbours, which might have put them in a difficult position. Thus, the Modi government has made it clear that despite the provocations, it intends to resolve the nearly ten-month-long military standoff diplomatically and bilaterally.

INDIA MUST RAISE THE BAR ON ANTI-MONEY LAUNDERING SYSTEMS

With the global money laundering and terror funding watchdog expected to undertake a review of India's mechanisms to deal with suspicious transactions and financial crimes in 2021, State Bank of India's compliance head has stressed the need for financial institutions to raise the bar on monitoring such activity. *The Financial Action Task Force (FATF) had deferred its once-a-decade evaluation of India's anti-money laundering regime scheduled for this year, citing the COVID-19 pandemic, and indicated that the onsite review to be conducted by global experts may now take place in early 2021. The FATF undertakes peer reviews of each member on an ongoing basis to assess the implementation of its recommendations and provides a detailed analysis of each country's system for preventing criminal abuse of the financial system.* "The FATF review of India will happen [in 2021]. That is all the more reason why we should get our act together. We want to have a good image of India when the FATF [review] happens," SBI's group compliance officer and deputy MD Soma Sankar Prasad said at a conference on anti-money laundering and combating terror financing on Tuesday. A major challenge in identifying suspicious transactions was the sheer volume in India's banking system, he pointed out. "SBI itself has 43 crore accounts, so the number of transactions is 15 crore to 20 crore a day. The load is immense, so the quality of transaction monitoring does suffer. Going forward, it is inevitable as technology develops, that we dig deeper



so as to play a more effective role against money laundering,” he said. India’s banks, he said, had already begun using artificial intelligence and machine learning tools to identify transactions that don’t follow the usual pattern. They are also trying to improve the compliance culture among frontline staff who often fail to get details under the Know-Your-Customer norms.

FATF worked on Pak.

The SBI official said the FATF’s work had been ‘fantastic’ as it had been able to do what UN Security Council resolutions had failed to achieve in terms of taming terror activities in Pakistan. *“The FATF has been really successful in putting Pakistan on a tight leash. After the FATF put restrictions, Pakistan was forced to take a number of steps including putting the main terrorist leaders behind bars.* Maybe it was a cosmetic measure, but they were forced to undertake it because they would have been in a huge financial problem otherwise,” he said.

MODI AWARDED ‘LEGION OF MERIT’ BY DONALD TRUMP

Prime Minister Narendra Modi was awarded the ‘Legion of Merit’ by U.S. President Donald Trump on Monday for his role in advancing the India-U.S. relationship. The award was also presented to former Japanese Prime Minister Shinzo Abe and Australian Prime Minister Scott Morrison. India, the U.S., Japan and Australia constitute the ‘Quad’ group of countries — seen as an alternative to Chinese dominance in the Indo-Pacific region. “President @realDonaldTrump presented the Legion of Merit to Indian Prime Minister Narendra Modi for his leadership in elevating the U.S.-India strategic partnership,” U.S. National Security Adviser Robert C. O’Brien wrote on Twitter. The award was presented by Mr. O’Brien to India’s U.S. Ambassador Taranjit Singh Sandhu, who accepted it on Mr. Modi’s behalf. “The President of the United States of America conferred the highest decoration, The Legion of Merit, Degree Chief Commander, to Prime Minister Narendra Modi on 21 December 2020. The award is in recognition of the Prime Minister’s steadfast leadership and vision for India’s emergence as a global power, and exemplary contribution made by him for the advancement of the India-United States strategic partnership and promoting global peace and prosperity,” the Ministry of External Affairs said in a statement. Mr. Morrison was presented the award for “addressing global challenges and promoting collective security” and Mr. Abe “for his leadership and vision for a free and open Indo-Pacific,” as per the NSA. The awards were received by the Australian and Japanese Ambassadors in Washington DC. The Legion of Merit, instituted in 1942 by former U.S. President Franklin D. Roosevelt, is awarded to members of the U.S. Armed Forces and also members of foreign (i.e., non-U.S.) Armed Forces and sometimes heads of state or government. The award is presented to foreign recipients in four categories: Chief Commander, Commander, Officer and Legionnaire. Other Indians who have won the award include Field Marshal K.M. Cariappa, who received the Legion of Merit (Degree: Chief Commander) in 1949 from then U.S. President Harry S.Truman.

INDIA, U.S. MULL OVER UNFINISHED WORK

With exactly a month left in U.S. President Donald Trump’s tenure, U.S. Ambassador to India Kenneth Juster has begun a series of calls on Defence Minister Rajnath Singh, Petroleum and Natural Gas Minister Dharmendra Pradhan and NITI Aayog chief Amitabh Kant, as well as “farewell discussions” with the U.S.-India business chambers, USIBC and USISPF. The calls highlighted the achievements of the India-U.S. partnership in the past four years. While these



include great strides in diplomatic, defence, commercial, energy and health areas, talks on waivers for possible sanctions, trade negotiations, and nuclear deals are in the category of “unfinished business” between the the two countries.

No free pass

*In a briefing this week, a U.S. official made it clear that despite hopes being raised in 2018 by the U.S. Congress's amendment to the Countering America's Adversaries Through Sanctions Act (CAATSA), that allowed the U.S. President to waive sanctions on India's purchase of the S-400 missile systems from Russia, Mr. Trump has not made the decision to give India a pass. Speaking about sanctions against Turkey for its purchase of the S-400, the official said this should be seen as a warning to others hoping to acquire the system. “We would caution other U.S. partners against making major purchases of Russian defence equipment in the future that would also put them at risk of sanctions,” R. Clarke Cooper, U.S. State Department Assistant Secretary for Political-Military Affairs, told presspersons in Washington, adding that the sanctions could be actualised at any point and there is no “blanket waiver” possible. “I know some states have thought or sought that either Congress or the Executive Branch would apply a waiver on sanctions, and I just would offer that is definitely not the case,” said Mr. Cooper, who had earlier called India's consideration of the Russian S-400 and Sukhoi S-35 fighter jets as “problematic” as they would risk interoperability of India-U.S. defence systems. However, asked about the latest U.S. comments, Indian officials dismissed the concerns. “There will no issues in interoperability of the U.S. and Russian systems as they will be plugged into the Indian grid. There are filters for that,” a defence official told The Hindu. Given that the Democrats had pushed for the CAATSA, the government will have to take its chances with President-elect Joe Biden in office providing the waiver once India takes delivery of the S-400 systems in 2021. Trade negotiations are another area where New Delhi hopes the Biden administration will pick up where it believes the Trump administration failed to deliver, particularly its failure to reverse the decision to revoke India's Generalised System of Preferences (GSP) since June 2019 due to differences in the areas of medical devices, dairy and IT products. Meanwhile, officials hopeful of a commercial contract finally being finalised for the decade-old MoU between U.S.-based Westinghouse Electric Company and Nuclear Power Corporation of India Ltd. (NPCIL) to build six reactors in Andhra Pradesh — the first since Mr. Modi and U.S. President Barack Obama announced “the deal is done” in 2015 — have also been disappointed with the lack of progress. Despite some hopes that the contract would be signed during Mr. Trump's visit to India in February 2020, the deal is yet to go through, indicating lingering concerns over India's civil liability laws. Both Indian and U.S. officials point out that the ledger of achievements during the past four years have been considerably longer than the “unfinished business”. They say that while New Delhi is now preparing hopefully for the Biden era, this period of plain-speaking, particularly Mr. Trump's “blunt” and tough methods with India's two main adversaries, Pakistan and China, and his flexibility in defence ties with India, would be missed. In particular, they point to the intense political engagement between Mr. Trump and Mr. Modi, including two huge, joint rallies in Houston and Ahmedabad held just five months apart in 2019 and 2020. *The growing defence partnership, enhanced military exchanges bolstered by the signing of four foundational agreements: GSOMIA, LEMOA, COMCASA and BECA, U.S. grant of the STA-1 Strategic Trade Authorisation to India, capped by intelligence sharing and quick procurements during the ongoing standoff between Indian and Chinese troops at the Line of Actual Control (LAC), is clearly at the top of the list of achievements. Added to this is the crystallisation of the “Quad” arrangement.**



DELHI ASKS BEIJING TO ALLOW CREW CHANGE FOR STRANDED SAILORS

Indian Ambassador Vikram Misri has raised with China the issue of stranded Indian sailors in ships off Chinese ports, asking the authorities to allow an early approval for a crew change. Mr. Misri took up the issue with China's Vice Foreign Minister, the Ministry of External Affairs (MEA) said on Friday, with details for changing the crew still being worked out. *Two ships, MV Jag Anand and MV Anastasia, are among several carrying Australian coal that have been unable to offload their cargo after China essentially banned coal imports amid deteriorating relations with Australia.* There are 23 Indian sailors on the bulk carrier MV Jag Anand which has been stuck off the Jingtang port on the Bohai Sea in northern China since June, and 16 others on MV Anastasia, which has been off the port of Caofeidian, also in Hebei, since September.

New outbreak

Complicating the situation is *a new outbreak of COVID-19 cases in Hebei province*, which has gone into "wartime" mode after more than 100 cases were reported this week and 11 million people in the city of Shijiazhuang have been put under lockdown. The Sydney Morning Herald reported this week there are about 70 ships waiting, caught in between China not allowing them to unload and "importers and ship charterers [that] are demanding the ships wait regardless." China has said the ships are free to leave and has placed the responsibility on freight forwarding companies for resolving the impasse. The companies neither want to incur the costs of the cargo nor lose their waiting spots, leaving the sailors caught in the middle.

"We have noted the statements of the Chinese side expressing their willingness to extend their assistance in this matter. We expect that this assistance will be provided in an urgent, practical and time-bound manner, given the grave humanitarian situation that is developing on board the ships," said Anurag Srivastava, official spokesperson of the External Affairs Ministry. The Indian comments came a day after Ji Rong, spokesperson of the Chinese Embassy here, said that Beijing had been in "close communication with Indian side and provided timely assistance and necessary supplies to Indian sailors".

GOVT. NOD FOR MISSIONS IN ESTONIA, PARAGUAY AND DOMINICAN REPUBLIC

The government on Wednesday announced that it would open three missions in Estonia, Paraguay and the Dominican Republic in 2021, after a Cabinet meeting chaired by Prime Minister Narendra Modi cleared the proposal from the Ministry of External Affairs. "The opening of the missions will help expand India's diplomatic footprint, deepen political relations, enable growth of bilateral trade, investment and economic engagements, facilitate stronger people-to-people contacts, bolster political outreach in multilateral fora and help garner support for the foreign policy objectives," said an official statement, adding that the move would also help the diaspora members residing in these countries. External Affairs Minister S. Jaishankar said he looked forward to the "early establishment" of the missions. While the government had announced the opening of 18 missions in 2018, not all of them have been established yet, and the opening of the newly announced missions may be further delayed by the impact of the COVID-19 pandemic. Estonian Foreign Minister Urmas Reinsalu welcomed the decision saying it would strengthen ties in trade and cybersecurity in particular. "We will also serve together in the Security Council next year," Mr. Reinsalu tweeted. Both Paraguay and the Dominican Republic had set up missions in Delhi in



2006. "This will undoubtedly strengthen and deepen our bonds. Great news," wrote Foreign Minister of the Dominican Republic Roberto Alvarez, thanking Mr. Jaishankar for the news.

INDIA TO BRING MORE NATIONS INTO COASTAL RADAR NETWORK

As part of efforts to further expand the coastal radar chain network meant to enable real-time monitoring of the high seas for threats as also expand India's assistance for capacity building to Indian Ocean littoral states, efforts are in advanced stages to set up coastal radar stations in the Maldives, Myanmar and Bangladesh, according to defence sources. "Mauritius, Seychelles and Sri Lanka have already been integrated into the country's coastal radar chain network. Similar plans are in the pipeline with Maldives and Myanmar and discussions are ongoing with Bangladesh and Thailand," a defence source said. Similar proposals are being pursued with some more countries, a second source said. Two of the coastal radar stations in the Maldives were functional as of last year and work was under way on the third station. The Indian Navy's Information Management and Analysis Centre (IMAC) located in Gurugram, which was set up after the 26/11 Mumbai terror attacks, is the nodal agency for maritime data fusion.



DreamIAS



NATION

WHY CORONAVIRUS IN ANTARCTICA ISN'T AN INDIAN WORRY YET

At least 36 people at a Chilean research station in Antarctica have been found infected with the novel coronavirus. This is the first instance of the virus on the icy, southernmost continent. Chile's armed forces revealed the cases on Monday, but some of them could have been infected earlier. Antarctica is uninhabited except for those manning the *nearly 60 permanent stations established by several countries, including India, for carrying out scientific research.*

Where has the outbreak happened?

The infected people were stationed at the General Bernardo O'Higgins Riquelme, located on the northernmost tip of Antarctica, facing the southern Chilean coast. All have been evacuated, and put in isolation in Chile. *The infections were possibly passed on by people on board a ship that recently delivered supplies to the research station.* Three people were found infected on the ship after it returned to Chile earlier this month; on Tuesday, however, it was revealed there were 21 cases on board.

How far are the Indian stations?

As of now, the Indian contingent in Antarctica is not worried about the virus spreading. The two Indian permanent stations, Maitri and Bharati, are at least 5,000 km away from the Chilean base, according to M Ravichandran, director of the Goa-based National Centre for Polar and Ocean Research (NCPOR) which is the nodal agency for India's scientific expeditions in Antarctica and the Arctic. *The two Indian stations are themselves separated by almost 3,000 km.* "Following the Covid epidemic, an international protocol for working in the Antarctica has been agreed upon. There is practically no interaction amongst scientists of different countries. No one is going to any other country's research station. *The team that is nearest to us is that of Russians, which is about 10 km away.* The Chilean station is so far away, there is no chance of any interaction even in normal times," Ravichandran said. The Council of Managers of National Antarctic Programs, comprising 30 countries, had decided early in the pandemic to cut team sizes and limit the number of people at the stations. All major research projects were halted, tourism was cancelled, and several facilities were shut. The US sent only about a third of its usual staff strength this summer while the British Antarctic Survey said it was scaling back its research.

What precautions is India taking?

The Indian team of about 50, which had arrived in Antarctica in December 2019, is supposed to return now. The new team is preparing to sail for Antarctica in January, and Ravichandran said the big concern right now was to ensure these people remain safe from the virus. "About 50 people are supposed to leave next month. We are taking all precautions to ensure that none of them gets the disease. All of them are already in Goa now, and have been quarantined in a hotel. They are being tested every five days," he said. *The team will travel to Antarctica directly from Goa, unlike in normal times, when it travels to South Africa and then boards a ship from Cape Town for the remaining distance.* "Travelling to South Africa would have been difficult. Flight services are disrupted. The team would have been quarantined in South Africa for two weeks. So we decided to travel directly from Goa," Ravichandran said. "Precautions are being taken to ensure that no



one gets infected during the journey, which will take about a month. The ship will have to refuel once, maybe in Mauritius. People would continue to be tested on board, and if someone tests positive, there are contingency plans to isolate and, if possible, deboard them on the way.”

Has Covid impacted India’s Antarctic programme?

Apart from personnel at the two permanent stations, several Indian researchers head to Antarctica every year for their own projects. *Antarctica is extremely conducive to carrying out a variety of experiments, especially those related to weather and climate change, because of its unpolluted environment.* Indian scientists usually head to Antarctica in November or December, and remain there until April. This year no such group could go to Antarctica.

3 STATES, 3 ANTI-CONVERSION LAWS: WHAT’S SIMILAR, WHAT’S DIFFERENT

The Madhya Pradesh government is set to follow two other BJP-ruled states — Uttar Pradesh and Himachal Pradesh — in passing an anti-conversion law that outlaws religious conversion solely for the purpose of marriage. The MP Cabinet has approved the Freedom to Religion Bill, 2020 as an Ordinance. While a common feature of all three laws is the declaration of such marriages as “null and void” and the penalising of conversions done without the prior approval of the state, they differ in the quantum of punishment prescribed, and in attributing the burden of proof that a conversion is lawful. Also, the MP law seeks to protect the rights of women of such marriages.

Prior notice

The MP law requires a 60-day prior “declaration of the intention to convert” to the District Magistrate for conversion to be valid, following which a couple from different religions can be legally married. The Uttar Pradesh Prohibition of Unlawful Conversion of Religious Ordinance, 2020 promulgated in November, too requires a 60-day notice but also requires the Magistrate to conduct a police inquiry to ascertain the real intention behind the conversion. The Himachal Pradesh Freedom of Religion Act, 2019 that came into effect last week, requires a 30-day prior “declaration of intention to convert”.

Who can investigate

Section 4 of the MP law states that there cannot be an investigation by a police officer except on the written complaint of the person converted or the person’s parents/siblings. Guardians of the person converted can file a complaint only with the permission of a court. The MP law also says that no police officer below the rank of a sub-inspector can investigate an offence under the law. The Himachal law says that prosecution cannot be initiated without the prior sanction of an officer not below the rank of a sub-divisional magistrate. The UP law allows the same people as allowed by the MP law to file a complaint.

Burden of proof

The MP law places on the person converted the burden of proving that the conversion was done without any coercion or illegality. The Himachal law has a similar provision. The UP law goes further, placing this burden of proof on people who “caused” or “facilitated” the conversion and not on the individual. Even in the police inquiry, if the Magistrate is not satisfied, criminal action under Section 11 of the Ordinance can be initiated against persons who “caused” the conversion.



This includes those who committed the offence; omitted to act and prevent the offence; and aided, abetted, counselled or procured people for committing the offence.

Maintenance & inheritance

While declaring as “null and void” any marriage in which either the husband or the wife has converted, even consensual, unless they have given prior notice to the state government, MP’s new law at the same time seeks to protect the right of women and her child from the “null and void” marriage. Under Section 9, the woman whose marriage has been declared null and void under this legislation, and her children, will have a right to maintenance. The law does not, however, provide a recourse for ensuring the marriage can be protected subsequently. Neither the UP nor the Himachal law has such provisions.

Quantum of punishment

The offence of illegal conversion under the laws of all three states is cognisable and non-bailable, which means an arrest can be made without a warrant and bail is granted only by the discretion of the judge. Under the MP law, a person can be sentenced to a jail term between one and five years for converting or attempting to convert unlawfully. If the person converted is a woman, a minor or a person belonging to a Scheduled Caste or Scheduled Tribe (SC/ST), the sentence is two to 10 years. It also provides for a jail term of three to 10 years for concealing one’s religion during the marriage. The UP law provides for a minimum punishment of one year, which can be extended up to five years, and repeat offences can carry double the maximum sentence. Men are awarded a higher punishment if convicted of causing conversion of a woman, a minor or a person belonging to an SC/ST — in which case the sentence is between two and 10 years. In the Himachal law, a person can be sentenced to a jail term of one to five years for converting or attempting to convert unlawfully. If the person converted is a woman, a minor or a person belonging to an SC/ST, the sentence is two to seven years.

The laws earlier

At least 10 states including MP and Himachal Pradesh already have anti-conversion laws. The key difference in the new laws is that they seek to criminalise conversions solely for the purpose of marriage. The MP Ordinance repeals the Madhya Pradesh Freedom of Religion Act, 1968. While that too criminalised forced conversion, the new law adds provisions relating to conversion during marriage, maintenance rights, and reversal of the burden of proof by placing it on the accused. Himachal passed its law in 2019, repealing the Himachal Pradesh Freedom of Religion Act, 2006. While the 2019 law has added provisions related to conversions for the purpose of marriage, the aspect of prior declaration before the district magistrate existed in the 2006 law as well. Incidentally, the High Court had struck down the prior notice provisions as unconstitutional and violative of the fundamental right to privacy. In 2019, a report by the UP State Law Commission recommended a special law to address incidents of forced conversion. In a draft Bill, submitted along with the report, the Commission recommended penalising fraudulent conversions, including conversions solely for the purpose of marriage. The Ordinance was promulgated subsequently.



WITHDRAWAL OF CASES: HC RESTRAINS KARNATAKA

The Karnataka High Court on Monday restrained the State government from taking any further action based on an August 31, 2020 government order (GO) granting permission for withdrawing 61 criminal cases, including those against MPs and MLAs from the BJP. A Division Bench, comprising Chief Justice Abhay Shreeniwas Oka and Justice S. Vishwajith Shetty, passed the interim order on a PIL petition filed by the People's Union for Civil Liberties-Karnataka challenging the legality of the GO.

Against MPs, MLAs

The Bench, on December 1, had declined to stay the GO, but had pointed to a judgment of the apex court that said public prosecutors could agree or disagree with the government's brief for withdrawal of criminal cases, and would have to return the brief if the prosecutors disagree with the request for withdrawal. Referring to Section 321 of the Code of Criminal Procedure (Cr. PC), the Bench said criminal cases could be withdrawn only with the consent of the jurisdictional courts. "No court is bound by such a decision taken to withdraw from the prosecution. Even if an application is made under Section 321 of the Cr. PC, the courts are duty-bound to assess whether a prima facie case is made out or not and the court has power to reject the prayer."

'Convey observations'

The Bench, in its December 1 order, had also directed the government to convey these observations to the public prosecutors, who in turn were asked to inform the courts concerned of the position of the law. When the petition came up for hearing on Monday, the government sought time to comply with the December 1 directions. Though the Bench granted the request, it directed that no further steps would be taken based on the August 31 order till then. *The petitioner had alleged that the GO, which was based on a Cabinet decision acting on the recommendation of a Cabinet sub-committee headed by the Home Minister, was vitiated as it was for extraneous political considerations as many beneficiaries are from the ruling BJP.* Pointing out that the Cabinet decision was *contrary to the recommendations of the State Police Chief and the Director of Prosecution*, who had recommended against the withdrawal of the cases, *the petitioner said the decision amounted to interference with the orders passed by the Supreme Court, which was monitoring the progress of criminal cases against former and present MPs, MLAs, and MLCs across the country.*

GRANTING BAIL IS THE RULE (NIKITA SONAVANE AND SRUJANA BEJ ARE WITH THE CPAPROJECT. AMEYA BOKIL CONTRIBUTED TO THE ARTICLE)

Discussions on bail reform usually arise when exceptional cases capture public attention. However, bail reform must begin by addressing two key facets of the criminal justice system: judicial discretion and monetary surety bonds.

Judicial discretion

The power to grant bail is a discretionary power vested in judges and it is meant to be exercised liberally. *The Supreme Court has consistently reiterated that "bail is the rule, jail is an exception".* The primary purpose of bail is to ensure the accused person's compliance with investigation, and subsequent presence at the trial if they are released after arrest. *The refusal to grant bail deprives*



individuals of liberty by confining them in jails without trial and conviction. At present, the power to grant bail is exercised sparingly. Subordinate courts even routinely reject bail for specific offences like minor excise offences. It is pertinent to note that a majority of those policed under excise laws belong to marginalised communities. Without grant of bail by the lower courts, the accused persons are required to approach the High Court or the Supreme Court. Consequently, most accused persons remain incarcerated as undertrials for extended periods of time. Two-thirds of India's prison population comprise undertrials from Dalit, Adivasi and Other Backward Classes communities, often accused of minor offences. The pendency of bail applications has particularly increased during the pandemic — both due to the shutting down of courts and the exacerbation of arrests for minor offences by the police. Despite the Supreme Court's orders to decongest prisons, arrests for minor offences continued unabated, according to a study of pandemic policing in Madhya Pradesh by the Criminal Justice and Police Accountability Project (CPAProject). *The system of bail typically requires sureties to furnish a bond for some property valued at the amount determined by the concerned judge. The bail amount in subordinate courts, even for petty offences punishable by less than three years, is a minimum of ₹10,000. In cases of bail before the High Courts and the Supreme Court, this amount usually exceeds ₹30,000.* However, even this amount is a rare mercy. For instance, *a 14-year-old minor's surety for four cases of theft and house breaking was set at ₹2 lakh by the sessions court in Bhopal.* This is a form of injustice when a majority of citizens are landless with meagre incomes. A report by Azim Premji University highlights that even among regular wage workers, 57% Indians earn less than ₹10,000 per month. Official data from the Socio-Economic Caste Census pegs rural landlessness at 57%, and this is higher if you are Dalit or Adivasi. *Therefore, those without assets, even when granted bail, end up languishing in jails or incur debt by paying others to stand as fake sureties to secure their freedom. A bogey of middlemen has also emerged due to these high bail amounts. This economy of exploitation receives scant attention in discussions of reform. The grant of bail on a personal bond without sureties i.e., release on one's own guarantee without any monetary amounts, although permissible in law, is rare.* In the 1978 Supreme Court case of Moti Ram v. State of Madhya Pradesh, Justice V. R. Krishna Iyer identified the issue of unreasonably high sureties as a human rights problem. The court then suggested that surety amounts be determined by considering relevant variables such as the socio-economic location of the accused person.

Preposterous bail conditions

During the lockdown, the Gwalior Bench of the M.P. High Court deemed it fit to impose peculiar conditions while granting bail to certain applicants. These included installing a non-Chinese LED TV at the District Hospital, registration as a "voluntary COVID-19 warrior" and donating money for COVID-19 relief. This continued despite the Principal Bench of the High Court stating that bail orders requiring the deposit of cash amounts are "unjust, irregular and improper". Bail indiscretions by judges of lower courts and High Courts have passed by with little accountability or oversight by the apex court. Even when not ridiculous, bail conditions can transgress personal liberty and are often paternalistic. Courts introspect little about standards of liberty, reasonableness and proportionality when deciding bail matters. A report by the Centre for Law and Policy Research recommends the creation of checklists to address individual discretion while deciding bail applications. Yet, the reflection of our society's inherent caste and class biases in judicial decisions is likely to persist even with checklists. The legacy of Moti Ram has been honoured more in breach than in its spirit.



AN ANTI-SCIENCE LAWSUIT (RAHUL SIDDHARTHAN IS WITH THE INSTITUTE OF MATHEMATICAL SCIENCES, CHENNAI)

*Three scientific publishers — Elsevier, Wiley, and the American Chemical Society (ACS) — filed a suit against Alexandra Elbakyan of Kazakhstan and others in the Delhi High Court on December 21, 2020. The case will reportedly be heard this week. Most major Indian Internet service providers are named as parties in the case. The publishers want Indians blocked from accessing a site called *Sci-Hub*, started by Ms. Elbakyan in 2011. Who is Ms. Elbakyan, what is Sci-Hub, and why are publishers chasing her in an Indian court? To answer this, it is necessary to explain how scientific publishing works.*

How scientific publishing works

Scientists are usually paid by their institutions. Their research grants come from various organisations, usually governmental ones. In India, public institutions come under various ministries and departments, and major funding agencies are the Department of Science and Technology, the Department of Biotechnology, the Council of Scientific and Industrial Research, and the Department of Atomic Energy, among others. *On completing any research paper, scientists seek to publish it in an academic journal, such as those run by Elsevier, Wiley, and ACS. The journals seek 'peer review' of these papers, that is, reviews by other scientists, and take a decision on publishing. Authors are not paid. Reviewers are not paid. Journals are mostly accessed online. This sounds like a cost-efficient system. Yet, publishers charge libraries exorbitant amounts for journal subscriptions (up to lakhs of rupees annually per journal, often bundled forcibly). Indian institutions each spend crores on subscriptions. It is estimated that about ₹1,500 crore is paid for India as a whole annually. Without subscriptions, a single article typically costs \$30-\$50 (₹2,200-₹3,500) or more. Academic publishing is thus among the most profitable industries in the world: Elsevier's parent company RELX had profits of over 30% on revenue of nearly \$10 billion in 2019. This overwhelmingly comes from taxpayers across the world who have already paid to fund the same research. Adding insult to injury, most journals require authors to transfer copyright to them. Resentment about this situation has built over decades.* Alternatives have been explored, including an (equally problematic) open access, author pays model. *Many top universities, and entire countries, have cancelled subscriptions to Elsevier en masse. In 2011, Ms. Elbakyan stepped into this mess with Sci-Hub, enabling scientists to search for academic papers from any publisher and freely download them. It is an efficient and easy-to-use site and extensively archives published scientific literature. Sci-Hub violates many copyrights owned by journals. But it is also a vast repository of open access, out-of-copyright, and public domain material, which a blanket injunction would disable.* For scientists stuck at home in 2020, Sci-Hub has made literature accessible without navigating institutional VPNs. For journalists and the public, given the obscene per article charges levied by journals, Sci-Hub is the easiest and often only option.

