



CURRENT AFFAIRS for UPSC

14TH TO 20TH FEBRUARY, 2021

DreamIAS

**INTERNATIONAL****U.S. WILL PAY OVER \$200 MILLION TO WHO**

U.S. Secretary of State Antony Blinken announced that his country would pay the World Health Organization (WHO) \$200 million by the end of this month. The announcement is significant as former U.S. President Donald Trump had begun the process of withdrawing the U.S. from the WHO, a process stopped by his successor, President Joe Biden. “Today, I’m pleased to confirm that by the end of the month, the United States intends to pay over 200 million in assessed and current obligations to the WHO,” Mr. Blinken told Foreign Ministers of UN Security Council member countries, at an online meeting to discuss the response to the pandemic. External Affairs Minister S. Jaishankar was also part of the meeting. “This is a key step forward in fulfilling our financial obligations as a WHO member and it reflects our renewed commitment to ensuring the WHO has the support it needs to lead the global response to the pandemic — even as we work to reform it for the future,” Mr. Blinken said. The U.S. is the largest funder of the WHO, contributing more than 15% of its total funds. Mr. Trump had pulled the U.S. out of the WHO, which he had called a ‘puppet of China’. This process would have been complete in mid-2021, but Mr. Biden reversed it hours after assuming office last month. “The U.S. believes that multilateralism, the United Nations, the World Health Organization, are essential not just as an effective international COVID-19 health and humanitarian response but also building stronger global health capacity and security for the future,” Mr. Blinken told his counterparts on Wednesday. “We plan to provide significant financial support to COVAX through Gavi, the Vaccine Alliance. And we’ll work to strengthen other multilateral initiatives involved in the global COVID-19 response — for example, the Coalition for Epidemic Preparedness Innovations and the Global Fund to Fight AIDS, Tuberculosis, and Malaria,” Mr. Blinken said. The Secretary also said all countries must be held to their human rights obligations. “No country should be allowed to use COVID-19 as an excuse to violate human rights or fundamental freedoms.”

On China

In what were presumably veiled references to China, Mr. Blinken called for transparency on outbreak data, saying countries should participate in “transparent and robust processes” in their prevention and response to health emergencies. “The ongoing expert investigation about the origins of this pandemic — and the report that will be issued — must be independent, with findings based on science and facts and free from interference,” he said. Last week, a team of experts for the WHO had concluded a trip to China to trace the origins of the coronavirus.

CONTINUITY, NOT CHANGE, IS BIDEN’S PLAN FOR PALESTINE (MOHAMMED AYOUB - UNIVERSITY DISTINGUISHED PROFESSOR EMERITUS OF INTERNATIONAL RELATIONS, MICHIGAN STATE UNIVERSITY)

Will President Joe Biden change the U.S.’s policy towards the Palestinian issue? The short answer is no. There are many reasons for this gloomy prognosis. *The most important is Mr. Biden’s track record on Israel and especially on its continued occupation of Palestinian territories. He has been a firm supporter of Israel for decades and relatively unsympathetic to the Palestinian’s political concerns despite his support for a two-state solution.* It is true that American relations with the

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



Palestinian Authority had reached a new low under President Donald Trump, who unreservedly supported Israeli Prime Minister Benjamin Netanyahu's expansionist policies. In fact, *Mr. Trump himself proposed that 30% of the West Bank consisting of the Jordan Valley and settlement blocs be annexed to Israel. He moved the American embassy from Tel Aviv to Jerusalem and endorsed the Israeli annexation of the Syrian Golan Heights, captured in 1967. Mr. Trump also cut off \$360 million annual funding to the United Nations Relief and Works Agency, which deals with Palestinian refugees, and shut down the Palestine Liberation Organization office in Washington D.C. Mr. Biden and his team have said they will resume aid to the Palestinians and the new President has opposed Israel's formal annexation of one-third of the occupied territories.* However, Secretary of State Antony Blinken has said *the U.S. embassy in Israel would remain in Jerusalem* as reversing the move "would not make sense practically and politically". So too would Mr. Trump's acceptance of Israeli sovereignty over the occupied Golan Heights.

Living with the status quo

The Biden administration has returned to the long-standing pre-Trump American stance of supporting a two-state solution in principle but doing little to reach that goal. Mr. Blinken declared that *"the only way to ensure Israel's future as a Jewish, democratic state and to give the Palestinians a state to which they are entitled is through the so-called two-state solution"*. However, he contradicted himself by adding that "realistically it's hard to see near-term prospects for moving forward on that". *This was a clear admission that the Biden administration is willing to live with the status quo that allows Israel to continue its harsh occupation, build settlements, cantonise the West Bank, and eventually foreclose the two-state option leaving the Palestinians stateless in their own land. Before assuming office, Mr. Blinken had also made a number of statements accusing Palestinians of being responsible for the failure of negotiations. He reminded them "that they can and should do better and deserve better and that requires leadership: leadership to make clear the reality of the Jewish state; leadership to make clear