A beneficial site

Sci-Hub does not operate in India. Indian Internet service providers named as parties are providing a non-discriminatory common carrier service. The content on Sci-Hub does not harm India's interests and is beneficial to the scientific development of the country. In 2020, leading publishers made COVID-19-related articles free to read. This has resulted in a boom in research and development of dozens of vaccine candidates in a very short time period: a testament to the



value of open science. Sci-Hub's "piracy" benefits the very people who create that content. This is the opposite of the situation in the creative arts where *"pirating" music or films deprives creators of royalties; scientific authors get no royalties, and they and their funders want their work to be shared freely*. But the keys to this largely taxpayer-funded work are held by private corporations overseas which have chosen to pursue a defendant from Kazakhstan in an Indian court. Is there an alternative to Sci-Hub? Yes. Publishers should voluntarily reform their policies to obviate the need for Sci-Hub. *The Indian government has been discussing a 'one nation, one subscription' system whereby, in exchange for a fixed and reasonable cost paid directly to the government, scientific publishers would make their entire content available to all readers in India*. Some publishers (not the plaintiffs) have expressed interest. Elsevier, Wiley and ACS should drop this misguided case, and join the Indian government in working out an equitable system of access to scientific literature that serves both their commercial interests and the Indian public.

AN ILL-CONCEIVED, OVERBROAD AND VAGUE ORDINANCE (JUSTICE (RETD.) MADAN B. LOKUR - FORMER JUDGE OF THE SUPREME COURT OF INDIA)

Article 213 (1) of the Constitution of India provides: "If at any time, except when the Legislative Assembly of a State is in session, or where there is a Legislative Council in a State, except when both Houses of the Legislature are in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require: ..." There are, therefore, three pre-conditions to be satisfied before the Governor promulgates an ordinance: first, the State Legislature should not be in session; circumstances should exist for promulgating an ordinance and importantly, those circumstances must warrant immediate action.

Circumstances, urgency

There is no established practice requiring the Governor (or the President under Article 123 of the Constitution) to state the circumstances for immediate action. Therefore, while the recent Commission for Air Quality Management Ordinance (<https://bit.ly/3rEj4WJ>) gave a four page justification for immediate action, the Farmer's Produce Trade and Commerce Ordinance (<https://bit.ly/3rK24OH>) merely stated in the preamble what the ordinance provides for, but did not disclose the circumstances and urgency for immediate action. I believe a healthy convention should develop and the preamble to any ordinance should state the immediacy for promulgating it when the Legislature is not in session. This would greatly enhance transparency in legislation, but, more importantly, enable legislators to understand why they are, in a sense, by-passed and why a debate and discussion in the Legislature could not be awaited. The reason for immediate action is, as yet, not justiciable and it is unlikely that any court will delve into this arena. But the Supreme Court of India has held that the existence of circumstances leading to the satisfaction of the Governor can be inquired into. In other words, the court can inquire whether circumstances existed that enabled the Governor to be satisfied of the necessity of promulgating an ordinance. However, the court will not delve into the sufficiency of circumstances. Therefore, why not disclose the circumstances and reason for immediate action in the first instance rather than require people to go to court to find out? In the normal course, these are unlikely to be a state secret.



GOVERNOR'S ROLE IN CALLING AN ASSEMBLY SESSION: WHAT THE LAW, COURTS SAY

In yet another tug-of-war between Kerala Governor Arif Mohammad Khan and Chief Minister Pinarayi Vijayan, the Governor has turned down a request to summon a special sitting of the Assembly to debate the new three central farm laws. *He questioned the urgency of the special session, and thought the Assembly lacked "the jurisdiction to offer a solution" to the farmers' protest, an issue which the Assembly wanted to discuss.* Mr. Khan had earlier questioned a resolution passed by the Kerala Assembly on the Citizenship (Amendment) Act, besides making public statements supporting the CAA and the farm laws. To assume that an Assembly is acting unconstitutionally if it disagrees with Parliament is disingenuous.

Kerala Chief Minister Pinarayi Vijayan wrote to Mr. Khan stating the Governor had no discretionary powers in the matter and that his actions were unconstitutional. This position was supported by the Opposition too.

Thankfully, the government made an amended request for convening the session and the Governor accepted it.

Who can summon a session of the Assembly?

"The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit..." says Article 174 of the Constitution. The provision also puts on the Governor the responsibility of ensuring that the House is summoned at least once every six months. Although it is the Governor's prerogative to summon the House, according to Article 163, the Governor is required to act on the "aid and advice" of the Cabinet. So when the Governor summons the House under Article 174, this is not of his or her own will but on the aid and advice of the Cabinet.

Can the Governor refuse the aid and advice of the Cabinet?

There are a few instances where the Governor can summon the House despite the refusal of the Chief Minister who heads the Cabinet. When the Chief Minister appears to have lost the majority and the legislative members of the House propose a no-confidence motion against the Chief Minister, then the Governor can decide on his or her own on summoning the House. But the actions of the Governor, when using his discretionary powers can be challenged in court.

How have the courts ruled?

A number of rulings by the Supreme Court has settled the position that the Governor cannot refuse the request of a Cabinet that enjoys majority in the House unless it is patently unconstitutional. The latest in the line of rulings is the landmark 2016 Constitution Bench ruling in which the Supreme Court looked into the constitutional crisis in Arunachal Pradesh after the Governor had imposed President's Rule in the state. "In ordinary circumstances during the period when the Chief Minister and his council of ministers enjoy the confidence of the majority of the House, the power vested with the Governor under Article 174 to summon, prorogue and dissolve the house(s) must be exercised in consonance with the aid and advice of the chief minister and his council of ministers. In the above situation, he is precluded [from taking] an individual call on the issue at his own will, or in his own discretion," the verdict said. *The court read the power to summon the House as a "function" of the Governor and not a "power" he enjoys.* "If the functions of



the Governor were to be read as his power, and an untrammelled one at that (in view of Article 163 of the Constitution, as contended), then the Governor has the power to literally summon the Assembly to meet 'at such time and place as he thinks fit' that is in any city and at any place other than the Legislative Assembly building and at any odd time. This is nothing but arbitrary and surely, an arbitrary exercise of power is not what our Constitution makers either contemplated in the hands of the Governor or imagined its wielding by any constitutional authority," the court said. *Even the Sarkaria Commission of 1983, which reviewed the arrangements between the Centre and the states, had said that "so long as the Council of Ministers enjoys the confidence of the Assembly, its advice in these matters, unless patently unconstitutional must be deemed as binding on the Governor. It is only where such advice, if acted upon, would lead to an infringement of a constitutional provision, or where the Council of Ministers has ceased to enjoy the confidence of the Assembly, that the question arises whether the Governor may act in the exercise of his discretion".*

What happens if the Kerala government insists on holding the special session?

In the political slugfest, the Governor's refusal can also be challenged in court. The political nature of the office of the Governor, especially in Opposition-ruled states, has been underlined in several instances by courts. The constitutional checks and balances and landmark court rulings account for this and limit the discretionary powers of the Governor.

The misuse of the Governor's office to undermine duly elected State governments is a particularly mischievous disruption of federalism. This is an encroachment upon the powers of the legislature and the elected government and an abuse of his authority as a nominal head under the Constitution. His conduct was comparable to that of his counterpart in Rajasthan who refused to convene a session of the Assembly in July last year as demanded by the Chief Minister. Such conduct by a Governor can weaken federalism. In the event, the controversy overshadowed the one-day session on December 31, which sought the repeal of the central laws that are at the heart of the ongoing farmer agitation. A resolution passed with the support of the ruling LDF and the opposition UDF, and unopposed by the lone BJP member, raised procedural and substantive questions related to these laws. The resolution pointed out that agriculture was a State subject and "as a matter that seriously affects the States, the Bills should have been discussed in a meeting of the inter-State council". The Bills were passed in haste without even referring them to the Standing Committee of the Parliament, which the Assembly termed "a serious matter." It has become habitual for the Centre to overlook regional concerns, and the making of the farm laws without consulting States was in line with this trend. The Council of States (Rajya Sabha) has been systematically undermined by arbitrarily labelling bills as money bills. The use of central agencies to browbeat Opposition-ruled States is yet another strain on federalism.

WHAT IS BABULAL MARANDI'S WRIT PETITION QUESTIONING VALIDITY OF JHARKHAND ASSEMBLY RULES 2006?

On January 13, the Jharkhand High Court will hear a case on 'legality and propriety' of the power conferred to the Speaker of *the Jharkhand Legislative Assembly under 'Sub-Rule (1) of Rule 6 of the Rules, 2006'*. In simpler terms: ***whether the original provisions can be overstepped by the rules framed by the legislature. The issue arose after Babulal Marandi was not given the status of Leader of Opposition after he merged his party – Jharkhand Vikas Morcha (Prajanatrik) – with the BJP. The saffron party, however, appointed him Leader of BJP's Legislature Party. Jharkhand Assembly***



Speaker Rabindra Nath Mahato issued him a notice attracting the 10th Schedule of the Constitution – which deals with defection. Subsequently a writ petition was filed challenging that notice and also the rules of Jharkhand Assembly.

What is the issue surrounding Babulal Marandi in Jharkhand Assembly?

Marandi's JVM(P) merged with the BJP after its Central Working Committee (CWC)—which was attended by more than 130 members—gave its approval. JVM(P) had won three seats in last year's assembly elections. Apart from Marandi, the other two winners were Pradeep Yadav and Bandhu Tirkey. However, Yadav and Tirkey were dismissed from the party for anti-party activities. *JVM(P)'s legislature party, with Marandi as the lone MLA, approved the legislature party's merger with the BJP. The Election Commission, on March 6, stated that it was "satisfied" that JVM(P) merged with BJP relying on Jharkhand State Chief Electoral Officer's report that there is no information of any group representing to "exist" as JVM(P).* However, when Marandi sought the status of Leader of Opposition in the Assembly, the Speaker kept the matter in abeyance. Later, Marandi was served a notice by the Speaker citing Para 6 of the 10th Schedule – which deals with defection.

What did the Speaker's notices say?

The Speaker's letter dated August 18 said the initial letter sent by Marandi (asking for LoP status, dated February 16), attracts the 10th Schedule of the constitution and asked to file an explanation before the Speaker. However, there was no specific section mentioned as on what ground the notice was issued. However, a reply was sent by Marandi questioning the suo motu power, after which another notice was issued by the Speaker stating that a case under 10th Schedule – for defection – has been instituted and Marandi was asked to appear before the Speaker's Tribunal pertaining to the case.

Why was the matter challenged in court?

The petition was filed for quashing the two letters issued by the Jharkhand Assembly Speaker and also to grant interim relief till further orders. Marandi's advocate RN Sahay said that the suo motu power as exercised by the Speaker – based on the Jharkhand Assembly 2006 rules – is in "contradiction and inconsistent" with Paragraph 6 of the 10th Schedule of the Constitution. *"In our amended writ petition we have also questioned the validity of the Assembly Rules 2006...as the Speaker has no power to take suo motu cognizance to treat a case under Tenth Schedule of the Constitution of India," Sahay said.*

What is Paragraph 6 of the 10th Schedule of the constitution and why it is being brought up in this case?

Paragraph six of the 10th Schedule deals with the decisions on 'disqualification on ground of defection'. It says that in case if any question as to whether a member of a House has become subject to disqualification under this Schedule, the question shall be "referred" for the decision of the Speaker of such House and his decision shall be final. It means that any MLA, but not the Speaker himself, will have to file a complaint asking for disqualification on ground of defection. Referred being the key word here. But the Speaker was not out of his jurisdiction to take up the issue suo-motu, as he has exercised such power with the provision of Sub-Rule (1) of Rule 6 of the Rules, 2006, which confers power to the Speaker to take suo motu decision for determining the question of defection in view of the Tenth Schedule of the Constitution of India.



What did the State reply on Babulal Marandi's petition to the court?

Advocate General Rajiv Ranjan submitted against any interim order as Marandi has not been able to make a 'prima facie case' that there was any 'jurisdiction error' on part of the Speaker *so long as the provision of 'Sub Rule (1) of Rule 6 of the Rules, 2006' (power to take suo motu decision) is not declared to be ultra vires'(beyond the scope of legal authority). "...It cannot be said at this stage that the action taken by the Speaker is contrary to any statutory provision,"* Rajiv Ranjan submitted. However, Sahay submitted that interim relief of keeping the Speaker's notice in abeyance till the final decision of the writ was important as during the course of pendency of the writ, there is every likelihood that the Speaker will proceed with the matter and Marandi will suffer 'irreparable loss and injury' since his membership of the Legislative Assembly is at 'stake'.

What did the High Court order say?

A bench of Chief Justice Ravi Ranjan and Justice Sujit Narayan Prasad said that the issue has been raised about the legality of the Speaker's notice as well as the Assembly Rule of 2006. Without adding anything on the merits of the case, the bench ordered solely for relief. On December 17, it said: "...the constitutional mandate remained to be superior and ignoring *the constitutional mandate and putting reliance upon the subordinate legislation may not be proper, therefore, the writ petitioner has been able to make out a prima facie case about jurisdictional error in issuing the notice by the Speaker on the basis of the provision of Rule 6(1) of the Rules, 2006.*" *It gave relief to Marandi that the matter be kept under 'abeyance' until further orders.* Although the court noted that the power of judicial review has strictly been barred and can be looked into only after the final decision is taken by the Speaker of the House, it added noting the harm it can cause to the petitioner: "...the stay of the further proceeding during pendency of the writ petition, no prejudice will be caused to anybody, the Speaker being the adjudicatory authority and not any affected party. Thus, in our view, balance of convenience also lies in favour of the writ petitioner."

What has happened since then?

After the December 17 order, the ruling coalition has started filing various complaints to the Speaker stating that the merger of JVM(P) did not happen with provisions of Schedule 10th of the Constitution. Among the five complaints, one that The Indian Express has seen, is of Congress MLA Dipika Pandey Singh. *In her complaint, she said that Pradeep Yadav and Tirkey, who constituted two-third members of JVM (P) legislature party, had given their consent to the merger of JVM(P) to Indian National Congress.* "That the merger of JVM (P) solely at the behest of Babulal Marandi is not valid and is liable to be disqualified from being a member of Jharkhand Vidhan Sabha," stated her complaint.

THE BROKEN BONDS OF DEMOCRACY

A recent order by the Central Information Commission (CIC) has again revealed the inherent problems surrounding the Electoral Bond Scheme (scheme) of 2018. This order passed in an appeal against the State Bank of India (SBI) has effectively shut the door to seek any details about donors and donees relating to electoral bonds under the Right to Information (RTI) Act. With no other recourse available, the Supreme Court is the only surviving arbiter on adjudicating the vires of electoral bonds.



An illegal scheme

The scheme creates banking instruments for donation of funds to political parties facilitated by the SBI. It conceals the identity of the donors and donees as well as the amount of donation. In effect, the scheme is not transparent, promotes arbitrariness and is therefore illegal. *The scheme facilitates undisclosed quid pro quo arrangements between donors, who are likely to be corporates, and political parties.* Such an arrangement goes against best practices of electoral democracy and is repugnant to the freedom of speech and expression. In *People's Union for Civil Liberties v. Union of India (2003)*, the Supreme Court held that the freedom of speech and expression also contained the fundamental right of a voter to secure information about the candidates who are contesting the election. *When the voter is permitted to know if an electoral candidate is facing any cases, should she not be equally entitled to know who is financing the expenses of the party and its candidate?* The CIC order has upheld the contention of the SBI that it is not required to furnish the details of donors, donees and donations, under the RTI Act. *In doing so, SBI has relied on two grounds provided under Section 8 of the RTI Act, which exempts disclosure of information: that the information sought has been held in fiduciary capacity and that there was no public interest involved in the application.* Both grounds do not stand a bare scrutiny of law. It is also trite that any exemption provided under Section 8 should be read only in a very narrow sense. *Section 8(2) directs that when public interest outweighs any harm to protected interests, the information sought for may be accessed. This Section begins with a non obstante clause. Therefore, it overrides the grounds erroneously relied upon by the CIC. The public interest in the present matter is undisputable. The CIC, in an earlier order, deemed political parties to be public authorities under the RTI Act. The funds received by parties from donors would naturally be of interest to voters in order to understand their financing and functioning. Donations by corporate entities would also be of interest to their shareholders and potential shareholders.* Therefore, the failure of the CIC in appreciating the present issue as one of high public importance and resorting to technical objections defeats the objects of the RTI Act itself.

The final arbiter

The CIC order effectively shuts the door on any RTI requests with regard to electoral bonds and any concomitant information. There is no other recourse but for the Supreme Court to determine the law with regard to the scheme and the interpretation of the CIC. A batch of petitions filed by the Association for Democratic Reforms and the Communist Party of India (Marxist) are sub judice. Therefore, the CIC's decision, if carried to the Supreme Court on appeal, may also be tagged and heard altogether. It is worth remembering that the writ petitions pending adjudication were filed over three years ago and that the respondents have also filed their pleadings. *In its counter affidavit filed before the Supreme Court in 2017, the Election Commission argued the case for "declaration of donation received by political parties and also about the manner in which those funds are expended by them, for better transparency and accountability in the election process".* The public scrutiny of parties and political candidates is an essential and inalienable part of a free and fair democratic process. *By suppressing knowledge of political financing, we are breaking the basic bonds of democracy holding the country together.* An unsettled law is as dangerous as bad law. The Court must conclusively settle the questions around the constitutionality of electoral bonds.



ARTICLE 356 AND AN ACTIVIST JUDICIARY (FAIZAN MUSTAFA - VICE-CHANCELLOR, THE NATIONAL ACADEMY OF LEGAL STUDIES AND RESEARCH (NALSAR) UNIVERSITY OF LAW, HYDERABAD)

Judicial activism may be good as a rare exception but an activist judiciary is neither good for the country nor for the judiciary itself as it would encourage the government to appoint committed judges. Sometimes even the collegium's recommendations on transfer of judges and chief justices today looks more like an executive order transferring IAS officers. The recent order of the Andhra Pradesh High Court directing the Andhra Pradesh government to come prepared to argue on the 'breakdown of constitutional machinery in the state' is shocking as it opens up the possibility of use or even misuse of Article 356 by the judiciary. Though the Supreme Court of India has stayed the order, we need to go deeper into this observation and look at the controversial provision of Article 356 because of which the High Court could make such an observation. The devil is in the provision itself.

Behind the inclusion

No liberal democratic Constitution in the world has a provision such as Article 356 that gives the central government the power to dismiss a democratically-elected State government except the Constitution of Pakistan. Both India and Pakistan borrowed this provision from the Government of India Act, 1935. Interestingly, the leaders of our freedom struggle were so very opposed to this provision that they forced the British government to suspend it; thus, Section 93 of the Government of India Act, 1935 was never brought into effect. The provision which we had opposed during our freedom struggle was incorporated in the Constitution strangely in the name of democracy, federalism and stability. On June 11, 1947, it was agreed in the Constituent Assembly that the Governor could use this emergency power. By this time the Governor was supposed to be elected by the people of the State rather than nominated by the Centre. Govind Ballabh Pant did say that by mere elections, Governors will not become all wise. G.B. Pant and Hriday Nath Kunzru opposed it and termed it as virtual reproduction of the 1935 Act. H.N. Kunzru defied the whip and voted against it. Laxmi Kant Maitra and Tangutri Prakasam said that Indian Governors would not behave like British Governors who acted as agents of the Centre. Alladi Krishnaswami justified the provision in the name of representative government at the Centre. Subsequent decades proved all of them wrong both in respect of Governors as well as the central government.

The power of a word

After several revisions, provision became Article 278 (now Article 356). H.V. Kamath termed it as a surgical operation for a mere cold. *He criticised the word 'otherwise' and said only god knows what 'otherwise' means.* As the Governor had been made a nominee of the Centre by this time, he asked why the President could not have confidence in his own nominees. He went on to say: "if he cannot have confidence in his own nominees, let us wind up this Assembly and go home." *'Otherwise' can include anything including a presidential dream of breakdown of constitutional machinery in a state.* Though Shibban Lal Saksena was happy about Parliament's power to ratify President's Rule in States, he did concede that this was a 'retrograde step' and that 'we are reducing the autonomy of the states to a farce.' P.S. Deshmukh too favoured deletion of the term 'otherwise'. Naziruddin Ahmad said that "I think we are drifting, perhaps unconsciously, towards dictatorship. Democracy will flourish only in a democratic atmosphere and under democratic



condition.” In a strongly worded observation, he said the *drafting committee had become a ‘Drifting Committee’ as it had gone against the original draft.* The Andhra Pradesh High Court could pass such an order due to this very term ‘otherwise’. But for this word which negates the ideals of constitutionalism by giving unlimited powers to the Centre, the High Court could not have overstepped the line as it did. But this is not the first instance of judicial overreach on this issue. On August 13, 1997, a Patna High Court Bench of Chief Justice B.M. Lal and Justice S.K. Singh while disapproving the functioning of the Rabri Devi government had observed that the Governor’s report was not conclusive regarding the invocation of Article 356, and the High Court could also report to the President about the breakdown of constitutional machinery in the State.

The record

Article 356 has been used/misused more than 125 times though B.R. Ambedkar had assured that it would remain a dead letter. Both on Article 356 and the Governor, experience has proven Ambedkar wrong. In almost all cases it was used for political considerations rather than any genuine breakdown of constitutional machinery in the States. All Presidents signed presidential proclamations without demur **except K.R. Narayanan** who twice returned the cabinet’s recommendation on October 22, 1997 in respect of the Kalyan Singh government in Uttar Pradesh which had just won the controversial confidence vote and stating that imposition of President’s Rule would be constitutional impropriety. He also returned the cabinet’s recommendation on September 25, 1998 in respect of the Rabri Devi government in Bihar, and in an unprecedented detailed note, rebutted all the charges made by the Governor Sunder Singh Bhandari.

Inflicting more wounds

In the very first invocation of Article 356 in 1951, Jawaharlal Nehru removed the Gopi Chand Bhargava ministry in Punjab though he enjoyed the majority. In 1959, it was used against the majority opposition government of the E.M.S. Namboodripad government in Kerala and Governor B. Ramakrishna Rao in his report argued that the government had lost ‘support of [the] overwhelming majority of people’ and belittled the fact of it enjoying the confidence of [the] House which he said was an important consideration at the time of formation of government not its continuance. Strange logic indeed. Indira Gandhi has the dubious distinction of using Article 356 as many as 27 times, and in most cases to remove majority governments on the ground of political stability, absence of clear mandate or withdrawal of support, etc. She did not spare even Chief Ministers of her own party. But the Janata government did worse than Mrs Gandhi by removing nine majority Congress governments in one stroke on April 30, 1977. The Supreme Court of India upheld it in *State of Rajasthan v. Union of India (1977)*. Mrs Gandhi replied in the same currency on her return to power in 1980 by removing nine Opposition majority governments at one go. Subsequent governments too acted in similar fashion including the Narendra Modi government which invoked Article 356 in Arunachal Pradesh on Republic Day itself, in 2016. The most notable case of non-use of Article 356 was the refusal of the P.V. Narasimha Rao government prior to the demolition of the Babri Masjid on December 6, 1992 as in the draft Constitution, emergency power could be used to safeguard the ‘legitimate interests of minorities’ and the government was fully aware of a breakdown of constitutional machinery in Uttar Pradesh. However, the subsequent dismissal of three Bharatiya Janata Party governments in Madhya Pradesh, Rajasthan and Himachal Pradesh, though upheld by the Supreme Court in *S.R. Bommai v. Union of India (1994)* was wrong as the Rashtriya Swayamsevak Sangh ban was better implemented in these States and much greater violence had taken place in the Congress-ruled States of Gujarat and Maharashtra. Today, when many constitutional experts are of the view that the



judiciary is increasingly becoming more executive-minded than the executive itself, the observations of the Andhra Pradesh High Court are a worrisome sign. *Ideally, the word 'otherwise' should be deleted from Article 356 and the provision be used only sparingly and to never remove a majority government.*

21 YEARS OLD BECOMES INDIA'S YOUNGEST MAYOR

21-yr-old Arya becomes India's youngest mayor from Thiruvananthapuram CPI(M)'s Arya Rajendran, a 21-year-old second-year student of BSC (Mathematics), became the youngest Mayor in the country after taking charge of Kerala's Thiruvananthapuram Corporation on Monday. Arya, whose father is an electrician and mother an LIC agent, is the state president of Balasangam, a children's organisation affiliated to CPI(M). She was elected mayor with 54 of 99 votes cast.

WHY EXPERTS AREN'T BUYING CENTRE'S ARGUMENT AGAINST MSP FOR CROPS

While the Centre has been claiming that making Minimum Support Price (MSP) legal for all crops will put a burden of Rs 17 lakh crore on the government exchequer annually, there are economists and experts who are not buying this argument. *The MSP of 23 crops is determined by the Commission for Agriculture Cost and Price (CACPC) every year, but only a few crops including wheat and paddy are procured on MSP and the rest are purchased by private players.* Along with cancellation of the three farm laws, making MSP legal for all crops is another major demand of the farmers protesting at the Delhi border.

Now, the question is how this Rs 17 lakh crore figure is being calculated?

The government's reply is simple — it has calculated this figure on the basis of the total production and *MSP declared by the Centre for 23 crops, which includes seven cereals (wheat, paddy, maize, barley, jowar, bajra and ragi), seven oilseeds (mustard, groundnut, rapeseed, soyabean, sunflower, sesame, and niger seed), five pulses (moong, arhar, urad, chana and masoor) and four commercial crops (cotton, sugarcane, raw jute and copra) every year. These 23 crops cover over 80 per cent of India's total agricultural produce.* Currently, *there is no legal value of the MSP declared by CACP, which is not a statutory body set up by the Act of Parliament, nor is government bound to purchase all the crops on the declared MSP. Wheat and paddy are the two crops mostly procured on MSP and that too from Punjab, Haryana, MP, parts of UP and other states by the Centre to distribute it under Public Distribution System (PDS).* Economics Professor, Punjabi University, Patiala, Professor Kesar Singh Bhangu said, "The government says that half of India budget's expenditure will go in the procurement of all these crops if MSP is made legal, but this is not the actual case as it depends on the market circumstances of all such crops to a large extent." "Making MSP legal does not mean that government has to procure everything as government's presence in the market will help stabilise the market price if farmers get too low prices for their crop in the open market against the declared MSP, which is calculated only to decide a benchmark for a crop," said a senior professor from Punjab Agriculture University (PAU), Ludhiana. The professor further said: "In Punjab where wheat and paddy is procured on MSP, private players also give good prices for both crops to farmers, even a little more than the government because they know that only if they offer a little extra will farmers sell to them. Otherwise farmers have the option to sell to the government. However, this is not the case in Bihar where farmers are at the mercy of only private players and the government's intervention is negligible due to repeal of APMC Act there in 2006. The point I



want to make here is that *the government's presence always helps in keeping a check on the rates of the crop.* A senior officer in Punjab Mandi Board (PMB) pointed out: *"In Karnataka, the state government has adopted Market Intervention Scheme for tur (arhar). There was a production of 14 lakh tonnes of tur dal there last year but the government was required to procure only 2.5 lakh tonnes because after this the market rate stabilised. This shows that just 15 per cent procurement by the government led to stabilisation in prices of tur in the market. The presence of the government in the market makes a huge difference to keep private traders — who indulge in cartelisation in the absence of any government control — in check."* Such examples show that the government does not need to procure the entire crop, barring in some utterly exceptional cases, which happens rarely, said a senior officer in Food Corporation of India (FCI), adding that in case of cotton too, in Punjab last year, the Cotton Corporation of India (CCI) had purchased only 35 per cent cotton and remaining was purchased by private players as CCI's entry had stabilised the prices. "To keep the market forces under control, government's intervention is a must, which can be possible only when the government will make MSP legal as it will keep a check on the middlemen too and provides huge competition," said the FCI officer. A senior officer in the CCI said that in case of cotton, when traders offer low price, CCI enters to purchase on MSP and then manufacturers and traders get the same cotton at higher price, which they mostly avoid and try to offer farmers close to the MSP. The experts also said that India is the third largest exporter of rice (non-Basmati). In 2019, the country had exported non-Basmati rice worth \$3,583 million against the total export of non-Basmati worth \$17,200 million and if the country says it has surplus paddy, it can move to capture the international market in rice export. "India is importing 2.53 million tonnes of pulses and 2/3 of its oilseeds. If we make MSP legal for such crops, the import of pulses and oilseeds can be cut down manifold and this amount, which is spent on import, can be utilised to pump in MSP regime," they said. "Making MSP will make country more self-reliant in various agri produces and make farming a remunerative venture for half of the country's population which is involved in farming as there are 146.45 million (14.6 crore) operation agricultural holdings in India as per the agriculture census of 2015-16, which means that 65-70 crore people are dependent on agriculture in the country," said Jagmohan Singh, general secretary Bharti Kisan Union (BKU) Ekta, Dakuanda.

IITS AND RESERVATION

The Indian Institutes of Technology (IITs) have a large number of faculty vacancies, as the student intake capacity was raised by over 50% during 2008-10 after reservation for Other Backward Classes students was introduced, and more IITs were opened during 2008-17. Currently, there are 23 IITs, and reservation for Economically Weaker Sections (EWS) has been added. Since the ratio of students to teachers has come under strain, and the high bar for entry of teachers, starting with a doctoral degree, has shrunk the pool of eligible aspirants from reserved categories, the Education Ministry formed a committee to look at implementing the reservation system effectively.

Who is responsible for recruitment?

Student admissions and teachers' appointments are covered by the Central Educational Institutions (Reservation in Admission) Act, 2006, and the Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019. Beneficiaries belong to the Scheduled Castes, Scheduled Tribes, OBCs and EWS. The Ministry Committee headed by the Director of IIT Delhi, V.



Ramgopal Rao, met twice in the current year, and came up with two options. According to the first, the government could in effect sidestep the faculty reservation question by including IITs in the schedule to the 2019 law, providing them exemption as in the case of some national institutions of importance. The second option provides for de-reservation of positions if no suitable candidates are found in the year of recruitment. The recommendations have evoked a strong reaction, as they are seen as negating the objective of affirmative action through reservation.

Why is it difficult to find candidates in reserved categories?

The Committee said in its report that the IITs, set up as institutions of national importance under a special law to contribute to national and even global development, had to pursue high quality teaching and research. Aspirants must therefore possess a PhD degree, as well as a superior academic record and “high research accomplishments” for teaching. The IITs also come within the ambit of a special dispensation backed by the Human Resource Development Ministry (now the Education Ministry) in 2009, which enables a flexible cadre structure. This allows the institutes to maintain an overall faculty strength, but makes it possible to upgrade those with high credentials to higher tier positions without constraints of post limits. Yet, with more students enrolling, the opening of new IITs, and introduction of the EWS quota, the selection committees have been unable to find enough candidates to fill teaching positions. About a decade ago, the student to faculty ratio was estimated at about 6:1, which facilitated closer monitoring and pursuit of projects that make IIT courses unique. This faculty ratio later fell to 12:1, and appears to be under further strain. The Education Ministry’s Committee has pointed out that the optimal is a ratio of 10:1, on the basis of which faculty numbers have been set. The reality is that not enough candidates belonging to the reserved categories are going into research in engineering and technology. Even among those who do, only a small group opt for a teaching career. This has sharply reduced the available pool from which the IITs can recruit teachers while adhering to reservation norms.

What remedy is the Committee looking at?

The Committee came up with two options: to include the IITs in the schedule to the 2019 law on teachers’ recruitment, which would exempt these institutes from reservation, just as it does in other institutions of excellence. As a second option, the panel suggested that faculty at the level of Assistant Professor Grade I and II be given reservation, including for EWS, and the vacancies considered for the institution as a whole, and not for each department. Where suitable candidates from the reserved category are unavailable, the posts should be de-reserved in the next year, with approval from the Board of Governors. Also, Associate Professor and Professor posts should be exempted from reservation. To provide for a talent pool from among the reserved sections, the Ramgopal Rao panel has suggested the launch of two-year research assistantships fully funded by the Centre, with an option for the candidates to take up PhD studies that meet the rigorous standards of the IITs.

What is the government’s position?

The report of the Committee, which was obtained under the Right to Information Act by an interested citizen, is “under examination” by the government, according to the Ministry of Education. *Although it aims at addressing a critical gap, the recommendation to do away with reservation is at odds with the stated position of the Central government. In November last year, the*



Education Ministry put out a notification that central educational institutions (CEIs), which would include the IITs and the Indian Institutes of Management, should ensure that faculty positions, including senior posts, fully met the norms of reservation. The Ministry now has a recommendation favouring no reservation, and a reiteration of the idea of treating an IIT as a single unit for the purpose of drawing up a roster of reserved posts, rather than go by individual departments.

WHY DU HAS DRAWN FLAK FOR ITS DECISION TO ALLOT SUPERNUMERARY SEATS

Delhi University's (DU) decision to add five supernumerary seats per college for undergraduate admissions in the current academic year has drawn flak from various quarters for introducing unofficial "management quota" and allowing "back door entry". Teachers and students from the Left to the Right have come out to demand the notification be withdrawn.

What exactly does DU's notification say?

Dated December 21 and signed by the Registrar, the notification essentially says college principals will be allowed to admit five students over and above the allotted seats, and that the university "may" suggest two of these names. Students admitted on these 'college-university seats' would get a relaxation of up to 10 per cent in the cut-off. DU said the move was being done in light of the Covid-19 pandemic since many students couldn't complete the process on time. Officials told The Indian Express it was also a way to grant admission to children of ad hoc teachers and contractual staff who are not eligible for the ward quota.

Are there other such supernumerary seats in DU?

Over the years, DU has added several categories of supernumerary seats to the already increasing seat tally. Along with the reserved categories, DU also had five per cent quota per course per college for each of the categories of PWD (persons with disability), Kashmiri migrants and children/widow of Armed Force personnel. Additionally, 1-5 per cent of the total seats of a college are also reserved for ECA (extra-curricular activity) plus sports quota students.

Do five additional seats matter? What is the controversy about?

Amid criticism, senior officials have pointed out that much hullabaloo is being made out of the move. "It is just five seats for the whole college and the relaxation in cut-off is also not significant. If we were saying give admission to somebody with a best of four of 50 per cent when the cut-off is 90 per cent, it would have been understandable," an official said. But teachers argue even a small increase in numbers adds to the already burdened infrastructure. The point of legality has also been raised. Four Academic Council (AC) members wrote to the Acting VC saying that "any decision related to admissions has to be compulsorily deliberated upon and ratified" by the AC. "The issue is also that they are doing this citing Covid, but the connection is completely vague. Why did they not waive the fees for students who were financially affected by the pandemic then? There seems to be some vested interest," said former EC member Abha Dev Habib.

Who will get admission on these seats?

Another major point of criticism has been that there is no laid down criteria for selection to these seats. The only point the notification makes is that those students who had registered on DU's



portal and filled the application form will be eligible. However, among hundreds of students, who gains admissions is left to the discretion of the principals, an official told The Indian Express.

MY SCHOOL VS YOUR SCHOOL

What does the Indian voter truly want? Her expectations have ranged, over decades, from the minimum of bijli-paani-sadak and naukri to the over-arching dream of vikas to any arrangement that conforms to the calculus of caste and religion. Surprisingly, for a country with a large young population, education has rarely been considered the stuff of exciting political contests — even if it makes a significant difference to opportunity and income. And so it is both novel and heartening to see the education ministers of Delhi and Uttar Pradesh sparring over the state of public schooling in their respective states. Much of it has to do with the Aam Aadmi Party's decision to contest UP assembly polls in two years from now. In Delhi, the AAP's push to funnel resources into the public school system has not only seen changes in government schools — but also reaped electoral benefits. The AAP's pitch to UP led to a challenge from state education minister Satish Dwivedi, who invited Delhi education minister Manish Sisodia to visit government schools in UP to see their credit-worthy state for himself. Sisodia promptly turned up at Lucknow, where he was stopped by UP police from carrying out his surveys. Optics aside, there is no better time than this pandemic-struck year to make education a matter worth fighting over. Several surveys as well as anecdotal reports have flagged a nationwide crisis in learning triggered by the closure of schools. That crisis is likely to be more acute in the northern states, which, even before the pandemic, lagged behind the south in the provision of public schooling. For instance, the Niti Aayog's School Education Quality Index (SEQI) 2019 ranked UP right at the bottom of the large states. An analysis of ASER reports from 2006 to 2014 also shows a sharp fall in the already low-reading levels in UP's government schools. The geographical divide in learning is an outcome of historical investments made in public schooling in states like Kerala, Karnataka and Tamil Nadu. Southern India's head-start in education, arguably, is also thanks to a larger, more effective politics of social justice. The Delhi government has done well to walk on that path. Education is, not surprisingly, a political hard-sell, given the difficulty in quantifying its gains and given how tangled it is in social bottlenecks of caste and gender. But for Uttar Pradesh and Delhi, an exchange of repartee between their ministers might serve to bring education some welcome political attention. At the least, it will be a refreshing change from a politics so accustomed to the fever pitch of identity that it neglects the grim material realities holding India's aspiring youth back.

WHY INDIAN STUDENTS LEAVING THE COUNTRY IS A WORRISOME TREND

The Indian Express reported this week the results of its investigation, *Tracking India's Toppers, into the academic choices of school-leaving toppers that showed more than half of the first rankers in Class 10 and Class 12 examinations during the two decades of 1996-2015 had migrated and were studying or employed overseas, mostly in the US.* "The toppers are the tip of an iceberg of student migration," writes Sanjaya Baru (former Media Advisor to Prime Minister Manmohan Singh) in his opinion piece. "More recent data, post-2015, suggest that the trend of out-migration of Indian talent and wealth has accelerated." *Data collected by Baru from a couple of high-profile private schools in New Delhi show that while around the turn of the century about 20 per cent of their high school students went abroad for graduate studies, the number shot up to close to 50 per cent by 2010 and to 70 per cent in 2019.* If the CBSE and ISC toppers are India's brightest, many of the school-leavers from private schools like these belong to India's wealthiest. In other words, "Even as the



year ends with renewed calls from Prime Minister Narendra Modi for an Atmanirbhar Bharat, *India's best and brightest are busy making plans for emigration.*" Both Prime Minister Manmohan Singh and Prime Minister Modi have invested hope by suggesting that out-migration does not necessarily constitute a "brain drain", but could help create a "brain bank" on which India can draw for its own development. However, *the data suggests that an increasing number of non-resident Indians (NRIs) have become "not-returning" Indians, and are contributing more to their host countries than to their home country. In fact, there is now an emerging category of Indians migrating out and opting to stay out of India because they feel their motherland no longer wants them. This sense of alienation, especially among minorities, is a disturbing trend.* "An equally worrying trend is *the increasing number of India's super-rich who have chosen to live abroad and work from abroad,*" he writes. Indian laws permit an annual outward remittance of up to US\$2,50,000. The law also permits business persons to function from overseas as non-resident entities. "The next generation of top Indian business families is increasingly opting for this dual status of owning and managing business in India while living overseas," he concludes.

WHAT IS THE PM SVANIDHI SCHEME FOR STREET VENDORS, AND WHY WAS IT LAUNCHED?

The PM Street Vendor's AtmaNirbhar Nidhi (PM SVANidhi) scheme, which was launched in June amid the pandemic, is a micro-credit facility that provides street vendors a collateral-free loan of Rs 10,000 with low rates of interest for a period of one year. So far, the scheme – part of the AtmaNirbhar Bharat package – has received 31,64,367 applications from across the country (except from Sikkim, which is officially not taking part in it). Of the total applications, 16,77,027 have been sanctioned and 12,17,507 have been disbursed.

Why was this scheme rolled out?

The COVID-19 pandemic and the nationwide lockdown left daily wage workers and street vendors out of work. *The scheme aims at aiding the vendors at getting back on their feet financially. In the long term, it aims at establishing a credit score for the vendors as well as creating a digital record of their socio-economic status, so that they can avail the Central government schemes later. The scheme also attempts to formalise the informal sector of the economy and provide them safety nets and a means of availing loans in the future.* "Many vendors belong to what we call the informal economy, and often borrow from private lenders which charge them exorbitant rates of interest. This loan charges below 12% rate of interest, and creates a credit score of the vendors, so that if they repay the loan on time, they can avail more. Moreover, by creating a digital record of them and their socio-economic profile, it will help them avail various other 8-9 central government schemes which provide a form of a safety net, helping in their poverty alleviation," said Sanjay Kumar, Joint Secretary in Union Ministry of Housing and Urban Affairs.

Which vendors are eligible for the loan, and how do they apply for it?

All vendors who have been vending from or before March 24, 2020 and with a certificate of vending can avail the loan. As per the Street Vendors Act of 2014, the Town Vending Committees (which comprises the local authorities and vendors from an area) issue a certificate of vending after a survey has been conducted of all the vendors. But since many states and cities have not conducted the survey yet, many vendors are unable to provide any such certificate of vending. *Instead, as per the scheme, the urban local bodies – in this case, the municipalities – shall provide a*



Letter of Recommendation for every vendor who wishes to avail the loan. "Survey is not required for this scheme. The ULBs can issue an LOR, or if the vendor is a member of a vendor association, he or she can apply," said Kumar. Requirements for an LOR vary, with many ULBs asking for any proof of vending, including even a photo of a vendor at the spot. These documents, including the identification proof, are uploaded on a special portal made for the scheme, and the loans are sanctioned by banks and disbursed, ideally, in 10-15 days.

What are the various challenges that vendors are facing while applying for the loan?

Even though the scheme has received a tremendous response from vendors across the country, certain areas lag others when it comes to its implementation due to various factors. States across *the country have unevenly implemented the Street Vendors Act of 2014, which necessitates a survey of the vendors to provide them with a certificate of vending.* One of the major challenges witnessed in Delhi, which has a track record of unfair evictions of vendors and has not yet conducted a city-wide survey of vendors as per the rules notified by the Delhi government in 2016, is the lack of a certificate of vending. Due to this, *the vendors must first apply for a Letter of Recommendation (LORs) from the ULBs, which tends to not only delay the entire process, but can also lead to the application being rejected.* Some municipalities are also slow in issuing LORs, which has kept hundreds of vendors waiting for the loan for months. "The progress across the ULBs of various areas is uneven, for example, the New Delhi Municipal Council is terribly slow in issuing LORs," said Kumar. LOR applications also tend to be rejected. Prem Pal (47), a vendor in Kamala Nagar in Delhi said that his application for an LOR got denied a few times, and that he had to seek help from a member of a vendor association to get his loan cleared. He said, "I applied a few times, and finally the bank where I applied processed my application after I sought some help and provided all the documents necessary." *A second issue was that mobile numbers of various vendors were not linked with their Aadhar cards.* To address this, various ULBs have now set up camps. Many vendor associations are also setting up camps at markets to rectify this issue and also help the vendors in the online application process. Another issue, Kumar said, is the mindset of local authorities against vendors. In Delhi, various vendors who have received the loans are often evicted from their place by either the police or by the ULB officials, hitting their only source of income and their ability to repay the loan. For example, Kanhaiya (48), a vendor at Rohini in Delhi said that he has been unable to set up his stall outside a temple as the ULB officials and the temple authorities have not allowed it since the lockdown.

Does the scheme legitimise vending of the applicants if the city has not conducted a Town Vending Committee survey as per the Act?

"Once an LOR is issued by the ULBs, its mandate lasts a month, after which the survey for the issuance of the certificate of vending should be undertaken by the ULBs. But since it is a state subject, the central government can only direct or sensitise the state governments on the importance of doing so, and not evicting vendors who have availed the loan but do not have a certificate," said Kumar. Rajesh Goyal, deputy commissioner of Karol Bagh zone, which falls under the North Delhi Municipal Corporation said, "The LORs issued by the ULB do not give any legal authorisation or rights for vending, as this is not mentioned by the scheme."

How do metropolitan cities and states rank when it comes to the implementation of the scheme?



“Currently, Hyderabad has seen the highest number of applications (over 50,000) and disbursement rates. Bengaluru, Mumbai, Chennai, Delhi and Kolkata are ranked next in that order,” said Kumar. “West Bengal has only now notified the scheme,” he added. Telangana, Andhra Pradesh, Uttar Pradesh, and Madhya Pradesh are among the better performing states, which have also provided certificates of vending either before the pandemic or in the past few months, said Kumar. “We have received over 40,000 applications from Agra, which beats even a large city like Delhi.”

WHEN ENFORCEMENT DIRECTORATE ATTACHES THE PROPERTY OF AN ACCUSED

Earlier this month, the Enforcement Directorate (ED) issued orders for the attachment of several properties belonging to former Jammu and Kashmir Chief Minister and leader of the National Conference Dr Farooq Abdullah in connection with its investigation into alleged money laundering in the Jammu and Kashmir Cricket Association (JKCA) case. The attached properties include Farooq Abdullah’s Gupkar Road residence in Srinagar, where he lives. They also include two other residential properties in Tangamarg and Sunjwan, apart from commercial properties on Srinagar’s Residency Road.

Does this mean Farooq Abdullah is homeless now?

No. Provisional attachment orders issued by the ED do not lead to immediate sealing of a property. Farooq Abdullah can continue to live in his house while the matter remains pending in courts. The ED order would be valid for 180 days, during which time it must be confirmed by the Adjudicating Authority under the Prevention of Money Laundering Act (PMLA). If it is not confirmed, the property would be automatically released from attachment. And if it is, the accused can challenge the confirmation in the Appellate Tribunal within 45 days, and subsequently in the concerned High Court and the Supreme Court.

What does the law say on the attachment of property?

The purpose of attachment is to deprive an accused of the benefits of the attached asset. The law also provides for the property to remain out of bounds for the accused until the trial is complete. However, properties that are in use are generally not sealed until the case reaches its logical conclusion. Usually, the accused secures release of the property in appellate tribunals or High Courts, or is able to get a stay, and continue to enjoy it while the matter remains pending in the courts. Also, running businesses are not shut down. Therefore, a running hotel can, for example, be attached under the PMLA, and still continue its business. In 2018, the ED attached the Holiday Inn Hotel at Delhi’s IGI airport in connection with the Air India case. But the hotel continues to host guests as usual. The law provides for the resting of operational profits with the ED. But businesses can get a stay on this from the courts, for the matter to be finally decided in the eventual outcome of the case. Also in 2018, the ED had attached 50% of former Finance Minister P Chidambaram’s bungalow in New Delhi’s Jor Bagh. Chidambaram and his family continue to enjoy the property. The ED had last year issued an eviction notice to Chidambaram’s son Karti, who has secured legal protection against the notice.



Omar Abdullah has claimed the attachment is wrong, as it is ancestral property.

Under PMLA, proceeds of crime — money generated out of a criminal activity — is attached on the directions of the ED Director. However, if that wealth is not available, the agency can attach property equivalent to that value. The PMLA defines “proceeds of crime” as “any property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property, or where such property is taken or held outside the country, then the property equivalent in value held within the country or abroad”. While the idea of attachment of property equivalent to proceeds of crime has been contested, various court orders in the past have ruled in favour of ED’s interpretation of the term “the value of any such property” to mean that the agency can attach any property of equivalent value with the accused. The ED is, therefore, within its rights to attach Abdullah’s ancestral property. Notably, one of the properties attached — in Jammu’s Sunjwan — has also figured in the list of properties built on “encroached land” by the J&K administration following its probe into the Roshni Act cases. The law also has a provision for the attachment of local property of equivalent value if investigations reveal that the accused has parked proceeds of crime abroad, and the same cannot be attached there.

What happens to assets that are sealed?

Attached properties may remain locked for years, and may start crumbling. There is a provision for a body to maintain such properties, but it has not been set up yet. Attached vehicles are sent to warehouses owned by the Central Warehousing Corporation, where the ED pays to park the vehicle. As cases drag on for years, the vehicles rot. At the end of the trial, neither the accused nor the ED recovers anything from the vehicle. The agency could, in fact, end up paying more rent than the value of the vehicle.

What is the JKCA case?

The case relates to alleged irregularities in grants given by the Board of Control for Cricket in India (BCCI) to Jammu and Kashmir Cricket Association (JKCA). It is alleged that between 2002 and 2011, funds to the tune of over Rs 43 crore were siphoned off from the JKCA’s coffers. These funds were part of the Rs 112 crore grant given by BCCI to JKCA. The case came to light in 2012. But a special team of the state police failed to complete the investigation after two cricketers, Majid Yaqoob Dar and Nissar Ahmad Khan, approached the Jammu and Kashmir High Court with a PIL in 2015. On September 3, 2015, the court handed over the case to the CBI. Based on the CBI case, the ED registered a case of money laundering in the matter. ED has claimed that its probe has found that during the period from 2005-06 to December 2011, JKCA received total funding of Rs 109.78 crore from BCCI, of which Rs 45 lakh were laundered during Abdullah’s tenure as chairman of JKCA. “Investigation reveals that Dr Farooq Abdullah was instrumental as well as beneficiary of the laundered funds of JKCA,” the ED has said.

MESSAGE FROM J&K

The people of Jammu and Kashmir have spoken unambiguously in favour of the People’s Alliance for Gupkar Declaration (PAGD) in the District Development Council elections, the first democratic political exercise in the former state since the Centre stripped it of its special status and downgraded it into two union territories. Even though this was a local bodies election, both the



BJP and the PAGD, whose constituents include the National Conference, the People's Democratic Party, the J&K People's Conference, plus the CPI(M), among others, turned it into a referendum on those decisions. When the BJP's apparent expectation of a boycott by the regional parties did not come true, and instead its prospects of winning diminished further with their decision to fight the elections together as the PAGD, none other than Union Home Minister Amit Shah lashed out at them as the "Gupkar Gang" who marched to a "foreign" tune, the allusion being to Pakistan. Naturally, the PAGD has projected its victory as a resounding rejection of all that the Centre has done in J&K over the last year-and-a-half, and as support for its own demand that special status and statehood be restored. The alliance has won 110 seats out of a total of 280 seats and the BJP, with 75 seats has emerged as the single largest party. *Seeking consolation in defeat, the BJP has been talking up its emergence as the single-largest party, and its win in three seats in the Valley. But what counts in these elections is winning the districts. The PAGD is set to control the councils of at least nine out of 10 districts in Kashmir and perhaps a few of the 10 in Jammu, Congress willing.* The Gupkar alliance and the Congress are likely to have their chairmen in 12 to 13 districts in J&K, out of a total of 20, and the BJP could be leading five to six. Independent winners, 50 of them, will be able to swing some districts in favour of the BJP or the Alliance.

The Alliance sees the poll results as a verdict against the reorganisation of J&K into two Union Territories and revocation of its special constitutional status on August 5, 2019. The PAGD's victory is sweeter for all the obstacles that were thrown in its path, and *the efforts made to discredit it in the eyes of the voters. The manner in which the administration waved names of senior PAGD leaders as Roshni Act beneficiaries ahead of the elections, the ED's actions against NC leader Farooq Abdullah, the arrest of PDP's star mobiliser Waheed Para, detaining candidates "for their own security" thus effectively ensuring they could not campaign, were all too apparent, orchestrated attempts by the Centre to control the election outcome. To their credit, the Gupkar alliance held firm against the strong-arm tactics.*

These polls also stand out for being a rare electoral process in the past 30 years where the militant outfits and the separatist groups did not campaign vigorously for a poll boycott. Frequent encounters and locals joining militancy in the past one year in south Kashmir did impact the turnout, where most segments saw less than 20%. The BJP, which had already made inroads during the previous panchayat and urban local bodies polls in 2018 when the regional parties boycotted, managed a win over three seats in Srinagar, Bandipora and Pulwama. The low turnout notwithstanding, this comes as a shot in the arm for the image of the party. The BJP has also maintained a tight grip in Samba, Udhampur, Jammu and Kathua in the Jammu region.

The results should serve as a wakeup call for the government. This is a new turning point in J&K, and calls for much political accommodation. As the party in office at the Centre, the BJP must take the lead. This was the first electoral process after the Centre ended J&K's special status, and the alliance had pledged to fight for its restoration. The fears of the regional parties that the polls may be rigged were allayed by the final results.

Lieutenant Governor Manoj Sinha should be praised for holding an election whose results are seen as a fair reflection of the popular will. Now, his real work begins. To ensure that the mandate is respected in letter and spirit. So the BJP should refrain from trying to engineer cross-overs in its favour, especially as it has loudly declared that "democracy is the real winner" of these elections.



For its part, the PAGD should use this seat at the local high table to do justice to the aspirations of the people. Spring is still far away but there is a thaw in J&K's frozen politics, it needs a cautious welcome.

TOWARDS JUSTICE

The police chargesheet in a civilian court against an army captain of 62 Rashtriya Rifles and two civilians in the fake encounter case in Shopian in July this year has given a disturbing account of the killing of three innocent men allegedly by the officer and his accomplices and the elaborate conspiracy hatched to show the victims as terrorists. The three men, who belonged to the same family in a village in Rajouri district of Jammu division, the youngest just 16 years old, had trekked to Kashmir over the mountains to look for work. They were picked up from their room in Chowgam, Shopian, and taken to Amshipora village, where they were allegedly shot in cold blood. *The motive appears to have been greed — to claim a Rs 20 lakh reward given by the security forces for information leading to the capture or killing of terrorists.* As part of the plan, weapons were planted on the victims, police and CRPF reinforcements were called in, which threw a real cordon around the encounter site. *The incident, and its distressing details, call for sober introspection about the reasons for the sense of impunity of an officer allegedly gone rogue.* In a place like Kashmir, the soldier's job poses a difficult challenge every day, but that impunity comes, in large part, from the *protection granted under the Armed Forces Special Powers Act*, which the army has invoked repeatedly to protect its own in cases such as this one. In this case, commendably, the army has acted promptly after prima facie evidence of wrongdoing emerged. The army followed up the preliminary probe with a formal court of inquiry, followed by summary of evidence proceedings, all of which are understood to pave the way to a court martial. The military's findings so far have been reported to be the same as those contained in the police chargesheet. In the past, the army has been at this point, but mostly, it has been unable to take the tough call required to go further — the 2018 court martial in which three officers, including a major and two colonels, and four soldiers, were sentenced to life imprisonment for a fake encounter of Assam student leaders in February 1994, was a rare instance. *The army has refused consent for prosecution in cases of fake encounters, custodial killing and rape — Pathribal 2000, Ganderbal 2007, and Machil 2010. Where it has conducted its own court martial, sentenced soldiers have been able to get the verdict overturned by civilian courts. The Amshipora fake encounter case is the first time that the army has acknowledged at the preliminary stage that "powers vested under the AFSPA 1990 were exceeded" and that the "dos and don'ts of the Chief of the Army Staff [COAS] as approved by the Supreme Court have been contravened".* This is a welcome sign. The army must now go further and ensure that justice is done, and seen to be done.

WHAT IS THE PATHALGADI MOVEMENT, AND WHAT IS JMM GOVT'S STAND ON IT?

Soon after taking charge on December 29, 2019, the Hemant Soren-led government in Jharkhand had decided to drop "all cases" related to the Pathalgadi movement of 2017-2018. Almost a year later, the Soren government is still to send a requisition to the court to withdraw the cases, many of which involved charges of sedition, filed by the BJP government led by Raghubar Das. Pathalgadi was Soren's major poll plank. Asked about the delay in implementing the decision taken by his government in its first Cabinet meeting, Soren, at the Idea Exchange programme of The Indian Express, said: "When we took the decision, many questions also arose. Some [cases] were false... kuchh cases mein badmashiyaan bhi thi (There were problems in some). It is not that the matter



is stagnant. A solution has been reached in half of the cases, which have been recommended for withdrawal; in some, investigation is still pending.”

What is Pathalgadi and how did the movement begin?

The word pathalgadi is drawn from a tribal custom of erecting stone plaques on the tomb of tribal people in Jharkhand, which has 32 tribal communities. It is also done in honour of their ancestors, to announce important decisions regarding their families and villages or to simply mark the boundary of their villages. When the Provisions of the Panchayats (Extension to Scheduled Areas) Act (PESA) came into force, former *IAS officer BD Sharma*, now deceased, started the practice of erecting stone plaques in villages with provisions of the Act inscribed on it. This was done to empower people belonging to the 5th Schedule area on their legal and constitutional safeguards. The pathals also quoted several orders of High Courts and Supreme Court such as Samatha judgement which says to preserve the tribal autonomy, their culture and economic empowerment, to ensure social, economic and political justice, and preservation of peace and good governance; P Rami Reddy vs Andhra Pradesh 1988 orders which says that ‘special legislations cannot be held to be unconstitutional on the ground of violation of other fundamental rights, such as Article 14 and 19(1)(g)’ and others. *The villagers said that they read these provisions and orders to reiterate supremacy of powers of traditional Gram Sabha and traditional Adivasi governance systems; rights of Adivasis over land; the restricted rights of non- adivasis and outsiders in the scheduled areas to settle down and work and; that Adivasis are the original inhabitants and owners of India. The Raghubar Das government had attempted to tweak Chhotanagpur Land Tenancy Act, 1908 and the Santhal Pargana Tenancy Act, 1949 – in which a tribal can buy or sell their land only to another tribal – by passing an ordinance amending Land Acquisition Act (Jharkhand Amendment) in 2017 and awaited Governor’s approval. However, the bill never got the go ahead due to massive protest by tribal communities. This led to violence in the state capital and protests were held in various parts of the state. As an extension to this protest, the tribals of Khunti, Gumla, Simdega, Saraikela, West Singhbhum area started erecting stones in their villages with PESA provisions highlighting their rights which came to be known as Pathalgadi movement.*

What are the powers to safeguard and protect the interest of tribal population?

Tribals form more than 1/4th of Jharkhand’s population and areas of Dumka, Godda, Deogarh, Sahabgunj, Pakur, Ranchi, Singhbhum (East & West), Gumla, Simdega, Lohardaga, Palamu, Garwa (some districts have partly tribal blocks) are part of the 5th Schedule. It vests the Governor of a state with special powers to safeguard and protect the interests of the tribal population, which includes examining the laws enacted by the parliament or legislature and accordingly restrain or allow it keeping the interests of the tribals in tune with customary law, social and religious practices among others. However, in the absence of this in Jharkhand, the tribal population tried to assert their rights on their own. Siraj, a rights activist in Jharkhand, says: “The governor never exercised its power to implement 5th schedule provisions and PESA in letter and spirit. The executive too has largely skirted these issues till date.” For instance, there is less clarity on the role of Gram Sabhas in case of minor minerals, ownership of minor forest produce or power to manage the agri-produce market. Experts say that participation of the tribal population in the decision-making apparatus remains very low.



What was seen during the Pathalgadi movement?

During the Pathalgadi movement, many villages saw people gathering from surrounding areas with bows and arrows to 'assert their rights'. In August 2017, it was claimed that a police officer was not allowed to leave a village by the villagers. In 2018, it was also claimed that former Khunti's MP Kariya Munda's bodyguards were abducted by Pathalgadi supporters, who in turn claimed that 'their people' were held by the police. This resulted in a crackdown leading to the death of a tribal, Birsa Munda – named after the freedom fighter. Following this, cases were registered against several villagers. One of the FIRs registered in Murhu village under Khunti district invoked the sedition charge. It states: "Sambhidhan ki galat vyakhyata karke, Sarkar evam prashashan ke viroodh mein aam logon ko bhadkana...(Misusing the constitution with wrong description, and to instigate people against the government and the administration)."

What were the demands of the Pathalgadis?

Pathalgadis started asking for self-rule and said that the government should enter their area with Gram Sabha permission. Quoting Article 19 (5) of the Indian Constitution, they said outsiders are not allowed to live and work in adivasi villages without permission. The administration's pamphlet calls this unconstitutional and violative of fundamental rights. They did not believe in Voter-ID cards or Aadhar cards, saying that it is for 'common people', and they did not follow it since they "khas admi". A section of Pathalgadis also follow 'Kunwar Keshri Singh of the Sati-Pati cult from Gujarat's Tapi district' who said they did not believe in constitution and also they rejected government services. A fact finding body which had gone to the Pathalgadi areas, in its report, said, "...While most of the interpretations of Constitutional clauses written on the pathals may be wrong or far-fetched, they are based on the valid issues and demands of the people and the basic idea about the supremacy of Gram Sabha is not wrong."

What happened to the cases?

The Raghubar Das government had come down heavily on the Pathalgadi movement. The police had filed cases against about 200 named accused and more than 10,000 unnamed people. A total of 172 people were made accused, out of which police had sought prosecution sanction against 96 accused. Apart from sedition, accusations against them included 'attacking the police officers with weapons', 'Kidnapping officers or body guards of the MP with well-planned conspiracy', 'instigating locals to create hurdles equipped with local equipment without any information or permission', 'capturing the police station and snatching the weapons from the hands of police officers', 'creating an insecure situation, misbehaving with government officers', 'Provoking the people with their inflammatory speech against government and administration', 'creating obstacles in governmental progressive works and disturbed law and order'. Later within the BJP, a section of people were against charging the supporters with sedition. Tribal Affairs Minister and a BJP heavyweight in Jharkhand Arjun Munda in an earlier interview with The Indian Express had appealed for review of the sedition case.

What was the JMM-led government's promise on Pathalgadi?

Withdrawal of 'all cases' related to the Pathalgadi movement was the first cabinet decision of the Hemant Soren-led JMM government in Jharkhand. A committee was formed and in 30 FIRs, among



the 19 cases in which sedition charge was invoked, the committee has recommended withdrawal of IPC section 124A(sedition) from 17 cases. Most of the cases were registered in the year 2018 and a few in 2017.

ABHAYA

The wheels of justice turn slowly, more so when the accused are on the side of power and the powerful. In the case of Abhaya, it took 28 years for the investigative agencies to establish that the 21-year-old nun, found dead in a convent in Kerala in 1992, was murdered. On Wednesday, a CBI special court judge held a nun, Sephy, and a priest, Thomas Kottoor, guilty of Abhaya's murder and sentenced them to life. A closure in the case after these many years — Abhaya's parents died as the case laboured in the courts — hardly calls for celebration but it does evoke a sense of trust in due processes. The verdict is a victory for a few good individuals who selflessly, and at great personal risk, fought off attempts by powerful interests to deny justice to Sister Abhaya. A crime branch probe had concluded that she suffered from depression and committed suicide by jumping into a well in the convent. A CBI probe reached a similar conclusion and sought to close the case. It was a little-known social activist, Jomon Puthenpurackal, from the same congregation as the victim and the accused, who pursued the case in the courts. Judges in the lower courts refused to accept the investigating agencies' closure reports and prodded them to dig deeper. Finally, the testimony of an eye witness, Raju, who had intruded into the compound at night, sealed the case. A poor labourer, Raju refused to change his statement through the trial, despite reportedly receiving physical threats and financial inducements. His explanation was simple: As the father of three girls, he had to fight for Abhaya. The moral courage and perseverance shown by Jomon, Raju and others in their pursuit to ensure justice for a woman with no social or political capital, and who they did not even know, is in sharp contrast to the attitude of the (Knanaya) Church and a section of law enforcers, who, in fact, were duty-bound to protect her. In her case, the Church, which is morally and theologically committed to stand with the weak and the truth, chose to gloss over the crime. More recently, nuns in Kerala, across denominations, have come out against institutional corruption, particularly sexual crimes. Some in the clergy have rubbished these allegations, attempted to tarnish their reputation. This is in sharp contrast to the stand of eminences such as Pope Francis who have acknowledged the history of male domination and abuse of women and children. The Abhaya verdict should be a moment for renewal and reflection — at both levels, individual and institutional.

The verdict came 28 years after the body of the nun was found in a well of her convent hostel in Kottayam. During the course of the hearing, the HC had allowed the discharge petition of Father Puthrikkayl, the third accused in the case. The victim and accused belong to the Knanaya Catholic Church, headquartered in Kottayam. At the time of her death, Abhaya had been a pre-degree student in college run by the Catholic Church. She had been an inmate of Pious Xth Convent Hostel, which had 123 inmates, including 20 nuns, in 1992 when the incident happened. During the trial, eight of the 49 prosecution witnesses turned hostile. However, the court relied upon circumstantial evidence and the statement of a thief named Adakka Raja. Raja had happened to see the priests at the hostel, where he had sneaked into in the early hours of March 27, 1992, the day of the incident.



The crux of the CBI case is that Sephy had a clandestine affair with two priests, both teaching in a college in Kottayam. On the day of the incident, Abhaya had been preparing for an exam. Her colleague Sister Shirly woke her up at 4 am that morning. She then went to the kitchen to take cold water from the fridge to wash her face to keep her awake. When Abhaya entered the kitchen, she allegedly saw the two priests, Kottoor and Puthrikkayl, and the nun in a compromising position. Fearing she would disclose the incident, the first accused, Kottoor allegedly strangled her while the third accused, Sephy, allegedly beat her with an axe. Together, they dumped her body in a well within the compound.

WHY DEDICATED FREIGHT CORRIDOR MATTERS — FOR RAILWAYS, THE COUNTRY

Prime Minister Narendra Modi inaugurated a 351-km section between Khurja and Bhaupur in Uttar Pradesh for commercial operations of the Dedicated Freight Corridor (DFC). He also dedicated to the nation a state-of-the-art Operation Control Centre in Prayagraj. The total 2,843-km project — billed as the largest rail infrastructure being built in independent India — has been in the making since 2006 with little movement on the ground. It is finally ready to take off, albeit in phases.

What is the DFC?

The DFC consists of two arms. The section launched on Tuesday is part of the *1,839-km Eastern DFC that starts at Sohnewal (Ludhiana) in Punjab and ends at Dankuni in West Bengal*. The other arm is the around *1,500-km Western DFC from Dadri in Uttar Pradesh to JNPT in Mumbai*, touching all major ports along the way. The 351-km section stretches between Khurja, the 12th stop after Sohnewal in the North, to New Bhaupur, near Kanpur. Other stretches are Sohnewal to Khurja (365 km), Bhaupur to Pandit Deen Dayal Upadhyay (Mughalsarai) (400 km), then to Sonnagar in West Bengal (137 km), then to Dankuni via Gomoh in Jharkhand (538 km). There is also a section under construction between Dadri and Khurja to connect the Eastern and Western arms.

Why is it important?

Around 70% of the freight trains currently running on the Indian Railway network are slated to shift to the freight corridors, leaving the paths open for more passenger trains. Built at a cost of Rs 5,750 crore through a loan from World Bank (which is funding a majority of the EDFC; the WDFC is being funded by the Japan International Cooperation Agency), the new stations in this section are Bhaupur, Kanchausi, Achalda, Ekdil, Bhadan, Makhanpur, Tundla, Hathras, Daudkan and Khurja. This section passes through Kanpur Dehat, Auraiya, Etawah, Firozabad, Hathras, Aligarh and Bulandshahr districts in Uttar Pradesh. This is like building an entire railway network from scratch, independent of Indian Railways. All the installations are new. Including the stations, and that's why the names of a majority of its stations are prefixed with 'New', such as New Bhaupur, New Khurja etc. Tracks on DFC are designed to carry heavier loads than most of Indian Railways. DFC will get track access charge from the parent Indian Railways, and also generate its own freight business.

What trains will use the new section?

Freight trains plying on this section from now on will help decongest the existing Kanpur-Delhi main line of Indian Railways, which currently handles trains at 150% of its line capacity. This section currently has over 50 passenger trains and around 60 goods trains jostling for paths daily.



The new section means on the Indian Railway main line, more passenger trains can be pumped in and those trains can, in turn, achieve better punctuality. *Foodgrain and fertilisers from the northern region are transported to the eastern and Northeast regions. From East and Northeast, coal, iron ore, jute and petroleum products are transported North and West.*

What else will change?

There are certain firsts for this section. For instance, 68 existing level crossings have been eliminated to augment speed, the only major section on Indian Railways that is free from any permanent or temporary speed restrictions. This in a way sets the bar for rest of the DFC to also make stretches free from speed restrictions, or “cautions” as they are termed in Railways. Freight trains usually suffer from unpredictable running times and low speeds of around 25 km per hour. But on this new section they can run at 50-60 kph. This section will also catch the freight traffic originating from key centres such as Kanpur Dehat, Aurayia, Etawah, Firozabad, Hathras, Aligarh and Bulandshahr. The existing industrial areas of Aligarh, Khuja, Firozabad, Agra and Bhaupur will become major growth centres of the area, the Dedicated Freight Corridor Corporation projects in its business development plan. These areas are agriculture hubs producing potato, paddy and maize. “The agricultural produce will get a pan-India market because of cheaper and faster DFC connectivity,” a spokesperson for the DFCCIL told The Indian Express. New Makhampur (Firozabad) and New Daudkhan (Aligarh) will be opened as common user terminals aimed at local farmers in sending their produce to the larger markets.

What about the rest of the DFC?

More sections will keep getting commissioned in the coming months. There is 61% progress in the Bhaupur to Deen Dayal Upadhyay section, and 180 km of the 402 km will be complete by December 21, year while 22 km will be done by June 2022. Thereafter the stretch to Sonnagar will see 100 km completed by March next year. The 401-km Khurja to Sanhewal section has had only 39% progress. It will be done by June 2022. A 46-km link between Khurja (Eastern) and Dadri (Western) will be ready by March 2021. By December 2021, Kanpur-Khurja area will get connected to the western ports of Kandla, Mundra, and Pipava, via the 127-km Dadri-Rewari section in the Western arm, its target advanced by several months. In the Western DFC, the section between Rewari (Haryana) and Madar (Rajasthan) has been completed. The subsequent sections are up to Palanpur in Gujarat (to be done in the next three months), then to Makarpura (by March 2022) and finally to JNPT (June 2022).

INCOIS LAUNCHES ‘DIGITAL OCEAN’

Union Minister for Science and Technology Harsh Vardhan launched *the ‘Digital Ocean’ platform of Indian National Centre for Oceanic Information Services (INCOIS) here as a one stop-solution for all data related needs of a wide range of users, including research institutions, operational agencies, strategic users, academic community, maritime industry, and the public. “Digital Ocean (www.do.incois.gov.in) is expected to bring a sea-change in how the oceanographic data is served for a better understanding of oceans surrounding us. It will play a central role in sustainable management of our oceans and expanding our ‘Blue Economy’ initiatives,” informed INCOIS Director T. Srinivasa Kumar.* Dr. Harshvardhan virtually unveiled the web platform in the presence of secretary of Ministry of Earth Science M. Rajeevan, Joint Secretary Vipin Chandra and others from New Delhi. This first of its kind platform for ocean data management has a set of applications that



present heterogeneous oceanographic data with geospatial technology. "It will facilitate an online interactive web-based environment for data integration, 3D and 4D data visualization, data analysis to assess the evolution of oceanographic features obtained from multiple sources like on site monitoring devices, remote sensing and model data," said the Director. *INCOIS provides ocean information and advisory services to various stakeholders in the country, including Potential Fishing Zone (PFZ) advisories, Ocean State Forecast (OSF), high wave alerts, tsunami early warnings, storm surge and oil-spill advisories, among others, using state-of-the-art technologies and tools to get real time information on oceanographic and marine meteorological data.* The institute has been serving as the National Argo Data Centre and Regional Argo Data Centre of the International Argo Programme, he added, in a press release.

FACIAL RECOGNITION TECHNOLOGY: LAW YET TO CATCH UP

There are currently 16 different facial recognition tracking (*FRT*) systems in active utilisation by various Central and State governments across India for surveillance, security or authentication of identity. Another 17 are in the process of being installed by different government departments. *While the FRT system has seen rapid deployment by multiple government departments in recent times, there are no specific laws or guidelines to regulate the use of this potentially invasive technology.* This, legal experts say, poses a *huge threat to the fundamental rights to privacy and freedom of speech and expression because it does not satisfy the threshold the Supreme Court had set in its landmark privacy judgment in the 'Justice K.S. Puttaswamy Vs Union of India' case.* In 2018, the Delhi police became one of the first law enforcement agencies in the country to start using the technology. *It, however, declined to answer to a Right to Information (RTI) query on whether it had conducted "privacy impact assessment" prior to deployment of the facial recognition system (FRS).* Advocate Apar Gupta, co-founder of Internet Freedom Foundation (IFF), in his RTI application had also asked the Delhi police whether there are any guidelines, policies, rules or standard operating procedure governing its use of facial recognition technology. The Delhi police vaguely replied, *"The FRS technology may be used in investigation in the interest of safety and security of general public". In the same RTI reply, the Delhi police also stated that the use of facial recognition technology was authorised by the Delhi High Court.*

Function creep

However, *advocate Anushka Jain, associate counsel (Transparency & Right to Information), IFF pointed out that the police got permission to use the FRS by an order of the Delhi High Court for tracking missing children. "Now they are using it for wider security and surveillance and investigation purpose, which is a function creep," Ms. Jain said. A function creep happens when someone uses information for a purpose that is not the original specified purpose.* In December last year, *The Hindu reported that the Delhi police, with the help of automated facial recognition system (AFRS), was comparing the details of people involved in violence during the anti-Citizenship Act protests in Jamia Millia Islamia with a data bank of more than two lakh 'anti-social elements'.* Ms. Jain said: *"The function has widened at the back end and we don't actually know for what purpose they might be using it and how they are being regulated and if there is any regulation at all". "This might lead to an over-policing problem or problems where certain minorities are targeted without any legal backing or any oversight as to what is happening. Another problem that may arise is of mass surveillance, wherein the police are using the FRT system during protest," Ms. Jain said. If someone goes to a protest against the government, and the police are able to identify the person,*



then there might be repercussions, she argued. "This obviously has a chilling effect on the individual's freedom of speech and expression and right to protest as well as my right to movement". "This might lead to government tracking us all the time," she added.

Proportionality test

Vidushi Marda, a lawyer and researcher at Article 19, a human rights organisation, said *the Supreme Court in the Puttaswamy judgment ruled that privacy is a fundamental right even in public spaces. "And if these rights needs to be infringed, then the government has to show that such action is sanctioned by law, proportionate to the need for such interference, necessary and in pursuit of a legitimate aim,"* Ms. Marda said. She flagged various issues with the AFRS, *an ambitious pan-India project under the Home Ministry which will be used by the National Crime Records Bureau (NCRB) and various States' law enforcement departments.* "The IFF filed a legal notice to the Home Ministry asking under what *legal basis was the AFRS built, since, as per the Puttaswamy judgment, it does not meet the threshold of proportionality and legality,*" Ms. Marda said. *"The basis of the AFRS is a Cabinet note of 2009. But the Cabinet note is not a legal substance, it's a procedural note at best. So it does not form a valid legal system based on which the AFRS can be built,"* she added.

Questionable accuracy

Ms. Jain, who is currently working on Panoptic, a project to track the deployment and implementation of FRT projects in the country, said that *100% accuracy in finding matches has not been achieved* under this technology. *"In case an inaccurate system is installed, two things can happen. There can be a 'false positive' wherein somebody is recognised as somebody they are not or 'false negative' wherein the system refuses to recognise the person as themselves. In case of a 'false positive', she gave example of the police using the FRT system to identify and arrest somebody who is not the suspect. If a 'false negative' occurs when the government is using the FRT system to provide its schemes, then this could lead to many people facing exclusion from such government schemes,* Ms. Jain added. "These FRT systems are being developed and deployed across India without any legal framework in place, which creates a lot of problems. If you are caught hold off by the police through the FRT system, what do you do? What are your remedies? There is no framework in place where you can even question them," she pointed out. Ms. Mishi Choudhary, technology lawyer and digital rights activist, said, *"Many cities and states in the U.S. have either completely banned the usage or impose moratorium on the usage of facial recognition tech". "Companies like IBM, Microsoft have decided not to sell these technologies to law enforcement at all. Even Amazon has imposed a moratorium. Facial recognition technology has not only been invasive, inaccurate and unregulated but has also been unapologetically weaponised by law enforcement against people of color,"* Ms. Choudhary added. *"In India, we have no law to protect people, no guardrails about usage of data by private players or government. We hear several news on police abuse even without the aid of technology. Facial recognition is perfect form of surveillance that builds tyrannical societies. It automates discriminatory policing and will exacerbate existing injustices in our criminal justice system,"* Ms. Choudhary said. Mr. Gupta gave a similar view. "India is facing a facial recognition pandemic — *one without any safeguards or remedies for the harms of exclusion, profiling and surveillance. Without urgent action, such systems of mass surveillance will erode democratic liberties and threaten the rights of lakhs of Indians,*" said Mr. Gupta.



PM-WANI

The Union Cabinet recently cleared a proposal by the Department of Telecommunications to set up public Wi-Fi access network interfaces. This is essentially a nationwide network of public Wi-Fi hotspots, termed public data offices (PDOs) after the public call office (PCO) concept rolled out by the Indian government to set up a nationwide network of landline public pay-phones.

Why is a public Wi-Fi network needed in India?

The first and foremost reason being given by experts for laying down a public wi-fi network is to increase the proliferation of internet services in the country. With PDOs — which will basically be mom and pop stores and other small retail outlets across the length and breadth of the country — last mile connectivity is being aimed at. In addition to this, several telecom sector experts have pointed to the fact that even in urban areas with sufficient mobile data coverage, the mobile internet tariffs are bound to increase. This presents an even stronger business case for the public Wi-Fi network.

Are there global examples of a public wi-fi network?

In most European countries and some southeast Asian countries, the concept of public Wi-Fi is that of a decentralised network, where shops, restaurants and cafes, public transport facilities have rolled out wireless internet on their own. However, the number of public hotspots is only increasing across the globe. According to Cisco Annual Internet Report (2018-2023), there will be nearly 623 million public Wi-Fi hotspots across the world by 2023, up from 169 million hotspots as of 2018. Within this, the highest share of hotspots by 2023 will be in the Asia Pacific region at 46%. As per the calculations of the Telecom Regulatory Authority of India (TRAI), based on Cisco's estimates, India should have 100 million Wi-Fi hotspots by 2023.

What are the potential pitfalls of a public Wi-Fi network?

The US Federal Trade Commission's consumer information portal highlights the threats of public Wi-Fi hotspots. It says that while Wi-Fi hotspots in coffee shops, libraries, airports, hotels, universities, and other public places are convenient, they're often not secure. The portal also points out that most Wi-Fi hotspots don't encrypt information that is sent over the Internet and therefore aren't secure. This could potentially lead to hacking or unapproved access to personal information on the device. The Indian public Wi-Fi hotspot network, however, envisages that the access to the Internet through these points will be permitted only through electronic KYC and a mix of OTP and MAC ID-based authentication system, thereby minimising the risk of network security being compromised. Additionally, the viability of public Wi-Fi networks in India has also been called into question with several tech-giants already having tried and failed. In 2017, social media company Facebook had launched Express Wi-Fi. The project made little impact. Google's Station project, to provide free wi-fi in more than 400 railway stations across India and "thousands" of other public places, which was launched in 2015, was shut down earlier this year. Google cited cheaper and more accessible mobile data, government initiatives to provide access to the Internet for everyone and the challenge of varying technical requirements and infrastructure among its partners across countries as the reasons to explain its decision of shutting down the programme.



WHAT IS THE INSTANT LOAN APPS CASE? HOW WERE THE VICTIMS LURED?

A woman employee of Telangana Agriculture Department and a software engineer died by suicide last week after they were humiliated and blackmailed by tele-callers and recovery agents of a mobile app instant loan company. Their personal details were posted by the company on social media and labelled them defaulters and used abusive language.

What is the instant loan apps case?

It is a racket in which instant personal loans are offered through mobile apps at exorbitant interest rates by unauthorised lenders. Of the numerous apps that are available on Google PlayStore, most do not have any tie-up with any bank or Non-Banking Financial Institution. A customer can avail a loan within a few minutes after uploading personal details, three months' bank statement, Aadhar card copy and PAN card copy on the app. Loans from as less as Rs 1,000 to Rs 50,000 can be availed for seven days. The rate of interest is as high as per cent with exorbitant fees. For instance, if a person seeks a loan of Rs 5,000, the app company will charge Rs 1,180 as processing fees and GST and credit only Rs 3,820. The lending companies have call centres in Hyderabad and Gurugram from tele-callers and recovery agents interact with borrowers. Many people who lost their jobs during the pandemic or who require money urgently borrowed money from the apps and got caught up in a vicious cycle of debt trap.

Which are the apps? Who is operating them?

The police in Telangana and Andhra Pradesh have identified the following mobile apps which are offering instant loans. Cash Mama, Loan Zone, Dhana Dhan Loan, Cash Up, Cash bus, Mera Loan, Hey Fish, Monkey cash, Cash Elephant, Water Elephant, QuickCash, Kissht, LoanCloud, InstaRuppee Loan, Flash Rupee-Cash Loan, Mastermelon Cashtrain, GetRuppee, ePay Loan, Panda iCredit, EasyLoan, RupeeClick, OCash, Cashmap, Snapit, RapidRuppee, ReadyCash, Loan Bazaar, Loanbro, Cash Post, RupeeGo, Cash Port, RsRush, Pro Fortune Bag, Rupee Loan, Robocash, CashTM, Udhaar Loan, Credit Free. Two companies named Onion Credit and Credfox Technologies have designed the apps Cash Mama, Loan Zone, Dhana Dhan Loan, Cash Up, Cash bus, Mera Loan and Cash Zone. K Sharath Chandra and K Pushpalatha are CEO and director respectively of Onion Credit Pvt Ltd and CredFox Technologies Pvt Ltd; while B Vasava Chaitanya is the director of Cred Fox Technologies Pvt Ltd. They have offices in Raidurgam in Hyderabad.

What is the modus operandi?

After a customer downloads an app and uploads the documents demanded, the loan amount is credited into the bank account. The phone number of the customer as well as numbers of his family members are shared by the app company with others. After a customer avails one loan, tele-callers and agents of about 20-30 similar apps call the customers and lure them into availing more loans, saying they are eligible because their credentials have been verified by the company from which they borrowed the first loan. Many customers fell for this trick and ended borrowing up to Rs 50,000. While the interest rate is 35 per cent, after the due date, a flat Rs 3,000 penalty per day is levied on the customer. Many customers end up borrowing more to repay a previous instant loan.



How were the victims affected?

Apart from levying hefty penalties for failure or delay in repayment of loan, the agents use a combination of coercion, blackmail, and threats. After issuing loans to customers from their app for seven days, they divide all the customers into different categories of buckets. On a due date, it is called as D-0 bucket; after the due date from day 1 to day 3, it is S1 bucket; from day 4 to 10, it is S2 bucket; and from day 11 to 30, it is S3 bucket. The treatment of a customer depends on which bucket the customer is in. Immediately after the due date, a customer will be harassed with dozens of calls. During S2 bucket, abusive calls will be made to family members. Later, threats and blackmail start. Finally, they access the contacts of relatives and friends of the customers and send them WhatsApp messages defaming the defaulter. Unable to bear the humiliation while two persons have died by suicide, several people lodged police complaints after which Cyberabad Police busted the racket. The Andhra Pradesh Police has also issued an advisory not to avail loans from these 30 mobile apps.

ARMY TO RESTORE GRAVE OF NAUSHERA KA SHER(M)

After it came to light that the grave of Naushera ka Sher Brigadier Mohammad Usman, the senior-most officer killed in the first India-Pakistan war of 1947-48, was damaged, an Army source said it was looking into the issue and the grave will be restored soon. The grave is located on the Jamia Millia Islamia (JMI) campus.

'Proactive action'

"It is not our responsibility, and this is inside the university campus. However, having come to know of the incident, we took proactive action," the source said on Monday. "It has been discussed and will be restored soon," he added. The responsibility for graves of martyrs is not that of the Army and is usually taken care of by the families, the source said.

CABINET GIVES APPROVAL FOR AKASH MISSILE EXPORT

As part of efforts to boost defence exports, the Union Cabinet, chaired by Prime Minister Narendra Modi, on Wednesday approved the export of the indigenously developed and manufactured Akash short-range *Surface to Air Missile (SAM)* system. It also approved the high-level committee formed to expedite clearance of such exports. Besides Akash, there was interest coming in for other major platforms such as the *Coastal Surveillance System, radars and air platforms*, the Defence Ministry said. For faster approval of export of such platforms, a committee comprising the Defence Minister, the External Affairs Minister and the National Security Advisor had been created, it stated.

Export of big platforms

So far, Indian defence exports included parts and components but the export of big platforms was minimal, Mr. Singh noted. "This decision by the Cabinet would help the country to improve its defence products and make them globally competitive." After its induction in the Services, interest was shown in the Akash missile by many friendly countries during international exhibitions/Def Expo/Aero India, the Ministry said.



IFFCO GAS LEAK: HOW DANGEROUS IS AMMONIA?

Two persons died and several took ill in a major ammonia gas leakage at the Indian Farmers Fertilizer Cooperative Limited (IFFCO) unit at Prayagraj Tuesday night. The victims had come in contact with the concentrated form of ammonia gas that leaked heavily from the plant. *A tri-hydroid of nitrogen (NH₃), ammonia is a building block for ammonium nitrate (NH₄NO₃) that is used in agriculture as a high-nitrogen fertiliser. According to experts in Chemistry, ammonia is stored for industrial use in liquid form under high pressure or in gaseous form at low temperature*, as was the case in the IFFCO unit where the accident took place.

How ammonia gas affects the human body

Aravind K, an Assistant Professor in Chemistry at Saint Berchmans College, who is also a YouTuber and a public speaker in Science, said ammonia, even in moderate concentration, can cause irritation to eyes, skin, nose and throat. The professor further said ammonia interacts immediately upon contact with moisture present in the skin, eyes, oral cavity, respiratory tract to form ammonium hydroxide, which is very caustic and disrupts the cell membrane lipids, ultimately leading to cellular destruction. "As cell proteins break down, water is extracted, resulting in an inflammatory response that causes further damage," he added. Vijay Bahadur Misra, a Chemistry lecturer at a government college in Ayodhya, says *ammonia, which is highly soluble in water, is found in soil, air, and water; it is naturally present in the body and secreted by the kidneys to neutralise excess acid*. However, it is highly diluted when in the environment and does not affect the human body to a noticeable level, he adds. Speaking on the impact of ammonia on human body when inhaled in excess, Professor of Respiratory Medicine at the King George Medical University (KGMU) in Lucknow, Dr Rajeev Garg said the gas is toxic and affects the lungs with a possibility of causing chemical pneumonitis — inflammation of the lung caused by aspirating or inhaling irritants. In simple terms, what happens in that instead of oxygen the person starts inhaling ammonia, causing oxygen deficiency, Garg adds. In such cases, the cause of death is always suffocation, he said, adding that in the case of Tuesday's incident, the victims must have been very close to the point of gas leak.

What are main uses of ammonia

Ammonia is critical in the manufacturing of fertilizers, and is one of the largest-volume synthetic chemicals produced in the world. More than 80 per cent of ammonia made is consumed in the manufacturing of fertilizer, and most of the remainder goes into the production of formaldehyde.

DIRTY WATER WARS: WHY IT'S DELHI VERSUS HARYANA ON YAMUNA'S AMMONIA LEVELS

The impact of increasing pollution in the Yamuna is being noted in frequent disruption to Delhi's water supply. On at least five instances this year, high levels of ammonia in the river have prompted the Delhi Jal Board (DJB) to reduce or stop water production at its plants.

What happens when ammonia levels increase?

Ammonia is used as an industrial chemical in the production of fertilisers, plastics, dyes and other products. It also occurs naturally in the environment from the breakdown of organic waste matter, including sewage. When its concentration rises beyond the DJB's treatment capacity of 0.9 ppm,



water production at three out of 9 water treatment plants — Wazirabad, Chandrawal and Okhla — have to be stopped or reduced, which impacts supply to parts of the city. The issue is a long-standing one between Haryana and Delhi. It is brought into focus every time the concentration of ammonia increases in the river. DJB officials state that the spike in pollution level has been more frequent this year.

Why is Haryana blamed?

The Yamuna flows into Delhi from Haryana and the state has industrial units in Sonipat, which is close to Delhi's northern border. A specific area where both Haryana and Delhi agree on is the mixing of two drains carrying drinking water and sewage or industrial waste or both in Sonipat district. Drain number 8 brings potable water to the capital and drain number 6 carries wastewater. The two drains often mix due to overflow or damage to the wall that separates them. Haryana's irrigation department is expected to start a tendering process to build a conduit pipeline and prevent the mixing of two drains, officials said. Haryana government officials also state that the issue is being raised frequently by Delhi because it wants more water to be released into the Yamuna to meet the city's growing water demand. DJB VC Chadha also said on Tuesday that the city at present receives "much less than the share of water we deserve."

Officials in Haryana and also within the DJB state that the Board should increase its capacity to treat ammonia levels in the water. *In a recent meeting, Water Minister Satyendar Jain has directed that ozone-based units to treat ammonia levels up to 4ppm should be installed at Chandrawal and Wazirabad water treatment plants. The laying of a conduit pipeline to separate drain number 8 and 6 would also reduce pollution of potable water, however, it is not clear when would this be completed.* The National Green Tribunal-appointed Yamuna Monitoring Committee has also said that fast-track approvals should be given to build a conduit. Moreover, the Committee had also recommended to the Ministry of Jal Shakti earlier this year to rework the 1994 water sharing pact between Uttarakhand, Himachal Pradesh, Haryana, Delhi and Uttar Pradesh. The recommendation is based on the need to revive the Yamuna by releasing more fresh water into it, which would help maintain a certain environmental flow for the river to sustain its functions throughout the year.

JAL JEEVAN ADDS 1 LAKH WATER CONNECTIONS DAILY

Since its launch in August 2019, the Centre's ambitious flagship scheme Jal Jeevan Mission (JJM), which in partnership with the States seeks to ensure that every rural household of the country gets assured drinking water supply by 2024, has achieved 32.3% coverage of tap connections in rural India, emerging as a key scheme in the Narendra Modi government's second term. The Modi government is almost replicating the implementation of its flagship scheme of building toilets in the first term in providing tap water connections to every rural household in the country in its second term. In its first term from 2014 to 2019, the Centre reportedly built over 11 crore toilets in the country. "The actual implementation started on December 25, 2019 with the release of operational guidelines for the implementation of Jal Jeevan Mission. In almost a year, despite COVID-19 pandemic and lockdown as well as restrictions, more than 3 crore households have been provided with tap water connections," said Director of JJM Bharat Lal, a top official tasked with the implementation of the ambitious scheme.



32.3% coverage

“With this, as of now, 6.15 crore (32.3%) households of the country are getting tap water supply into their homes. Every year, more than 3 crore households are to be given tap water connections. This is the speed and scale on which the mission is being implemented,” he added. “Almost 1 lakh new connections are getting added on daily basis. The State governments have taken this very seriously and have focused their efforts on its [the scheme’s] delivery,” Mr. Lal, a Gujarat-cadre Forest Service officer, told The Hindu. According to him, there are many challenges in implementing the scheme nationally. Out of a total of 731 districts, 256 districts and 1,592 blocks have been classified as water-stressed or drought prone. *“The State government and local bodies (panchayats) will also have to protect the source of water to be supplied to the households,”* he said. *To ensure its implementation without any funding crunch, in 2020-21, a sum of ₹23,500 crore has been allocated for the implementation of the JJM. Besides this, in 2020-21, 50% of 15th Finance Commission Grants to Rural Local Bodies, that is, ₹30,375 crore as a tied grant, will be utilised for water supply and sanitation.*

HOW MAN-MADE WETLANDS CAN TREAT WASTEWATER

To reduce some load of untreated sewage that flows into the Yamuna, authorities in Delhi are planning a method to naturally treat around 1,500 million litres per day (MLD) of wastewater that goes into the river.

A unique experiment

At the South Delhi Biodiversity Park, being developed by the Delhi Development Authority (DDA) on about 200 hectares of land behind Kalindi Colony, Delhi University professor CR Babu is making 11 constructed wetland systems. *These constructed wetland systems will use boulders and a variety of plants to naturally treat sewage from 25 drains, stretching from Okhla to Kalindi Colony, before it enters the river.* Prof Babu, who heads Delhi University’s Centre for Environmental Management of Degraded Ecosystems (CEMDE), *successfully used the constructed wetland system to revive a lake at Neela Hauz biodiversity park in the city in 2016.* At the South Delhi Biodiversity Park, one out of 11 constructed wetlands started functioning on December 18 this year, treating about 15 MLD of waste from the Kilkari drain.

How treatment works

The method involves a three-step process, which does not require electricity. At the mouth of the drain, a team of scientists led by Prof Babu have made *a one-acre wide wetland from boulders and plants. The drain opens into an oxidation pond, which is the first step of the treatment process. Here the solid material in the waste is removed from a wire mesh and atmospheric oxygen dissolves in the water. The water then travels further and passes through channels and small ridges made from boulders, which creates turbulence and causes aeration. Aeration brings water and air in close contact, introducing small bubbles of air which rise through the water and remove dissolved gases in it. “Higher turbulence means better oxygen saturation and better quality of water. Waterfalls have maximum oxygen saturation and, therefore, have very good water quality,”* Prof Babu says. *The final step in the treatment process happens when water passes through 25 species of plants — including typha, phragmites, ipomoea and cyprus — which are effective in the treatment of heavy metals, including arsenic.* Yasir Arafat, a scientist working under Prof Babu at the CEMDE, said, *“Raw*



sewage is food for these plants and they draw nutrients from it. Over time, they will grow from this nutrition."

Re-charging the river

Treated water is released into the river through wetlands stretching from Dhobi Ghat in Okhla to DND flyway near Kalindi Colony. Prof Babu's *team will check the quality of water being released into the river through this constructed wetland. The same process has increased the concentration of dissolved oxygen (DO) at Neela Hauz biodiversity park lake — which used to receive untreated sewage through drains from nearby areas — to 4 milligrams per litre, close to the criteria for DO required for propagation of fish in water.* "For a very long time, *the constructed wetland system has been ignored by civil engineers, who have been keen about sewage treatment plants (STPs). You need a lot of energy to run STPs and they will not function if their capacity is less or higher than the quantity of sewage... The constructed wetland is a viable alternative to them,*" Prof Babu said.

NEW IRRIGATION MODEL TO HELP DESERT VILLAGERS

A new model of minor irrigation through sub-surface porous vessels (SSPV) being developed here is set to benefit the farmers with small land holdings in the villages of the Thar desert. Experiments have indicated a higher yield of farm produce and improvement in the nutrient value of soil after the installation of frustum-shaped vessels at the mounds formed on land. *The initiative, supported by Indian Institute of Technology-Delhi's Rural Technology Action Group, was taken up earlier this year, after the COVID-19 lockdown was announced, to address the issues of non-availability of food material, malnutrition among children and the villagers' inability to earn livelihood in the cities.* The model has *effectively modified watering by pitchers and competes with drip irrigation.* At the small Moklawas village in Jodhpur district, the vegetable farming through SSPV has started on the campus of 'Arna Jharna', which functions as the desert museum showcasing the arid landscape. The local villagers have created heaped piles of earth and are growing vegetables such as brinjal, tomato, spinach and lady's fingers with the new model. *A SSPV is made of location-specific clay and sawdust, mixed in a proportion to suit the desert sand, press-formed to the frustum shape and baked at a temperature of 750-800 degree Celsius with the addition of a carbon layer in its structure.* A team of local potters has been identified in Jodhpur for manufacturing the vessels in the open-hearth furnaces at their households. *Jodhpur-based Rupayan Sansthan, entrusted with the task of knowledge dissemination of the irrigation model, has obtained technical assistance from the experts of IIT-Jodhpur for manufacturing the vessels with the porosity required for different locations to suit the farming of vegetables and fruits.* The SSPVs, with the storage of 8 to 9 litres of water, supplies it to a radius of land measuring 1.25 metres.

WHY IS HIMACHAL TESTING RESIDENTS FOR LEPROSY?

Health workers in Himachal Pradesh are screening the state's entire population for symptoms of leprosy, in a door-to-door surveillance campaign launched last month. We explain how prevalent leprosy is in Himachal, and what the latest campaign means.

How many active cases of leprosy does Himachal have?

There are currently around 80-82 patients with leprosy in Himachal, mostly adults. Half of these patients were diagnosed in 2020, and the rest have been under treatment since last year. For the



first time in years, none of the new cases detected this year had visible impairments/deformity or 'Grade 2 disability', as the World Health Organization (WHO) calls it. This indicates the earlier a patient is diagnosed, the fewer the impairments (claw hands, drop foot, eye damage, skin nodules, lesions and ulcers are some of the visible impairments associated with leprosy).

How prevalent is leprosy in Himachal Pradesh?

With advances in leprosy treatment in the 1980s, the WHO resolved to globally "eliminate leprosy as a public health problem", that is, bring down the number of cases to less than one per 10,000 by the year 2000. India declared this elimination status in 2005. Himachal attained the status in 2002, and since then, the prevalence rate has been less than one in 10,000. For the last five years, the leprosy prevalence rate in Himachal has hovered around 0.2 per 10,000.

How is leprosy being eradicated in Himachal?

The national leprosy eradication programme is being implemented in Himachal under the National Health Mission. According to state mission director Dr Nipun Jindal, ASHA workers try to detect new cases at an early stage by screening people from house-to-house and referring suspected cases to a medical officer. Diagnosis is generally done after confirming a definite loss of sensation in a pale or reddish skin patch on the body, or in some cases by using the slit-skin smear examination, said state leprosy officer Dr Gopal Beri. Based on the number of skin lesions and other symptoms, leprosy is classified as paucibacillary and multibacillary, the latter being more severe. The disease is cured by multi-drug therapy, which consists of a three-drug regimen and is provided to patients in blister packs. The treatment is six months long in case of paucibacillary and lasts a year in case of multibacillary leprosy. Dr Beri said patients with anaesthetic feet are also given multi-cellular polyurethane (MCP) footwear which help in preventing foot injuries. Of the 182 leprosy cases detected in Himachal in the last two years, only six were paucibacillary and the rest were multibacillary.

What have been the results of the latest surveillance campaign?

The 'Him Suraksha Abhiyan' was launched on November 24 to screen the population for Covid-19, tuberculosis and leprosy. Other health parameters such as blood sugar level and high blood pressure are also being recorded. By December 8, around 21.5 lakh people, or 29 per cent of the state's population, had been screened, out of which 688 people showed presumptive signs of leprosy. But none of them was found to be suffering from the disease. The high number of referrals is because the surveillance is being carried out by untrained workers from various departments, and any type of skin lesion or pale skin patch is being recorded as a symptom of leprosy, an official said. According to the WHO, leprosy, also known as Hansen's Disease, is a chronic infectious disease caused by Mycobacterium leprae. The disease mainly affects the skin, the peripheral nerves, mucosal surfaces of the upper respiratory tract and the eyes. Symptoms may occur within a year but can also take as long as 20 years or more to occur. Leprosy is known to occur at all ages and is curable. Treatment in the early stages can prevent disability. Its mode of transmission has never been fully understood, and its likely transmitted via droplets, from the nose and mouth, during close and frequent contact. Around two lakh new cases were reported globally in 2019, of which 1.14 lakh were reported from India.



WHY IS WEATHER DEPT ASKING PEOPLE IN NORTH INDIA NOT TO DRINK ALCOHOL DURING THE COLD WAVE?

Predicting a severe cold wave in the national capital and several other parts of North India, the Indian Meteorological Department (IMD) issued a rather unusual advisory. In an impact-based advisory, the IMD urged residents of India's northernmost states to protect themselves from the biting cold by avoiding alcohol. According to the IMD, severe cold wave conditions are likely in parts of Haryana, Punjab, Uttar Pradesh, Delhi and Rajasthan from December 29 onwards. Maximum temperature is also forecast to fall by 3 to 5 degrees Celsius after December 28.

What did the IMD say in its recent impact-based advisory?

In its latest advisory, the IMD said the weather conditions were likely to increase the risk of contracting illnesses like the flu, and could also lead to symptoms like runny/stuffy nose and nosebleeds, which usually set in or are aggravated due to prolonged exposure to the cold. The weather department also warned of frostbite, a condition where the skin turns pale, hard and numb and is eventually left with black blisters when exposed to extreme cold conditions. "Do not ignore shivering," the notice read. *"It is the first sign that the body is losing heat. Get indoors". To avoid an adverse reaction to the cold wave, the IMD shared a list of recommendations, one of which was avoiding alcohol as it "reduces your body temperature".* The department also urged people to limit outdoor activities, moisturise their skin regularly with oil or cream, eat vitamin-C rich fruits and vegetables and drink warm fluids to maintain immunity.

But is alcohol really bad for you in cold weather?

An alcoholic beverage to beat the chill on a cold winter night might seem like a good idea to many, but the IMD and several health experts have warned otherwise. While alcohol may make you feel warmer, it actually reduces your body temperature and compromises your immunity if you then venture out into the cold, experts say. According to a study jointly conducted by the Thermal Physiology and the Medicine Division, US Army Research Institute of Environmental Medicine, alcohol can decrease the core temperature of the body and increase the risk of hypothermia during cold exposure. Hypothermia is a severe medical condition where the body loses heat before it can generate it, resulting in a dangerously low body temperature. *While normal body temperature lies at around 37 degrees Celsius, the body temperature of a person suffering from hypothermia drops to below 35 degrees Celsius. Common signs include shivering, slow rate of breathing, slurred speech, cold skin and fatigue. Heavy alcohol consumption is often linked to an increased risk of hypothermia and other conditions linked to extreme cold weather.* The study points out that alcohol has psychological and behavioural effects, which can impact a person's ability to correctly perceive how cold it is. Hence, cases of people succumbing to hypothermia after drinking heavily and passing out outdoors are very commonly reported in places with extreme cold weather. According to the American Association of Family Physicians, a retrospective study in 2004 showed that alcohol consumption is associated with 68 per cent of accidental hypothermia cases.

How does alcohol reduce your body temperature?

Alcohol is a vasodilator, which means that it causes blood vessels to relax and dilate or open. So after consuming alcohol, the volume of blood brought to the skin's surface increases, making you feel



warmer as a result. This is also what causes an intoxicated person to look flushed. As the body begins to believe that it is warm, you also start to sweat — a reaction that automatically reduces overall body temperature. Drinking copious amounts of alcohol may affect your bodies ability to detect the cold properly, which is in place to protect you from frostbite and hypothermia. However, experts say drinking moderately in temperate environments does not significantly affect the core temperature of the body.

What is a cold wave and what was the IMD's forecast?

Cold wave occurs when the minimum temperature dips to 10 degrees Celsius or less and the departure from normal temperature is 4.5 degrees Celsius or lower. In severe cold wave conditions, departure from normal temperature is 6.5 degrees or lower. Delhi has recorded five cold wave days so far this month. Maximum temperature is also forecast to fall by 3 to 5 degrees Celsius after December 28. Rainfall and snowfall is forecast in Jammu and Kashmir, Himachal Pradesh and Uttarakhand under the influence of a Western Disturbance between Sunday and Monday.

WHY LIGHTNING STILL KILLS SO MANY INDIANS

Lightning strikes have caused 1,771 deaths between April 1, 2019 and March 31, 2020, according to a report published on December 31 on lightning incidents in India. The report has been prepared by Climate Resilient Observing Systems Promotion Council (CROPC), a non-profit organisation that works closely with India Meteorological Department (IMD) along with Indian Institute of Tropical Meteorology (IITM), India Meteorological Society (IMS) and World Vision India to disseminate early lightning forecasts. *Uttar Pradesh with 293 deaths, Madhya Pradesh 248, Bihar 221, Odisha 200 and Jharkhand 172 deaths together accounted for more than 60 per cent of the numbers, which are 33 per cent of total fatalities from all natural disasters during the time period.* In 2018-19 period, there were 2,800 deaths and the drop has been attributed to the efforts of various stakeholders, including CROPC. In order to further reduce deaths, the report suggests states “aggressively participate in Lightning Resilient India Campaign and undertake lightning risk management more comprehensively”. Although forecasts and warnings are made available through mobile text messages, it is not available in all regions. A large number of deaths occur due to this as not much awareness has been undertaken. As per the report, interestingly, *the Government of India and most states have not notified lightning as a disaster. There has always been a large number of animal fatalities due to lightning.* Although the Ministry of Animal Husbandry has an Animal Disaster Management Plan, there hasn't been any compliance pertaining to lightning fatalities.

So, how does lightning occur?

Lightning is the process of occurrence of a natural 'electrical discharge of very short duration and high voltage between a cloud and the ground or within a cloud', accompanied by a bright flash and sound, and sometimes thunderstorms. Inter cloud or intra cloud (IC) lightning which are visible and are harmless. It is cloud to ground (CG) lightning, which is harmful as the 'high electric voltage and electric current' leads to electrocution.



How can deaths be minimised?

Every lightning strikes around a fixed period and almost similar geographical locations in similar patterns. *As per the report, Kalbaishakhi—Norwesters, which are violent thunderstorms with lightning—claims life in eastern India; pre-monsoon lightning deaths occur mostly in Bihar, Jharkhand, Chhattisgarh and UP.* So as per CROPC, *early lightning warning to farmers, cattle grazers, children and people in open areas is key. Then a local lightning safety action plan, like installing Lightning Protection Devices, is also need to prevent deaths.*

What kind of technology is used to forecast lightning strikes?

CROPC has a MOU with the India Met Department (IMD), Ministry of Earth Science (MoES), Government of India *to disseminate early lightning forecasts which uses satellite observations, inputs from 'network of Doppler and other radars', 'lightning detection Sensors' among others.* "This makes Lightning Forecast unique with best possible lead time of even a week taking into account the devastations caused by the severe thunderstorms during pre-monsoon," says the report, adding how this new has scientists from IITM, IMD and others working in tandem with a "holistic prediction tool". The report says during the 2019 pre-monsoon season of March-April-May, the tool helped forecast thunderstorms, which 'helped in saving public life and properties'.

What does analysis show?

Lightning strikes originate from Chotanagpur Plateau – the confluence of Odisha, West Bengal and Jharkhand—and extended to Bangladesh to Patkai plateau of Meghalaya affecting other North eastern states. The reason for death was that people were caught unawares and about 78 per cent deaths took place due to people standing under isolated tall trees. About 22 per cent of the people were struck in the open. The report mentions that the rapid degradation of environment like global warming, deforestation, depletion of water bodies, concretisations, rising pollution and aerosol levels have cumulatively pushed the environment to extremes. "And lightning is direct promulgation of these climatic extremities." *It has been observed that during pre-monsoon to initial monsoon, fatalities are more to farmers as they are out in the agriculture field or in orchards. In the later part of the year—September onwards—majority died while standing under tall trees or inside their huts. Lightning fatalities in Bihar is more due to lateral strikes (54 per cent) than direct strikes (34 per cent). Bihar plains have vast agriculture fields, especially north of the Ganga, and are devoid of trees.*

The Odisha story

Odisha had 11.20 lakh plus lightning strikes—the highest in the country—with only 200 casualties. During Cyclone Fani, the state saw more than one lakh intense lightning strikes on May 3 and May 4 in 2019. More than 1.2 million people were evacuated to cyclone shelters. *"Odisha had zero casualty, mainly due to all 891 cyclone shelters being fitted with Lightning Arresters,"* said the report. On the other hand, Gujarat recorded 35 deaths and on April 10, 2019 a strike on Banaskantha Refinery triggered a fire that resulted in a loss of Rs 25 crore. *Bihar had half the lightning strikes than Jharkhand, but had more deaths.*



What is the economic impact of lightning?

The Centre had increased compensation for victims of natural disaster to Rs 4 lakh in 2015. In the last five years there were 13,994 fatalities, which brings the total compensation to around Rs 359 crore. There have been phenomenal losses of animal life also from lightning strike.

What are the recommendations of the report?

Climate Resilient Observing Systems Promotion Council chairperson Col Sanjay Kumar Srivastava (Retd), who is also convener of the Lightning Resilient Campaign, said seeing the adverse impact, *a large number of affected states have notified lightning as state specific disaster. "However, since this is not a notified disaster as per the Ministry of Home Affairs, lightning risk management does not get required attention in national policy directives and developmental programmes,"* he said, adding that it needs to be notified at the earliest looking at its impact. The NDMA has issued comprehensive guidelines for preparations of Lightning action plans to states, but the large number of fatalities show the implementation also needs a more 'scientific and focused community centric approach' as well as convergence of various departments. Col Srivastava said there was a need for a National Lightning Resilience Programme. "Mapping of lightning is a major breakthrough in identifying the precise risk in terms of lightning frequency, current intensity, energy content, high temperature and other adverse impacts. With continuous mapping for at least three years, a climatology can be established. This would yield a Lightning Risk Atlas map for India which will form the basis for a lightning risk management programme," he added.

INTERCONNECTED LIVELIHOODS

"The pandemic affected the weaving community during lockdown. But nothing changed even after the unlock as clothing was not a priority," says Anantha Sayanan (Ananthoo), safe food activist and one of the co-founders of reStore and Organic Farmer's Market (OFM) in Chennai. In 2011, Ananthoo founded a social enterprise, Tula, in Chennai, to promote handspun, organic, sustainable cotton garments. Tula was envisaged as a holistic institution that took into consideration the entire cotton value chain from crop to garment. "During the pandemic, our weavers continued to spin and weave, but we could not sell much of the products. As a result, the stock kept accumulating, leading to a challenging situation," says Ananthoo. That was when he toyed with the idea of aggressive online sales of hand-woven products. "We networked with other collectives who also had huge stockpiles and after a series of discussions, we finally launched www.indiahandmadecollective.com," he explains.

Empowering weavers

The portal, which was launched on November 21 by film actor Revathi on a virtual platform, and by actor Karthi on social media, has multiple vendors from across the country. As a result, the consumers get a wide variety of handwoven products to choose from. The website is being anchored by couple and former IT professionals, Malini Kumar and Suresh Lakshmi pathy. Two years ago, they returned to India after living abroad for many years and took up the task of creating the website, product procurement, stock management, and logistics among others. Says Malini, "Weavers have quickly adapted to the new method of selling their products. Our volunteers, spread across the country, meet them and educate them on how to take orders, shipping and tracking them. They are now familiar with online orders." Some of the weavers keep



ready stock, while some weave once they land an order. "Right now we have 25 different collectives and around 1,000 products through which close to 5,000 weavers (which includes spinners, dyers and tailors) stand to benefit. The initiative has resulted in a win-win situation for the weavers and the buyers, and products can be shipped across the country," says Ananthoo.

ANY EXPLOITATION OF SENTINEL ISLAND WILL WIPE OUT TRIBALS

Any exploitation of the North Sentinel Island of the Andamans for commercial and strategic gain would spell the death knell for its occupants, the Sentinelese, a most secluded, particularly vulnerable tribal group (PVTG) who reside in complete isolation on the island, the Anthropological Survey of India (AnSI) has said. In a policy document, which comes almost two years after American national *John Allen Chau was allegedly killed by the Sentinelese on the island*, the AnSI says the "right of the people to the island is non-negotiable". "These rights are unassailable, non-negotiable and unfringeable. The prime duty of the state is to protect these rights as eternal and sacrosanct. Therefore, their island should not be eyed for any commercial or strategic gain, for if it were to happen, it surely would be a death knell for its occupants," the policy document said. The Sentinelese, with a population of about 50 to 100 on the North Sentinel Island, are not only among the most isolated of nearly 70 PVTGs across the country, but also among the *five in the Andaman and Nicobar Islands which include the Great Andamanese, the Onge, the Jarawa, and the Shompens.*

Knowledge bank

Along with *maintaining the territorial integrity of the North Sentinel Island, the document also calls for building a knowledge bank on the Sentinelese. Since 'on-the-spot study' is not possible for the tribal community, anthropologists suggest the 'study of a culture from distance'.* Speaking to The Hindu, M. Sasikumar, Deputy Director of AnSI and among the few anthropologists who have *circumnavigated and conducted an aerial survey of the North Sentinel Island as late as 2015, said this is the first detailed policy draft for the Sentinelese island, prepared at the request of the Andaman and Nicobar Administration.* The document calls for an insightful study of the 'journal' of John Allen Chau who spent a couple of days on the island, encountered the Sentinelese from close proximity and registered his observations. According to Mr. Sasikumar, Chau's 13-page diary — parts of which are illegible and has sketches of the settlements — is an extremely important anthropological document. Chau had handed it over to the fisherman who transported him to the island in November 2018, a day before he was killed. "We don't know what is happening on the island. During the British period M.V. Portman had visited it, followed by few anthropologists of the *AnSI after independence in 1967 and then it is this American (Chau).* These are the only occasions when outsiders have landed on the island. The rest have been observing the inhabitants from a distance," Mr. Sasikumar said. The AnSI has published the policy inputs in a paper titled 'Draft of the Policies for Great Andamanese and Sentinelese' in their journal recently. Along with Mr. Sasikumar, AnSI Director Vinay Kumar Srivastava, anthropologist Umesh Kumar, Shiv Kumar Patel and Priyanka Airi Goyal are co-authors of the document.

DUCKS DIE IN LARGE NUMBERS IN KUTTANAD

Mass death of ducks in Kuttanad here has created panic among farmers. According to farmers, around 10,000 ducks died in the region in the past week. A majority of the dead ducks belonged to two farmers in Thalavady and Pallippad. Animal Husbandry Department officials said they had



collected samples and sent them for testing. "The cause of death can only be ascertained after receiving the test results," said an official.

'Bacterial infection'

Although the exact cause of the deaths is yet to be ascertained, officials said that a bacterial infection could be the reason. In February, a large number of ducks died at Pavukkaram, near Mannar, due to a bacterial infection. Samples examined at the Avian Disease Diagnostic Laboratory at Thiruvalla then revealed that the ducks had been infected with *Riemerella anatipestifer*, an antibiotic-resistant bacteria. In September 2018, a large number of ducks died of bacterial infection in Upper Kuttanad. Then the duck deaths had been reported from the flood-hit areas. The dead ducks were infected since they were reared in contaminated waters.

LEOPARD COUNT

The *Western Ghats region is home to 3,387 leopards stealthily roaming around its forests. Karnataka tops the list with 1,783 leopards, followed by Tamil Nadu with 868, according to the Status of Leopards in India 2018 report. With 650 leopards, Kerala has the third highest number of big cats in the Western Ghats region. Goa has 86. "The Western Ghats is home to 3,387 leopards, against India's population of 12,852," says the report released recently by the Ministry of Environment, Forest and Climate Change.* The leopard population was counted during the tiger population assessment undertaken in 2018. The leopard population was estimated to be within the forested habitats in tiger-occupied States, the report said. The presence of the animal was recorded in the forested areas of Western Ghats, Nilgiris, and sporadically across much of the dry forests of Central Karnataka. Leopard population of the Western Ghats landscape was reported from the four distinct blocks. *The Northern block covered the contiguous forests of Radhanagari and Goa covering Haliyal- Kali Tiger Reserve, Karwar, Honnavar, Madikeri, Kudremukh, Shettihali Wild Life Sanctuary (WLS), Bhadra and Chikmagalur. The Central population covered southern Karnataka, Tamil Nadu, and northern Kerala covering the forests of Virajpet, Nagarhole, Bandipur, Madumalai, Satyamangalam, Nilgiris, Silent Valley, Wayanad, BRT Hills, MM Hills, Cauvery WLS, Bannerghata National Park. A second central cluster covering central Kerala and Tamil Nadu comprising the Parambikulam-Anamalai - Eravikulam - Vazachal population.*

Camera traps

The southern leopard population block in southern Kerala and Tamil Nadu comprised the forests of Periyar-Kalakad Mundanthurai -Kanyakumari. A total of 6,758 leopard photographs were obtained from Western Ghats from camera traps. The images helped in the identification of 1,681 adults and sub-adults. While noting that the leopard population had increased in most of the tiger reserves in the Western Ghats landscape, the report cautioned that the growing human population and increasing fragmentation of landscape led to increased human-wildlife interactions in the region.

LASTING SOLUTION FOR MONKEY MENACE

The first rescue and rehabilitation centre for monkeys in Telangana was inaugurated at Gandhi Ramanna Haritavanam near Chincholi village in Nirmal district on Sunday. It is the second such facility for the primates in the country. To make the rehabilitation centre a sustainable habitat for



the primates, several fruit and flowering plants, a variety of trees that provide shade, and medicinal plants would be grown. Minister for Forests A. Indrakaran Reddy, who inaugurated the centre, said the monkeys that venture into human habitations would be caught in a phased manner, brought to the centre where they would be operated on for birth control and would be released into the forests again after the rehabilitation period. The Minister inaugurated the centre along with a lab, an operation theatre, a mouse deer park and play-cum-recreation facilities for children, including boating and a chain-link, on the occasion. The Minister said the rehabilitation centre for the primates was built at an estimated cost of ₹2.25 crore. The rehabilitation centre for the monkeys was also the first such facility in south India. The other facility in the country was in Himachal Pradesh. The Minister said the rehabilitation centre had been established on the advice of Chief Minister K. Chandrasekhar Rao, who had been repeatedly impressing upon improving the green cover in the State and to take monkeys venturing into human habitations back into the forests.

'FIREFLIES' TO SHINE A LIGHT FOR GREAT INDIAN BUSTARDS

The Ministry of Environment Forest and Climate Change, along with the Wildlife Conservation Society, India, has come up with a unique initiative — a “firefly bird diverter” for overhead power lines in areas where Great Indian Bustard (GIB) populations are found in the wild. The GIB is one of the most critically threatened species in India, with fewer than 150 birds left in the wild. A report by the Ministry, submitted to the National Green Tribunal in 2019, pointed out that power lines, especially high-voltage transmission lines with multiple overhead wires, are the most important current threat for GIBs in the Thar region, and are causing unsustainably high mortality in about 15% of their population. “Firefly bird diverters are flaps installed on power lines. They work as reflectors for bird species like the GIB. Birds can spot them from a distance of about 50 metres and change their path of flight to avoid collision with power lines. Smaller birds can change their direction [swiftly] but for larger bird species, it is difficult because of their body weight and other factors,” Anil Kumar, team leader of the GIB project undertaken by WCS India, told The Hindu. The firefly detectors have been installed along two stretches of approximately 6.5 km, selected between Chacha to Dholiya villages in the Pokhran tehsil after ground surveys and due consultations with the Rajasthan Forest Department. A total of 1,813 firefly bird diverters are being installed on this stretch — a model that has been endorsed by experts from the International Union for Conservation of Nature (IUCN) Species Survival Commission’s (SSC) Bustard Specialist Group. The diverters are called fireflies because they look like fireflies from a distance, shining on power lines in the night. The selected stretch is opposite the Pokhran Field Firing Range, which offers a safe habitat to a breeding population of GIBs outside the Desert National Park Sanctuary in Jaisalmer. Kapil Chandrwal, Deputy Conservator of Forest, *Desert National Park Sanctuary*, said that high-tension wires being a reason for GIB mortality had been proven by different studies. “GIBs are one of the heaviest flying birds in India. Therefore, when they encounter these wires, they are unable to change the direction of their flight. *Death in most cases is due to impact with the wires and not due to electrocution,*” Mr. Chandrwal added. The diverter will not only save GIB but other species of large birds too.

CONVERSATIONS WITH A TREE

Last week, K Binu stood in front of an imposing Rain Tree in Aluva, a suburb of Kochi in Kerala, and shared the news that *noted environmentalist S Sitharaman* had passed away. Seven years ago,



the conservationist, along with Sitharaman, had used traditional ayurvedic medicine to revive the tree, which was dying due to burning garbage that was dumped around it. "I told the tree that Sitharaman was dead. He had initiated me into this world of Vriksha (tree) Ayurveda. He was my guru," says Binu, who is now popularly called the 'Tree Doctor'. Since the time the 50-year-old school teacher from Kottayam received this knowledge, Binu has come a long way — healing 42 of the 46 trees that he has attended to so far. During lockdown, people consulted him on the health of their trees, sharing images of damaged branches and leaves on WhatsApp, and he advised them on the treatment. On November 15, *a French documentary team arrived in Thiruvananthapuram, from New Delhi, to film his rare expertise. They filmed him with the jackfruit tree in Pattom, that he had nurtured back to good health.* Binu's work was featured in the French documentary that aired recently in TV news programme on France 2 channel under the title 'Know the Indian Tree Doctor'. "Trees hear, breathe, talk, feel, walk like us. They have all the expressions and emotions of a human being," says Binu, explaining that Vriksha Ayurveda, has been neglected and overshadowed by ayurveda for human beings. "Just like the human body that is based on the balance between energies (Vata, Pitta and Kapha), trees and plants too work on the same principle. This science is in our books, written and interpreted by the sages. My love for trees drew me towards this aspect," says Binu. Binu has been feted by the Kerala Government for his extraordinary work and has received the Vanamitra(2015) and Prakritimitra(2016) awards. During lockdown, he began a YouTube Channel called 'The Tree Doctor', where he discusses his practice. Incidentally, Binu says, the pandemic has helped the trees. "It gave a new lease of life to Nature though it affected mankind."

THE CONTROVERSY SURROUNDING NOBEL LAUREATE AMARTYA SEN'S HOUSE IN SANTINIKETAN

West Bengal Chief Minister Mamata Banerjee wrote a letter to Amartya Sen after Visva-Bharati University (VBU), a central university, named him in its list of illegal occupants on the campus. Expressing solidarity with him, Banerjee highlighted Sen's deep ancestral roots with Santiniketan (a neighbourhood of Bolpur in Birbhum district where Nobel Laureate Rabindranath Tagore had set up Visva-Bharati in 1921) and said some "nouveau invaders" in VBU are raising question on his familial properties.

How did the controversy begin?

During a meeting with faculty members on December 9, VBU vice-chancellor Bidyut Chakraborty claimed that Amartya Sen had identified himself as "Bharat Ratna Amartya Sen" and requested that hawkers around his house not be evicted as his daughter, who visits Santiniketan often, would be inconvenienced. In reply to the mail, Sen denied making any phone call to the vice-chancellor.

Rabindranath Tagore had invited Kshitimohan Sen, the maternal grandfather of the economist and Sanskrit scholar of repute, to Santiniketan in 1908 and he had played a key role in building the Visva-Bharati along with Tagore. *Visva-Bharati was set up in 1921.* It is well-known that *Sen, born in 1933, was named Amartya by Tagore.* On the campus, several plots were given to many eminent persons on 99-year lease since the time of Tagore. His father Ashutosh Sen, a noted educationist and public administrator, had his famed house Pratichi built up in Santiniketan about eight decades back. *Sen grew up in Pratichi, the house built by his father in Santiniketan, and visits*



it frequently. In May 1951, Visva Bharati was declared a central university and an institution of national importance by an act of Parliament.

The fallout of the controversy

According to the Visva-Bharati estate office, it had recently prepared a list of illegal occupants that includes the name of Sen as his house, Pratichi, occupying around 138 decimals while the original lease was given on 125 decimals. The university alleged that Sen has reportedly occupied 13 decimals of land, in addition to the 125 decimals of legally leased land given to his father by the university. Chief minister Mamata Banerjee wrote a letter to Sen to express solidarity with him and said that she would always be by his side as his sister. Banerjee also claimed that such allegations were being made against him as he “is not inclined towards BJP’s ideology”. Sen, Nobel laureate and the Thomas W. Lamont University Professor at Harvard University, has been a vocal critic of some of the policies of the BJP-led NDA government at the Centre.

THE SIGNATURE OF KAHN AND OTHER FOREIGN ARCHITECTS ON INDIAN CITIES(M)

A controversy has been playing out over the last several days over a decision by the Indian Institute of Management (IIM), Ahmedabad to bring down 18 dormitories built by legendary American architect Louis Kahn on the old campus, and replace them with new building. Since then, Kahn’s family has written to the IIM Ahmedabad authorities urging them to reconsider. Kahn, in fact, is one among several foreign architects whose work defines several Indian cities.

Antonin Raymond & George Nakashima

Golconde, one of India’s first modernist buildings, was conceptualised in Puducherry by the founders of the experimental township of Auroville. Tokyo-based Czech architect Antonin Raymond was invited to design this space as a universal commune, and Japanese-American woodworker George Nakashima would complete it after Raymond left India. It is possibly India’s first reinforced concrete buildings, built between 1937 and 1945. Its façade creates the impression that one could open or shut these concrete blinds, without compromising on privacy, while the ascetic interiors helped provide a meditative atmosphere.

Otto Koenigsberger

Berlin-bred Koenigsberger was already working for the Maharaja of Mysore in the late 1930s, when he was commissioned by Tata & Sons to develop the industrial township of Jamshedpur in the early 1940s. He would later design the masterplan for *Bhubhaneswar (1948) and Faridabad (1949)*. Having seen children and women walk punishing distances to reach schools and workplaces, he planned for schools and bazaars in the city centre and for a network of neighbourhoods. At a time marked by Partition and rioting, his housing plans included people from different social classes and religions. *His friends Albert Mayer and Mathew Nowicki would go on to design Chandigarh.* However, *much before Koenigsberger, there was the Scottish biologist and geographer Patrick Geddes, who wrote town planning reports, from 1915 to 1919, for 18 Indian cities, including Bombay and Indore.*



Frank Lloyd Wright

Though the legendary *American architect* never built a structure in India, his influence was unmistakable. Two of his students, Gautam and Gira Sarabhai, founders of the *National Institute of Design, Ahmedabad, requested him to design the administration building for Sarabhai Calico Mills in 1946*. It would possibly have been the city's first high-rise with terraces and a podium. Though the building never got built, Gira remodelled an existing bungalow using Wright's signature cantilever roofs and a strong indoor-outdoor connect. Padma Vibhushan Charles Correa, one of India's finest architects and urban planners, was hugely influenced by Wright.

Le Corbusier

Before *Swiss-French painter-writer-architect Corbusier came on the scene in Chandigarh, there was Polish architect Mathew Nowicki, an admirer of Frank Lloyd Wright and American developer Albert Mayer*. Nowicki's death in a plane crash ended the commission, and Corbusier came on board. With English architect Maxwell Fry and his wife Jane Drew, Corbusier with his cousin Pierre Jeanneret would design many of Chandigarh's civic buildings, from courts to housing. Corbusier's modernist approach, without decoration, gave India its brutalist, bare concrete buildings. Many architects thereafter, including Pritzker Prize winner B V Doshi and Shivnath Prasad, would be inspired by him. According to critic-historian Peter Scriver, Corbusier's contribution was "a new cast of mind, not just shapes". He won favour with the Sarabhais of Ahmedabad and built the Sarabhai House, Shodhan House, Mill Owner's Association Building and Sankar Kendra. He is often called the "father of modern Indian architecture".

Buckminster Fuller

Futuristic innovator Fuller is known for his geodesic domes – large-span structures made of a network of triangles. While Wright's Calico administration building never got permission from the Ahmedabad Municipal Corporation, its foundation had already been laid. Gautam Sarabhai, inspired by Fuller, designed the Calico Dome in 1962, at the same site that served as a mill shop. Since its recent collapse, it has been in disrepair and neglected.

Joseph Allen Stein

He was invited by Vijayalakshmi Pandit in 1952 to come to India and establish the Department of Architecture and Planning at the West Bengal Engineering College. Though he also practised briefly in Orissa and West Bengal, it's in New Delhi where Stein left the deepest imprint. From the Triveni Kala Sangam, with its temple-like repose, the High Commissioner's Residence and Chancery for Australia, where his polygon-shaped masonry with local stone made its first appearance, to 'Steinabad' in Lodhi Estate, where many of his buildings stand, including the India International Centre, Ford Foundation and the India Habitat Centre, Stein gave Delhi cultural landmarks that blended Indian craft with international modernism.

Louis Kahn

The importance of being Kahn is never more real than now, as the American architect's only project in India faces bulldozers. The design for IIM Ahmedabad (1962-1974) carried the essence of learning in the humility of its material, and the way spaces were managed — placing the



dormitories, the library and classrooms at the same level, or the faculty residences across a waterbody.

SRINIVASA RAMANUJAN

Ramanujan, born on December 22, 1887 was an autodidact who specialised in pure mathematics. While he excelled in mathematics, he neglected other subjects and could not complete his pre-university course. By 1908 he gave up studies, but not his research in mathematics. He struggled in poverty until in 1910, a benefactor, Ramachandra Rao, district collector of Nellore, provided him monthly allowance from his own pocket so that Ramanujan could pursue research. This would continue for a couple of years until Ramanujan managed to become a clerk at Madras Port Trust. He initiated contact with the British mathematician G.H. Hardy under whose insistence Ramanujan travelled to England in early 1914. His partnering with Hardy was productive: Ramanujan published more than 20 research papers between 1914 and 1919. During his stay, he was awarded a doctorate and made Fellow of Royal Society. When he returned to India in 1919, he was "...with a scientific standing and reputation such as no Indian has enjoyed before". Unfortunately he lived only a year after his return succumbing to illness which was diagnosed then as tuberculosis but now revised as hepatic amoebiasis. However, in that one year, he continued his research at a feverish pitch. Until he left for England in 1914, Ramanujan recorded his mathematical results, mostly equations, in his notebooks. There were three such notebooks (preserved now). One more was added when Ramanujan returned to India. Together there were about 4,000 results. The results were the culmination of research backed by deep intuition and insights. However, Ramanujan did not record proofs of his results: that work would be taken up by future generations of mathematicians. Ramanujan's work was in number theory, infinite series, analysis (theoretical underpinnings of calculus) and a few other areas in pure mathematics. Specifically, as G.H. Hardy wrote, these subjects were "...the applications of elliptic functions to the theory of numbers, the theory of continued fractions and... the theory of partitions". A few significant contributions were multiple formulae to calculate pi with great accuracy to billions of digits ($22/7$ is only an approximation to pi), partition functions (a partition is a way to represent a positive integer — for example, $1+1+1+1$ is a partition of 4, $1+3$ is another partition of 4, and so on), modular forms and hypergeometric series (the terms in every consecutive pair in the series form rational functions). The importance of many of his works became apparent much later. One such was 'Ramanujan conjecture' which he published in 1916 and was proved in 1973 by Pierre Deligne. The conjecture inspired the development of theory of Galois representation that was employed in Andrew Wiles' proof of Fermat's last theorem published in 1995. In recent years, Ramanujan's works and their extensions have found applications in signal processing to identify periodic information, akin to Fourier analysis. Mock theta functions have found applications in the study of black holes in astrophysics. For Ramanujan, his mathematics was an end in itself.

WHO WAS FREEDOM FIGHTER UDHAM SINGH?

Today (December 26) is the birth anniversary of freedom fighter Udham Singh, known for avenging the Jallianwala Bagh massacre of 1919. In 1940, Singh shot and killed Michael O'Dwyer, the colonial official considered responsible for Jallianwala Bagh, where over 1,000 men, women and children lost their lives, and more than were 1,200 wounded.



Who was Udham Singh?

Singh, born in Sunam in Punjab's Sangrur district in 1899, was a political activist who got associated with the Ghadar Party while in the US. The multi-ethnic party was believed to have communist tendencies and was founded by Sohan Singh Bhakna in 1913. Headquartered in California, the party was committed to the ouster of the British from India. In 1934, Singh made his way to London with the purpose of assassinating O'Dwyer, who in 1919 had been the Lieutenant Governor of Punjab and, unsurprisingly, Singh considered O'Dwyer to be responsible for the massacre. As per the book "A Patient Assassin" written by Anita Anand, when O'Dwyer ordered Brigadier Reginald Dyer to Amritsar before the massacre, he was worried that there might be a second Indian mutiny, given the Hindu-Muslim unity and the demonstrations and strikes. Instead of Dyer, who instructed his men to open fire at the crowd gathered in Jallianwala Bagh, O'Dwyer is considered to be the actual perpetrator, since Dyer could not have executed it without his permission. According to legend, Udham Singh, who would have been about 19 years old at the time, was injured during the massacre and surrounded by the dead until he was able to move till the next morning. Then he supposedly picked up some blood-soaked earth and smeared it across his forehead and vowed to take revenge.

The assassination of O'Dwyer

On March 13, 1940, Udham Singh shot O'Dwyer at a meeting of the East India Association and the Royal Central Asian Society at Caxton Hill. He was immediately arrested and held in Brixton prison. At the prison, Singh staged a 36-day hunger strike and in police statements and at the court referred to himself as Mohamed Singh Azad, to symbolise Hindu-Sikh-Muslim unity in the fight for India's freedom. He was sentenced to death and was hanged on July 31, 1940 at Pentonville Prison. In 1974, his remains were sent back to India and he was cremated in his village in Sunam. For avenging the Jallianwala Bagh massacre, Singh is seen by many as a hero. Gandhi, though, had famously decried Singh's revenge as an "act of insanity".

Demand for a statue in Parliament

There have been several demands in the past few years for Udham Singh's statue to be installed in Jallianwala Bagh and the Parliament complex. In July 2018, Punjab MP Prem Singh Chandumajra demanded that his portrait be put in Parliament. In 2018, one part of this demand was fulfilled when his statue was installed at Jallianwala Bagh during Baisakhi. Udham Singh Nagar district in Uttarakhand is named after the freedom fighter.

URDU AUTHOR S.R. FARUQI PASSES AWAY

In the 1950s, Shamsur Rahman Faruqi appeared for the Civil Services interview, a few days before Republic Day. It was the young man's first visit to Delhi. One of the distinguished persons on the interview panel asked him whether he would stay back to watch the parade. "No... I don't like such tamasha," he replied. He got zero in the interview. Faruqi, who died on Friday, was among the finest literary brains in Urdu, who redefined Urdu criticism. His greatest feat, perhaps, was his mammoth novel Kai Chaand The Sare Asmaan (The Mirror of Beauty), a work that he began writing at the age of 70. There aren't many instances in world literature of a novelist publishing a thick masterpiece in his or her twilight years. He was born in 1935, in what was perhaps the golden age of Urdu translations. Between 1910 and 1940, several classics were translated into



Urdu, including Madame Bovary, The Red and the Black, and even many versions of the Gita. Faruqi's favourite was rendered by Khwaja Dil Mohammad as Dil Ki Gita. In such an atmosphere, the young boy took early to literature and brought out his first journal, Gulistan, on sheets pulled out of notebooks when just in Class VIII, that had some of his fiction, translations and his sister's writings. He had three major influences in his formative years — the 1942 movement, Thomas Hardy and Shakespeare. In the early 1950s, Faruqi oscillated between various progressive writers' associations and Jamait-e-Islami, the two broad ideological positions available to an emerging Muslim writer then. However, he soon found that "there was not much difference" between the two because one believed that art existed for the revolution, the other believed it was for Allah. "I began running away from the both," Faruqi said in an interview to Udayan Vajpeyi. It was this commitment to the word that prompted him to chart his own path.



DreamIAS



BUSINESS & ECONOMICS

INDIA TO BECOME FIFTH-LARGEST ECONOMY IN 2025: THINK TANK

India, which appears to have been pushed back to being the world's sixth-biggest economy in 2020, will again overtake the U.K. to become the fifth-largest in 2025 and race to the third spot by 2030, a think tank said on Saturday. India had overtaken the U.K. in 2019 to become the fifth-largest economy. "India has been knocked off course somewhat through the impact of the pandemic. As a result, after overtaking the U.K. in 2019, the U.K. overtakes India again in this year's forecasts and stays ahead till 2024 before India takes over again," the Centre for Economics and Business Research (CEBR) said in an annual report published on Saturday. The U.K. appears to have overtaken India again during 2020 as a result of the weakness of the rupee, it said. CEBR forecast that the Indian economy would expand by 9% in 2021 and by 7% in 2022. "Growth will naturally slow as India becomes more economically developed, with annual GDP growth expected to sink to 5.8% in 2035." Indian would overtake "Germany in 2027 and Japan in 2030," it said. The U.K.-based think tank forecast that China would overtake the U.S. to become the world's biggest economy in 2028, five years earlier than estimated due to the contrasting recoveries of the two countries from the pandemic.

GST COLLECTIONS TOUCH AN ALL-TIME HIGH IN DECEMBER

Gross revenues from the Goods and Services Tax (GST) hit a record high in December 2020, with collections of ₹1,15,174 crore, 12% higher than a year ago and 9.7% greater than the previous month's inflows. December marks the fourth month in a row that GST collections have grown year-on-year, after revenues collapsed in the first quarter of 2020-21 amid the COVID-19 lockdown. *The 12% year-on-year growth recorded in December was the highest in 21 months.* The government said the highest monthly GST kitty since the introduction of the indirect tax in 2017, was a reflection of a rapid economic recovery under way. It also attributed part of the gains to better compliance following an official crackdown on malpractices to weed out taxpayers evading GST or using fake bills to defraud the exchequer.

Among the States, Odisha recorded a 20% growth in GST revenues in December, followed by Rajasthan (16%), Andhra Pradesh (14%) and Gujarat (13%). Revenues grew by 11% in Jharkhand, 10% in West Bengal and Chhattisgarh, and 8% in Tamil Nadu, Kerala, Karnataka and Uttar Pradesh. Till now, the highest monthly GST collections were recorded in April 2019 at about ₹1.14 lakh crore. The Finance Ministry said that April revenues normally tend to be high since they pertain to the returns filed for activity in March, which marks the end of the financial year.

The GST revenue collections remained in negative territory for the first five months of this financial year, with a record low collection of Rs 32,172 crore in April, following the lockdown in the country in the wake of the Covid-19 pandemic.

GST collections in December (for sales in November) gained support from higher festive season sales on account of Diwali in November along with the rollout of new technological systems of e-invoicing and action against tax evaders. Tax experts noted that the government should provide a breakup of the GST revenues collected through the filing of returns and through recovery drives by the GST authorities to help in assessing the true picture of the extent of economic recovery. The



proposed extension of electronic invoicing to all businesses will further prevent leakages in GST revenues. *Under GST laws, e-invoice for B2B transactions has been made mandatory for companies with turnover of over Rs 500 crore from October 1 last year. It was notified to be extended to businesses with over Rs 100 crore turnover from January 1 this year and is likely to be extended for all businesses beginning April 1. E-invoicing system is connected to a central portal that receives and validates invoices in real-time and over time will eventually replace the e-way bill system. It has been seen as a major game-changer to curb tax evasion and plug leakages, which in turn, may not even necessitate an urgent rollout of the proposed new GST return-filing system that may have resulted in a fresh start for tax assesseees under the indirect tax regime.*

FISCAL DEFICIT SHOOTS UP TO 135% OF TARGET

India's fiscal deficit shot up to 135.1% of the Budget target of nearly ₹8 lakh crore for 2020-21, in the 8 months from April to November 2020, as per data released by the Controller General of Accounts on Thursday. The figure had stood at 114.8% a year earlier. *Revenue deficit, which had crossed 125% in the first half of the year, almost touched 140% of the Budget target by November, with just about 40% of the annual estimated revenue receipts coming in.* The fiscal deficit had reached 120% of the year's target, or ₹9.53 lakh crore by the end of October. It rose to ₹10.8 lakh crore in November. Government spending, including *capital expenditure considered critical to revive the economy, remained lower than a year earlier, though there was a month-on-month uptick in November.* Only 62.7% of the budgeted expenditure for the year had been spent by November, lower than the 65.3% recorded a year earlier. Capital expenditure fared even worse, touching 58.5% of target by November, compared to 63.3%. "If all the allocations mentioned in the Atmanirbhar programmes are executed, then fiscal deficit will increase to around 9% of GDP — a deficit of around ₹17-18 lakh crore." ICRA principal economist Aditi Nayar said the fiscal deficit for the year will reach ₹14.5 lakh crore or 7.5% of its nominal GDP estimate; she saw some encouragement from public spending in November.

Corporate tax collections were ₹1.03 lakh crore lower year-on-year and income tax collections were down ₹33,000 crore. Non-tax revenue has also been lower so far at just about 32% of budgeted amount, Mr. Sabnavis pointed out.

CAIRN WINS ARBITRATION RULING AGAINST INDIA IN TAX DISPUTE: WHAT IS THE CASE?

The Permanent Court of Arbitration at The Hague has ruled that the Indian government was wrong in applying retrospective tax on Cairn. In its ruling, the international arbitration court said that Indian government must pay roughly Rs 8,000 crore in damages to Cairn.

What is the dispute all about?

Like Vodafone, this dispute between the Indian government and Cairn also relates to retrospective taxation. In 2006-07, as a part of internal rearrangement, Cairn UK transferred shares of Cairn India Holdings to Cairn India. The Income Tax authorities then contented that Cairn UK had made capital gains and slapped it with a tax demand of Rs 24,500 crore. Owing to different interpretations of capital gains, the company refused to pay the tax, which prompted cases being filed at the Income Tax Appellate Tribunal (ITAT) and the High Court. While Cairn had lost the case at ITAT, a case on the valuation of capital gains is still pending before the Delhi High court. In



2011, Cairn Energy sold majority of its India business, Cairn India, to mining conglomerate Vedanta. Cairn UK was however not allowed to sell a minor stake of about 10 per cent by the income tax authorities. Authorities had also siezed Cairn India shares as well as dividends that the company paid to its parent UK firm.

What has the arbitration court said?

In its judgment, the Permanent Court of Arbitration at The Hague said Cairn Tax Issue was not just a tax related issue but an investment related dispute, and therefore under the jurisdiction of the international arbitration court. Akin to the ruling in the Vodafone arbitration case, the PCA at The Hague has once again ruled that the Indian government's retrospective demand was "in breach of the guarantee of fair and equitable treatment". It has noted that Cairn UK's argument that the demand on them was made after the Vodafone retrospective tax demand, which has since been set aside by Indian courts.

CAIRN, VODAFONE CASE

The Permanent Court of Arbitration at The Hague on Wednesday ruled in favour of energy firm Cairn Plc over a retrospective tax demand worth ₹24,500 crore pursued by India's taxmen since 2014. It has ruled that the tax levy, pertaining to a corporate reorganisation exercise undertaken in 2006-07, falls foul of the India-U.K. bilateral investment pact. The timing could not have been worse for the government — expiry of a three-month deadline to contest a similar retrospective taxation case lost against Vodafone this September. But unlike the telecom case, where the government would only need to fork out around ₹80 crore if it were to concede defeat, this verdict includes a sharp \$1.4 billion payable as damages to Cairn. The damages arise from tax authorities' decision to take by force and subsequently sell the company's shares, and freeze dividend payments as well as tax refunds, to recover the disputed tax dues even as the arbitration process was under way. This outcome has repercussions, not in the least for an arbitration plea filed over the same tax demand by Cairn's parent firm, Vedanta, whose verdict is awaited.

Second, perhaps, *the fiscal implications of such a large payout to Cairn when the exchequer is cash strapped, may have galvanised the government's mind about challenging the Vodafone verdict after much dithering.* Ostensibly, because it cannot take a different stance on two similar cases, the Centre has now filed an appeal in the Vodafone matter in Singapore. A similar appeal too can be expected on Cairn.

PM Narendra Modi had promised to resolve concerns on retrospective taxation, introduced to global consternation in 2012 by then Finance Minister Pranab Mukherjee after losing a tax battle with Vodafone in the Supreme Court. The Cairn order even refers to statements by BJP leaders like the late Arun Jaitley terming the retrospective amendments as 'tax terrorism' while in the Opposition.

END OF THE INTERCONNECTION USAGE CHARGES (IUC)

The end of the Interconnection Usage Charges (IUC) regime on January 1, under which one telecom operator paid a charge to another on whose network a subscriber's voice call was completed, creates a new era in which these companies can focus on upgrading their networks and service. The measure was delayed by a year by regulator TRAI due to concerns that not all operators were ready, and



the shift to more efficient 4G networks and compatible subscriber handsets was slower than anticipated. *Now that the need to monitor call termination data and make IUC payments no longer exists, and a spectrum auction is also scheduled this year, the focus should shift to giving the users a better deal — as reliable call quality and competitive tariffs.* For the subscriber, other than those who had to pay higher access tariffs on one wireless network due to the IUC system, the latest measure may not carry a significant impact, since providers sold unlimited call packs even earlier. One operator, Jio, had a higher proportion of outgoing calls to other wireless operators since its launch a few years ago, thus having to pay significant net interconnection charges, which was *six paise per minute since 2017*. That imbalance has reduced, and TRAI has now introduced an arrangement called bill and keep, which does away with the IUC. India's high density telecom market is poised for further growth as it awaits expansion through 5G and Internet-connected devices. Yet, as the Economic Survey of 2019-20 pointed out, intense competition has reduced the number of private players. Public sector operators BSNL and MTNL still face a challenge and their future must be clarified early, with efforts to improve their technological capabilities and service levels. A parallel trend has been the rise in 4G subscribers from 196.9 million in September 2017 to 517.5 million out of a total wireless subscriber base of 1,165.46 million in June 2019. The end of the IUC should spur an expansion of high-capacity networks, going beyond 2G and 3G that some telcos continue to use. The removal of interconnection charges was opposed by them just a year ago. For TRAI, which has stressed the importance of consumer welfare through adequate choice, affordable tariff and quality service, it is important to tread cautiously on claims made on behalf of the sector, that higher tariffs alone can ensure the health of telecoms. India is a mass market for voice and data services that fuel the digital economy. Badly priced spectrum could lead to auction failures and lack of genuine competition is bound to hamper the growth of the next big wave of telecoms, of which the 5G piece is critical for new services. On the consumer side, helping more people migrate to 4G services quickly through affordable handsets will help telcos put their infrastructure to better use.

RECHARGING DTH

The Union Cabinet on Wednesday approved 100% Foreign Direct Investment (FDI) in direct-to-home (DTH) services, extension of the licence period from 10 years to 20, *and importantly, the fee has been reduced to 8% of Adjusted Gross Revenue, after setting off service tax, as opposed to 10% on Gross Revenue now.*

The DTH operators have also been facing a challenge from high bandwidth Internet and new generation entertainment providers using Over The Top (OTT) channels that are chipping away at their urban viewer base so valuable to advertisers. Many broadcasters now have a live Internet presence, and newer screen casting technologies pair mobiles to large screen TVs. In such an environment of flux, some existing players have combined technologies, incorporating DTH, Internet service and OTT. There is relief among the DTH players on the licence fee decision, although the Indian Broadcasting Foundation would like to see further liberalisation — the removal of cross media ownership restrictions.

Significantly, a legal challenge against the existing annual licence fee in the Supreme Court was recently posted for hearing in February 2021. *The DTH operators have been arguing that, since TRAI issued the New Tariff Order (NTO) for television last year, they have become mere carriers of*



channels and bouquets, with no pricing powers for these. Any high fee would, therefore, be anomalous, in their view.

India is one of the biggest single markets for audiences, with an estimated 200 million cable and satellite households, and regulation favouring the consumer is warranted. In fact, the recent controversy surrounding fake audience numbers for channels points to the need for scrutiny of the methods adopted. What broadcasters, including state-run Doordarshan, must realise is that audiences are won by the power of authentic programming and entertainment. In a diverse cultural milieu, with a vibrant public sphere and a sporting tradition, there is space for everyone, and the best combination of technology and pricing will win the viewer's favour.

GOVT. INVITES EOI TO DIVEST FULL STAKE IN SHIPPING CORP.

The Centre on Tuesday invited expression of interest (EOI) for the disinvestment of its entire 63.75% shareholding in the Shipping Corporation India Limited (SCIL) along with the handing over of its management control. Potential bidders have time until February 13 to submit their interest. *The SCIL was incorporated in 1961 and owns a fleet of 59 vessels, including two container vessels, 13 crude oil tankers and eight off-shore supply vessels. It has been a profitable commercial venture and garnered ₹347.5 crore in profit in FY20. The remaining 36.25% stake is jointly owned by mutual funds, banks, insurance companies as well as individuals, according to the pre-bid document.* Any private or public limited company registered, or a company / a fund incorporated outside India and eligible to invest in India is eligible to bid either as a sole bidder or as a part of a consortium. Employees are permitted to participate in the transaction either directly and independently or by forming a consortium. The interested bidder should have a net worth of at least ₹2,000 crore and generated positive EBIDTA for 3 out of the past 5 years. Once the EOIs are evaluated, the Centre will float a 'Request for Proposal'. Thereafter, financial bids submitted by qualified parties will be opened and evaluated and a winner would be declared.

CENTRE TO SET UP DEVELOPMENT FINANCE ENTITY IN 3-4 MONTHS

The government plans to set up a Development Finance Institution (DFI) in the next three to four months with a view to mobilise the ₹111 lakh crore required for funding of the ambitious national infrastructure pipeline, according to Financial Services Secretary Debasish Panda. *In her last Budget speech, Finance Minister Nirmala Sitharaman had proposed to set up DFIs for promoting infrastructure funding. About 7,000 projects have been identified under the National Infrastructure Pipeline with projected investment of ₹111 lakh crore during 2020-25.* The DFI, Mr. Panda said, would have a key developmental role apart from the financing role. Prior to liberalisation, India had DFIs engaged in development of industry. ICICI and IDBI, in their previous avatars, were DFIs. The country's oldest financial institution IFCI Ltd. too had acted as a DFI.

HOW VADODARA CORPORATION PLANS TO RAISE MONEY VIA MUNICIPAL BONDS

The Vadodara Municipal Corporation (VMC) is expected to launch municipal bonds in January, and will become the third Urban Local Body (ULB) in Gujarat to use this method to raise money to fund development work sanctioned under the Atal Mission for Rejuvenation and Urban Transformation (AMRUT). It has sought approval for the same from the state government.



The Ahmedabad experience

Ahmedabad was the first city in south Asia to launch a municipal bond of Rs 100 crore in 1998, which was completely subscribed. It followed up with four more bonds — two Rs 100 crore ones in 2002 and 2005, a Rs 98 crore bond in 2004, and one of Rs 200 crore in 2019. Except the first, the rest of the Ahmedabad bonds were privately placed, according to sources in the AMC. Surat Municipal Corporation was the second city in Gujarat to announce bonds in 2018, to fund a sewage treatment project worth Rs 450 crore.

Vadodara's municipal bonds

The VMC is riding on the favourable credit ratings from two agencies for two proposed bonds of Rs 100 crore each, and expects to issue the bond at the exchange by January 2021. The VMC General Board had, in its budget for 2019-20 financial year (FY), given in-principal approval for mobilisation of Rs 100 crore through issuance of Municipal Bond which was raised to Rs 200 crore in the FY 2020-21. *Under the AMRUT scheme, the VMC has got approval for its Detailed Project Report (DPR) of 14 works worth Rs 474.34 crore. These works have a tender value of Rs 533.40 crore of which the VMC has to contribute approximately Rs 224.4 crore. The VMC had appointed India Rating and Research (Fitch) Ltd and CRISIL Ltd for the credit rating. While Fitch assigned AA+/Stable, CRISIL ratings for VMC are AA/Stable.* AA++ is considered to be the best rating — which was also given to Ahmedabad and Surat in Gujarat. The next best is the AA rating. The VMC has also appointed SBI Capital Markets Ltd and MV Kini Law Firm, New Delhi, as the transaction advisers and legal counsel for the proposed bond. SBI Capital Markets Ltd is mainly responsible to coordinate, assist and guide various stakeholders and hold investor meetings to mobilise the proposed sum. Meanwhile, the United States Treasury Department is also providing the VMC with the technical assistance and guidance for proposed Municipal Bond under the India-US Economic and Financial Partnership programme. The VMC, which has struggled to meet its monthly expenses due to a financial crunch in the past, however, says its debt-paying capacity has been examined and found to be stable. The municipal bond is seen as a dynamic debt instrument which will lower the annual liability component of the VMC currently from about Rs 45 crore to Rs 35 crore.

What is a municipal bond?

A municipal bond is a kind of debt instrument where investors offer loans to local governments. They are issued by civic bodies for specific projects and usually have a 10-year tenure. The ULB pays the annual interest on the bonds to the investor at the decided rate. The difference between a bank loan and a municipal bond is that any institution can secure a bond only if it has favourable credit ratings. The bond helps raise funds from the stock market. The bond also increases the number of investors available to the civic body, as compared to a loan from a single bank. Bonds are issued to institutional and high networth individuals. The face value of each instrument slot of a municipal bond is a minimum of Rs 10 lakh. It can be subscribed to (purchased) by a single investor or multiple investors.

Why is the government pushing for municipal bonds?

According to officials, *under the Atal Mission for Rejuvenation and Urban Transformation (AMRUT) scheme, urban local bodies (ULBs) are encouraged to tap the bond market. Bonds help ensure*



improved credit profiles, direct transfer of funds by the Centre, transparency and efficient revenue generation. The government also pays ULBs Rs 13 crore for every Rs 100 crore raised via bonds, subject to a ceiling of Rs 26 crore for each. This incentive takes care of the repayment that the ULB must make to the lender, including the interest component.

The bonds are an integral part of the AMRUT scheme and can, in fact, only be floated if the balance sheets are in order and if the credit rating is suitable, which indicates that the civic body has the capacity to repay the annual amount owed to the lender. *Lucknow Municipal Corporation (LMC) had issued bonds at an interest rate of 8.5% and received bids worth Rs 450 crore from interested investors. Among the other ULBs that have issued bonds are Ahmedabad, Pune and Indore.* According to the Ministry of Housing and Urban Affairs, *in 2018-19, eight ULBs issued bonds and were incentivised with Rs 181.33 crore by the ministry. In the following financial year the ministry decided to incentivise up to 12 ULBs for issuing municipal bonds on 'first come, first serve' principle, based on the date of issue of bonds.*

How do investors bid for the municipal bond and get paid?

Tiwari says the *bidding takes place on an electronic trading platform after the bond is listed on the exchange. The bidding is open to all investors and is facilitated by the transaction agent appointed by the ULB, who gets a commission of 0.10% after the money is transferred to the account of the ULB. Tiwari explains that there could be a single investor as in the case of Ahmedabad and Surat, where Gujarat State Financial Services (GSFS) picked the entire bond of Rs 200 crore each, or there could be multiple investors, who can bid for any number of slots having a value of Rs 10 lakhs each. "Once the bucket cap is reached, the bid is closed and the bidders must consent to the interest rate that has been decided after the last bid is made."*

POLICY ROLL-BACK MAY DENT BANKS' HEALTH

In 2020-21, as policy support is rolled back, the impact of the COVID-19 pandemic may dent the health of the banks and non-banks, the Reserve Bank of India (RBI) said in its Report on Trend and Progress of Banking in India. To mitigate the impact of COVID-19, the RBI allowed lending institutions to grant a moratorium on payment of instalments of term loans due between March 1, and May 31, which was later extended till August 31. The report said as at end-August, borrowers accounting for about 40% of outstanding loans in the financial system (ie banks and NBFCs) had availed of the moratorium.

Banks' gross non-performing assets ratio declined to 8.2% in March from 9.1% a year earlier, and to 7.5% at end-September. The COVID-19 provisioning and ploughing back of dividends would help shield their balance sheets from emanating stress to a certain extent, it said. The report said preliminary estimates suggested that potential recapitalisation requirements for meeting regulatory purposes as well as for growth capital may be to the extent of 150 basis points (bps) of the common equity tier I (CET I) ratio for the banking system. It said while the government had earmarked ₹20,000 crore in the first supplementary demands for grants for capital infusion in public sector banks (PSBs), they may raise more resources from the market as an optimal capital raising strategy. Specifically on NBFCs, the report said profitability of non-banking finance companies (NBFCs) may be 'dampened' going ahead due to the loan impairment and lower credit demand. Due to the moratorium and asset classification standstill, asset quality shored up. However, many NBFCs had made additional provisioning as per the expected credit loss norm;



and bolstered their capital position by ploughing back dividends, it said. As on August 31, about 26.6% of the total customers of NBFCs had availed of the moratorium and 44.9% of their total loan outstanding was under moratorium, it added.

MAINTAINING INFLATION TARGET AT 4% IS APPROPRIATE: RBI PAPER

Maintaining the inflation target at 4% is appropriate for India, according to a working paper titled "Measuring Trend Inflation in India". *The 4% target for inflation — with an upper tolerance limit of 6% and a lower limit of 2% — was set by the Centre in consultation with the RBI in 2016 and its validity expires on March 31, 2021.* "The paper finds a steady decline in trend inflation to 4.1- 4.3% since 2014." "A target set too [significantly] below the trend imparts a deflationary bias to monetary policy because it will go into overkill relative to what the economy can intrinsically bear in order to achieve the target," the paper said. "Analogously, a target that is fixed above the trend renders monetary policy too expansionary and prone to inflationary shocks and unanchored expectations. Hence, maintaining the inflation target at 4% is appropriate for India," it added. The RBI placed the paper on its website under the Reserve Bank of India Working Paper Series. Central to the design and conduct of monetary policy is the *concept of trend inflation, the level to which actual inflation outcomes are expected to converge after short-run fluctuations die out*, the authors said.

RBI'S DIGITAL PAYMENTS INDEX UNVEILED

The Reserve Bank of India (RBI) has constructed a composite Digital Payments Index (DPI) to capture the extent of digitisation of payments across the country. The RBI-DPI has been constructed with March 2018 as the base period. The DPI for March 2019 and March 2020 work out to 153.47 and 207.84 respectively, indicating appreciable growth. "The *RBI-DPI comprises five broad parameters*, including Payment Enablers, Payment Infrastructure – Demand-side factors and Supply-side factors, Payment Performance and Consumer Centricity," the banking regulator said.

FROM JANUARY 1, NEW SAFETY FEATURES IN CHEQUES ABOVE RS 50,000

On January 1, 2021, the Reserve Bank of India (RBI) will introduce the 'Positive Pay System' for cheque transactions above Rs 50,000 in a bid to enhance safety and eliminate frauds.

What is the Positive Pay System for cheque transactions?

The concept of Positive Pay involves *a process of reconfirming key details of large-value cheques.* Under this process, *the issuer of the cheque submits electronically, through channels like SMS, mobile app, Internet banking and ATM, certain minimum details of that cheque (like date, name of the beneficiary, or payee and amount) to the drawee bank, details of which are cross-checked with the presented cheque by Cheque Truncation System (CTS). Any discrepancy is flagged by CTS to the drawee bank and presenting bank, who then take redressal measures.*

What type of cheques will come under Positive Pay?

Banks will enable the new system for all account holders issuing cheques for amounts of Rs 50,000 and above. *While availing of this facility is at the discretion of the account holder, banks may consider making it mandatory in case of cheques for amounts of Rs 5,00,000 and above.* The National



Payments Corporation of India (NPCI) will develop the facility of Positive Pay in CTS, and make it available to participant banks.

What will be the new dispute redressal mechanism?

Only those cheques that are compliant with the new system will be accepted under the dispute resolution mechanism at the CTS grids. Member banks may implement similar arrangements for cheques cleared or collected outside CTS as well. The RBI has already told banks to create adequate awareness among their customers on features of the Positive Pay System through SMS alerts, displays in branches, ATMs, as well as through their websites and Internet banking. *The Positive Pay System will be implemented from January 1, 2021.*

What will be the share of Positive Pay in overall cheque transactions?

The new measure will cover approximately 20 per cent and 80 per cent of total cheques issued in the country by volume and value, respectively. The Cheque Truncation System (CTS) for clearing cheques is operational pan-India, and presently covers 2 per cent and 15 per cent of total retail payments in terms of volume and value respectively. The average value of a cheque cleared in CTS presently is Rs 82,000. The CTS-2010 standard specifying minimum security features on cheque leaves acts as a deterrent against cheque frauds, while standardisation of field placements on cheque forms enables straight-through-processing by use of optical or image character recognition technology.

Why is the new system being implemented?

The RBI says the Positive Pay system is to further augment customer safety in cheque payments and reduce instances of fraud occurring on account of tampering of cheque leaves. *Banks had recently witnessed a rise in frauds involving high-value cheques. The RBI announced the introduction of Positive Pay System for CTS on August 6.*

SUSPENSION OF IBC

The government has kicked the can down the road by deciding to keep in abeyance critical provisions of the Insolvency and Bankruptcy Code (IBC) of 2016 till March 31, 2021. To recap, because of the large-scale economic hara-kiri triggered by the COVID-19 pandemic and lockdown, the government had raised the threshold of loan defaults that would spark off insolvency proceedings from ₹1 lakh to ₹1 crore on the day of the lockdown's announcement — March 24. It had indicated that if things did not improve by April-end, the suspensions of certain sections of the IBC for six months could be considered to prevent companies at large from being forced into the insolvency process for a 'force majeure' default. An ordinance, in June, indefinitely barred the initiation of insolvency proceedings both, voluntarily or by creditors, for defaults arising on or after March 25, 2020, for a period of six months that could be stretched to a year. When the initial six months of forbearance under the IBC expired, it was extended till December 25. Union Finance Minister Nirmala Sitharaman's pronouncement now, of a further suspension, would mean the one-year limit permitted by the law is fully used up. The government must make it clear that this is the last such window of respite, even as the necessity for a blanket suspension of IBC at this point in time is not as apparent as it was in the first or second quarter of 2020-21. Stretching the IBC's abeyance, for one, does not square up with the government's proclamations of a firm, V-shaped economic recovery. Finance



Ministry mandarins have repeatedly talked up growth prospects by flagging indicators returning to pre-COVID-19 levels, in several sectors. Surely, businesses in those sectors need no longer be sheltered from exits if they are not competitive. The government, by now, should know which sectors continue to remain in trouble. And if it is concerned about small and medium businesses, it could tweak the default threshold limit a tad higher, while letting bankruptcy processes function again for larger loan accounts. But *a catch-all suspension could burden banks further and does not appear to have enthused industry either. One reason could be that the suspension also cuts off businesses' ability to voluntarily enter insolvency — for many, post-COVID-19 operations may not seem viable. Denying them an exit route so as to cut their losses, while their assets shed value is a lose-lose proposition for both borrower and lender.* A more nuanced approach would have been better for banks, businesses and the economy. *Delaying the inevitable would mean greater financial stress ahead, as the restructuring and recovery of bad loans shall get tardier and future growth momentum would be punctured at the cost of understating present systemic stress.*

POWERING UP

The electric vehicles market in India appears to be gaining traction. Companies have not only started to manufacture electric scooters and bikes in states like Uttar Pradesh, but have also begun to research for alternatives to lithium-ion batteries, which are mostly imported from China. EV major Tesla is expected to launch its India operations early next year, signalling the market's attractiveness. The arguments in favour of a shift towards electric vehicles are straightforward, arising *largely as a response to the challenges of pollution and energy security. India has 21 of the world's 30 cities with the worst air pollution as per data from IQAir AirVisual's 2019 World Air Quality Report. And much of the pollution load can be traced to vehicular emissions. As such, the adoption of electric vehicles will reduce overall emissions and also help meet the targets under the Paris agreement.* Such a shift would also help lower the country's dependence on oil imports. A NITI Aayog report had earlier pegged the *savings in the oil import bill at Rs 1.2 lakh crore (assuming crude at \$70 per litre).* Considering such a shift will lead to *enormous socio-economic and environmental benefits*, a prudent approach would be to channel investment towards facilitating the shift of various modes of public transport, two-wheelers and taxis to electric vehicles. Covering these modes of transport itself would include nearly 80 per cent of vehicles on Indian roads as per the NITI Aayog study. This approach, as an analysis by TERI suggests, would help reduce pollution, lower oil imports, and cut carbon emissions and road congestion. Arguments in favour of subsidising the shift for premium four-wheeler cars ignore that they account for only 2 per cent of total vehicle sales in India. However, there is *the issue of creating the charging infrastructure at the scale required to facilitate its large-scale adoption. Affordable and convenient charging will, after all, increase the segment's attractiveness for consumers.* In the US, for instance, President-elect Joe Biden has pledged to build 5,00,000 new EV charging stations. However, *while public funding may well be required to incentivise both manufacturers and consumers to shift, governments should be agnostic between various EV technologies.*



LIFE & SCIENCE

HOW THE SOLARWINDS CYBERATTACK HAS HIT MICROSOFT(V)

As part of its ongoing investigations in the SolarWinds cyberattack, Microsoft has revealed that its internal source code was likely accessed by the attackers. The company had earlier confirmed that it too was compromised is what is being seen as *one of the world's largest cyberattack*, that primarily targeted the United States (US) government and several other private organisations. The *SolarWinds cyberattack was first revealed in December by cyber-security firm FireEye.*

Microsoft has termed it 'Solorigate incident' as in the blog. "We detected unusual activity with a small number of internal accounts and upon review, we discovered one account had been used to view source code in a number of source code repositories." According to the post, the account did not have required permissions to access the code, to modify it, nor was it authorised to access the engineering systems. The company says so far the investigation confirmed no changes were made to this source code. "These accounts were investigated and remediated," adds the company.

What does this mean?

Microsoft has not confirmed what source code was accessed by the hackers. However, the fact that the hackers got in so deep is quite worrying, given source code is crucial to how any piece of software works. Source code is the key to how a software product is built and if compromised could leave it open to new, unknown risks. Hackers could use this information to exploit any potential weakness in the programmes. Microsoft says "this activity has not put at risk the security of our services or any customer data," but adds they believe this attack was carried out by "a very sophisticated nation-state actor." The company says that there's no evidence that its systems were used to attack others.

Microsoft says it has plenty of defence protections in place to stop attackers if and when they do gain access. It says there is evidence the activities of the hackers were "thwarted" by the company's existing protections. The tech giant says it "will provide additional updates" if it gets new information.

What else has been revealed in this SolarWinds hack?

The problem with this cyberattack is that it has been going on for so long that the full scale remains unknown. In fact, the attack may have started earlier than last spring as previously believed. The sheer scale of the attack also remains unknown, according to most reports. Meanwhile, FireEye, which discovered the attack, has revealed new details about the Sunburst malware. The malware exploited the SolarWinds Orion software, which is used by thousands of companies, including several US government agencies. According to FireEye, Sunburst — a malicious version of a digitally signed SolarWinds Orion plugin— contains a backdoor that communicates via HTTP to third-party servers. It appears that the plugin remains "dormant period of up to two weeks," after which it starts executing commands and carrying out tasks such as "transfer of files, execute files, profile the system, reboot the system, and disable system services." It also appears that the malware "performs numerous checks to ensure no analysis tools are present," according to FireEye. This cautious approach is what helped the malware "evade detection by anti-virus



software and forensic investigators for seven months after its introduction to the SolarWinds Orion supply chain,” according to the cyber-security firm.

WHAT IS PNEUMOSIL, INDIA’S FIRST INDIGENOUSLY CREATED VACCINE AGAINST PNEUMOCOCCAL DISEASE?

Pune-based Serum Institute of India (SII) unveiled India’s first indigenously developed pneumococcal vaccine on Monday. The world’s largest vaccine manufacturer by doses, SII is also the maker of Covishield, the Indian version of the AstraZeneca-Oxford coronavirus vaccine. *SII’s pneumococcal vaccine, Pneumosil, was developed through a collaboration spanning over a decade with the health organisation PATH and the Bill and Melinda Gates Foundation.* The vaccine was launched by Union Health Minister Dr Harsh Vardhan. “This is a significant milestone for the country’s public healthcare which will *ensure that children are protected better against pneumococcal disease* with an effective vaccine,” Dr Harsh Vardhan said at the virtual launch function. He said the Serum Institute’s vaccines are used in 170 countries and every third child in the world is immunised with one of its vaccines. *The vaccine targets the pneumococcal bacterium, which causes pneumonia and other serious life-threatening diseases such as meningitis and sepsis, and is estimated to cause nearly four lakh deaths in children under five years of age each year worldwide. Pneumococcal disease is a significant contributor under-five mortality rate worldwide.* In view of its widespread fatality, the World Health Organization in 2018 recommended the inclusion of the *pneumococcal conjugate vaccine (PCV)* in routine childhood immunisation programmes in all countries. Serum’s first indigenous PCV will be available in the market at an affordable price in single dose (vial and prefilled syringe) and multidose (vial) presentations. While PCVs have helped reduce pneumococcal deaths, they are difficult for many countries to afford. Pneumosil addresses the need for a more affordable option. Pneumosil will be available at an affordable competitive price. The unique feature of the WHO pre-qualified PCV is its composition which is specially *tailored to the serotype of the bacterium, S pneumoniae, in India and other regions of the world.* Based on the trials, Pneumosil was licensed by the Drugs Controller General (India) in July 2020. The vaccine also makes SII the world’s third supplier of PCVs under the pneumococcal Advance Market Commitment, and the first developing country vaccine manufacturer to access the global PCV market.

FROM CORMAC THE LLAMA, TINY ANTIBODIES AGAINST CORONAVIRUS(V)

From a llama named Cormac, researchers at the US National Institutes of Health (NIH) have isolated a set of tiny antibodies, or “nanobodies”, that hold promise against the novel coronavirus SARS-CoV-2. At least one of these nanobodies could prevent infections and detect virus particles by grabbing hold of SARS-CoV-2 spike proteins, the researchers suggest in the journal Scientific Reports. This nanobody, called NIH-CoVnb-112, appeared to work equally well in either liquid or aerosol form, which suggests it could remain effective after inhalation. A nanobody is a special type of antibody naturally produced by the immune systems of camelids, a group of animals that includes camels, llamas, and alpacas. They are called nanobodies because they are tiny, about a tenth the weight of most human antibodies. Because nanobodies are more stable, less expensive to produce, and easier to engineer than typical antibodies, researchers have been using them for medical research.



UK CORONAVIRUS MUTANT

Nobel Laureate Joshua Lederberg, one of modern biology's most influential thinkers, once said, "The single biggest threat to man's continued dominance on the planet is the virus." Two recent developments remind us why viruses can be such formidable adversaries. With the discovery of 58 people testing positive for the new coronavirus in Antarctica, the pandemic has reached every continent. And a mutant virus has emerged in the United Kingdom, which threatens to shut down the world yet again — a world just beginning to recover from lockdowns and movement restrictions.

The mutation of viruses

The genetic material or genome of SARS-CoV-2 is a ribonucleic acid (RNA) made up of over 30,000 units (called nucleotides). Among the families of RNA viruses, the coronaviruses have the largest genome. Most other RNA viruses have on average about 10,000 nucleotides. When genomes replicate — any genomes, whether DNA or RNA, from the smallest viruses to humans — there are random errors (or mutations). While higher organisms have the machinery to correct these errors, viruses and especially the RNA ones, don't. Most mutations are deleterious, and those viruses are never seen. Only the mutations that offer some selective advantage result in the evolution of new viral variants. Evolution also requires selection pressure. For a virus, this could be its ability to infect better and multiply to higher numbers or evade host immunity. The low probability of these events is compensated by the high rates of virus multiplication. For example, each coronavirus-infected cell produces about 1,000 new virus particles in under 12 hours.

The mutant in the UK

A distinct phylogenetic cluster or lineage (*named B.1.1.7*) of SARS-CoV-2 was recently discovered in the UK. The two earliest viruses of this lineage were collected on September 20 and 21 from Kent and Greater London respectively. By December 15, this lineage contained 1,623 viruses — 555 from Kent, 519 from Greater London, 545 in other regions of the UK including Scotland and Wales, and four from Australia, Denmark, Italy, and Netherlands. In another ten days — on December 25 — the numbers of these variant viruses has more than doubled to 3,575; mostly from the UK, but now also from France, Ireland, Israel, Hong Kong and Singapore.

Preliminary analysis suggests that it is more transmissible than previously circulating variants. COG-UK identified one of these mutations as "N501Y", in an area of the spike protein that binds to a key protein in the human cell, the ACE2 receptor. This was an indication that the alterations may, theoretically, result in the virus becoming more infectious.

In fact, for SARS-CoV-2, COG-UK says that there are currently around 4,000 mutations in the spike protein. *The variant D614G was earlier the dominant strain because it spread very easily. Another strain that originated in Spanish farmworkers, 20A. EU1, spread rapidly across Europe in summer.*

The cause for worry...

There is widespread concern that these mutations may prevent currently used tests from detecting the virus, make it more lethal, or allow it to evade vaccines under development. There is no evidence so far for any of these. After all, these variants were found in people who were identified to be positive with currently available RT-PCR tests. However, *even though there is no*



evidence for more severe disease, there is clear evidence that this variant is more contagious. Those infected produce more virus in their nose and throat, and that leads to more virus shedding and more person-to-person transmission. While these variants appear not to be more lethal, with more infected people there would be higher numbers (not percentages) of severe infections and deaths. This should be cause for worry.

...And reason not to

Even though there are multiple mutations in the spike protein, most experts believe that vaccines currently in development would also work on the variant viruses. Vineet Menachery, an assistant professor of microbiology and immunology at the University of Texas Medical Branch in Galveston, US, has provided the first evidence for this. *His laboratory compared the efficacy of serum samples from recovered Covid-19 patients to neutralise viruses with or without the N501Y mutation. They found no difference. Though only shared on Twitter on December 23 and still not part of a publication, these results are encouraging and reassuring.*

Flights off, not mutation

India has stopped all flights from the UK and increased surveillance at airports to stop the import of the highly transmissible variants. *While seemingly a reasonable strategy, such variants could easily develop within the country too. After all, India has over 10 million confirmed infections and it is estimated that 150 to 200 million people are already infected. A fast spreader variant called 501.V2 emerged independently in South Africa and shares the N501Y mutation with the UK variants.*

Quick reaction is key

To catch the emergence of new viral variants before they spread widely in the population, the World Health Organization (WHO) recommends determining the virus genomic sequence from at least one out of every 300 confirmed cases (or 0.33%). The UK has sequenced 135,572 or 6.2% viral variants from its 2.19 million cases, while South Africa and the US have reported genome sequences from 0.3% of confirmed cases. However, India has so far sequenced only 4,976 or 0.05% viruses from its over 10 million cases. At this rate, we will remain oblivious to the emergence of new variants till it is already too late. One basic element of disease surveillance is adequate coverage and density to catch events before they spread widely.

Conducive Indian conditions

Another reason to worry is that the conditions hypothesised to give rise to the UK variant are present in India as well. *Immunodeficient or immunosuppressed patients, who become chronically infected with SARS-CoV-2, remain positive for viral RNA for 2-4 months instead of the usual 2-3 weeks.* These patients are often treated with convalescent plasma (sometimes more than once) and usually also with the drug remdesivir. *Virus genome sequencing from such patients has revealed unusually large numbers of nucleotide changes. Intra-patient virus genetic diversity is also known to increase following plasma therapy. Poor nutritional status is a known cause for weak immune systems and physicians in India have reported chronic infection in a subset of patients.*



Several unknowns remain

Plasma therapy and remdesivir have also been used widely to treat Covid-19 patients in India. Further, plasma has been administered in India without first testing for the levels of neutralising antibodies. All these create opportunities for UK-type variants to emerge in India as well. But we have not sequenced enough to know if that has happened. Even at low coverage, the sequences from India are skewed for urban locations, especially the metros where sequencing laboratories are located. This needs broader coverage to include all parts of the country. The Indian Council of Medical Research can facilitate this process by providing access to samples from Covid-19 patients to research laboratories that have the capacity for genomic sequencing and data analysis. Real-time surveillance will provide data that is both dense and granular for setting policy based on evidence.

Going forward with 'SMS'

When vaccines are deployed more widely, there would be further selection pressures on the virus to change. Vaccine-escape mutants are well known for other viruses and will emerge for SARS-CoV2 as well. Only proper genetic surveillance will catch any vaccine failure well in time. As we step into 2021, the message to policymakers and the public is clear. Those who oversee public health must continuously seek fresh evidence to make policies at the population level. At the individual level, each one of us must work towards reducing virus transmission — less transmission means less opportunity for the virus to change. And SMS is the only tool available to us at this time — social distancing, masks and sanitisation.

In South Africa, a similar version of the virus has emerged, shares one of the mutations seen in the British variant, according to scientists who detected it. That virus has been found in up to 90% of the samples whose genetic sequences have been analysed in South Africa since mid-November. Scientists are worried about these variants but not surprised by them. "It would be a little surprising to me if we were seeing active selection for immune escape," said Emma Hodcroft, a molecular public health researcher at the University of Bern in Switzerland. "In a population that's still mostly naive, the virus just doesn't need to do that yet," she said. "But it's something we want to watch out for in the long term, especially as we start getting more people vaccinated." Immunizing about 60% of a population within about a year and keeping the number of cases down while that happens will help minimize the chances of the virus mutating significantly, Hodcroft said. Still, scientists will need to closely track the evolving virus to spot mutations that may give it an edge over vaccines.

YOU'RE INFECTED WITH THE CORONAVIRUS. BUT HOW INFECTED?

As COVID-19 patients flood into hospitals nationwide, doctors are facing an impossible question. Which patients in the ER are more likely to deteriorate quickly, and which are most likely to fight off the virus and to recover? As it turns out, there may be a way to help distinguish these two groups, although it is not yet widely employed. Dozens of research papers published over the past few months found that people whose bodies were teeming with the coronavirus more often became seriously ill and more likely to die, compared with those who carried much less virus and were more likely to emerge relatively unscathed. The results suggest that *knowing the so-called viral load — the amount of virus in the body — could help doctors predict a patient's course, distinguishing those who may need an oxygen check just once a day, for example, from those who*



need to be monitored more closely, said Dr. Daniel Griffin, an infectious disease physician at Columbia University in New York. Tracking viral loads “can actually help us stratify risk,” Griffin said. *The idea is not new: Managing viral load has long formed the basis of care for people with HIV, for example, and for tamping down transmission of that virus.* Little effort has been made to track viral loads in COVID-19 patients. This month, however, the US Food and Drug Administration said clinical labs might report not just whether a person was infected with the coronavirus, but an estimate of how much virus was carried in their body.

Fortunately, data on viral load — or at least a rough approximation of it — is readily available, built into results from the PCR tests that most labs use to diagnose a coronavirus infection. A PCR test is performed in “cycles,” each doubling the amount of viral genetic material originally drawn from the patient’s sample. The higher the initial viral load, the fewer cycles the test needs to find genetic material and produce a signal. A positive result at a low cycle threshold, or Ct, implies a high viral load in the patient. If the test is not positive until many cycles have been completed, the patient probably has a lower viral load. Researchers at Weill Cornell Medicine in New York recorded viral loads among more than 3,000 hospitalized COVID-19 patients on the day of their admission. They found that 40% of patients with high viral loads — whose tests were positive at a Ct of 25 or below — died while in the hospital, compared with 15% of those with positive tests at higher Ct’s and presumably lower viral loads. In another study, the Nevada Department of Public Health found an average Ct value of 23.4 in people who died from COVID-19, compared with 27.5 in those who survived their illnesses. People who were asymptomatic had an average value of 29.6, suggesting they carried much less virus than the other two groups. These numbers may seem to vary by very little, but they correspond to millions of viral particles.

But the use of Ct values to estimate viral load is a fraught practice. Viral load measurements for HIV are highly precise, because they are based on blood samples. Tests for the coronavirus rely on swabbing the nose or throat — a procedure subject to user error and whose results are less consistent. The amount of coronavirus in the body changes drastically over the course of the infection. The levels rise from undetectable to yielding positive test results in just hours, and viral loads continue to increase until the immune response kicks in. Then viral loads quickly decline. But viral fragments may linger in the body, triggering positive test results long after the patient has stopped being infectious and the illness has resolved. The exact relationship between a Ct value and the corresponding viral load can vary between tests.

Other experts acknowledged these limitations, but said the benefit from recording Ct values outweighed the concerns. “All of those are valid points when looking at an individual patient’s test results, but it doesn’t change the fact that on average, when you look at the admission test results of these Ct values, they really identify patients at high risk of decompensating and dying,” said Dr. Michael Satlin, an infectious diseases physician and lead researcher of the Weill Cornell study. Satlin said adjusting his team’s results for duration of symptoms and several other variables did not alter the high risk of death in patients with high viral loads. “No matter how you try to adjust, statistically, this association is extremely strong and will not go away,” he said.

CORONAVIRUS SPIKE PROTEIN IMAGED IN ITS NATURAL STATE

Coronaviruses including SARS-CoV-2, which causes Covid-19, get their name from the “corona” or crown shape created by the protein “spikes” on their surface. These spike proteins bind with



human proteins to initiate the process of infection. These spikes have been extensively studied during the pandemic. Now, *scientists have made detailed images of those spikes in their natural state — while they are still attached to the virus, and without using chemical fixatives that might distort their shape. Their method, which combines cryogenic electron microscopy (cryo-EM) and computation*, is described in a study in the Quarterly Reviews of Biophysics Discovery. The researchers said the method should produce quicker and more realistic snapshots of the infection apparatus in various strains of coronavirus — a critical step in designing therapeutic drugs and vaccines. “The advantage of doing it this way is that when you purify a spike protein and study it in isolation, you lose important biological context: How does it look in an intact virus particle? It could possibly have a different structure there,”. The research team looked at a much milder coronavirus strain called NL63, which causes common cold symptoms and is responsible for about 10% of human respiratory disease each year. It’s thought to attach to the same receptors on the surfaces of human cells as SARS-CoV-2 does. The team also identified places where sugar molecules attach to the spike protein, a process that plays an important role in the virus’s life cycle and in its ability to evade the immune system.

EU NATIONS ROLL OUT MASS VACCINATION

Europe launched a massive vaccination drive with pensioners and medics lining up to take the first shots to see off the COVID-19 pandemic that has crippled economies and claimed more than 1.7 million lives worldwide. The region of 450 million people has secured contracts with a range of suppliers for more than two billion vaccine doses and has set a goal for all adults to be inoculated during 2021. With surveys pointing to *high levels of hesitancy towards the vaccine in countries from France to Poland*, leaders of the 27-country EU are promoting it.

Jumped the gun

After European governments were criticised for failing to work together to counter the spread of the virus in early 2020, the goal this time is to ensure that there is equal access to the vaccines across the region. But even then, Hungary on Saturday jumped the gun on the official roll-out by starting to administer shots of the Pfizer and BioNTech vaccine to frontline workers at hospitals in the capital Budapest. Slovakia also went ahead with some inoculations of healthcare staff on Saturday and in Germany, a small number of people at a care home for the elderly were inoculated a day early too. The distribution of the Pfizer-BioNTech shot presents tough challenges. The vaccine uses mRNA technology and must be stored at ultra-low temperatures of about -70 degrees Celsius. Outside the EU, Britain, Switzerland and Serbia have started vaccinating their citizens in recent weeks.

TOWARDS AN EFFECTIVE VACCINATION DISTRIBUTION POLICY (BHASKAR DUTTA - PROFESSOR OF ECONOMICS, ASHOKA UNIVERSITY)

India plans to vaccinate 300 million people against COVID-19 over the next 6-7 months. The government plans to give priority to healthcare workers and other front-line workers, followed by everyone who is above 50 years of age. This will mean that roughly 20% of the population will be vaccinated by July or August 2021. Since all the vaccines that are currently in the spotlight require two doses, the government will have to acquire 600 million doses. Fortunately, *Pune’s Serum Institute of India is the world’s largest producer of vaccines.* There are reports that the government



has already struck a deal with the Serum Institute to acquire 500 million doses of the AstraZeneca vaccine. Emergency authorisation for this vaccine is likely to follow soon. There are other vaccine frontrunners including Bharat Biotech's Covaxin and the Russian Sputnik V whose clinical trials in India are being conducted by Reddy's Labs. So, provided that there are no last-minute setbacks, the government should have no problems in acquiring the required number of doses. A few issues are worth discussing. Perhaps the most important is the principle underlying *the triage scheme adopted by the government*. A different and somewhat contentious issue is whether the government will allow private players any space in the vaccination process.

Who gets priority?

The government's strategy of giving priority to front-line workers and elderly people is in line with the practice being followed in the U.K. and the U.S., the two major countries that have been the leaders in the COVID-19 vaccination drive. The rationale for this is to protect those who are most likely to be infected in the future as well as those who are most vulnerable to the health consequences of the infection. However, a vaccination drive such as this should have two distinct objectives: one, providing protection to those vaccinated, and two, to minimise or at least slow down the speed and spread of the viral transmission. Ideally, a vaccine distribution programme should keep both these in mind. In some cases, there is no conflict between these two objectives. For instance, the priority given to healthcare professionals satisfies both objectives: these are individuals who have high levels of exposure and they also act as active disease vectors since they interact with large numbers of people. However, *the priority given to older people may not actually minimise the total social and economic cost inflicted by the virus in the long run. The elderly are less mobile, have a lower level of social interaction, and are hence less likely to spread the virus*. Obviously, a younger person who interacts with a larger number of people is both more likely to be infected and subsequently infect others. This suggests that densely populated areas — for instance, the Dharavi slum — should receive far more attention than they are likely to get under the current strategy. Of course, the point is that allocation guidelines must squarely face the trade-offs between the direct and indirect objectives. This is a difficult trade-off but one about which reasoned thought is essential.

Involving private hospitals

The government's procurement strategy seems to depend entirely on domestic sources. It also plans to rely entirely on public resources for distribution without involving private hospitals. Moreover, the government plans to bear the entire cost of vaccination. The latter is particularly important and appropriate since crucial health facilities should be accessible to all. But consider the following proposition. Suppose Pfizer or some other multinational pharmaceutical company approaches the government both for authorisation of a vaccine as well as for permission to import and sell (for a profit) to those who can afford it. Let us assume, in order to focus on the ethical issue, that the vaccine is medically safe and effective. What should the government do? Any approval from the government will enable the affluent to jump the vaccination queue. This will inevitably attract the charge that the government is catering to the interests of the richer groups in the population. *But perhaps a more dispassionate analysis would suggest that allowing the private sector to provide additional supplies of the vaccine would not really be a bad policy decision after all — even when the interests of the poor are taken into account. The most important consideration that has to be kept in mind is that this would not decrease the availability of the vaccine to the poor*. Of course, this assumes that the government will and should continue to



procure all available domestically produced vaccines and supply them through its own distribution channel. In other words, it should follow its own distribution policies as if the additional sources of supply do not exist. It has to ensure that there is no reduction in the availability of the vaccine for the poor. In fact, *there may actually be an increase in supply and hence less waiting time for the less affluent since some of the richer individuals in the target group will opt out of the government distribution system and prefer to get vaccinated at some private outlet.* Another potential benefit accruing to the entire population is that the *larger the numbers who get vaccinated, the lower will be the speed of virus transmission amongst the non-vaccinated.* But is it all likely that private suppliers will request government permission to import and distribute the vaccine in India? Two recent headlines suggest that this is possible. The first is the news that the regulatory authorities have authorised the emergency use of the Moderna vaccine across the U.S. Several other vaccines are already conducting Phase 3 trials and there is a strong possibility that there will be a significant boost in the global supply of COVID-19 vaccines. The second is that a Belgian Minister has revealed very sensitive price information by tweeting the prices that the European Union has agreed to pay for leading COVID-19 vaccines. It turns out that these prices are substantially lower than the prices that Moderna and Pfizer, for example, have been quoting to other countries. For instance, *the tweet reveals that Moderna will be charging \$18 per dose while Pfizer's price at €12 is even lower. In contrast, Indian newspapers have mentioned that Pfizer is contemplating a price of \$37 per dose in India. Of course, the EU could get a very good deal simply because the large size of its market gives it a lot of bargaining power. But India too provides a large market even if the cost of vaccination is around ₹5,000.* Of course, some centralised purchasing will be essential in order to exploit the bargaining power associated with the size of the market. But this should not be particularly hard to achieve.



DreamIAS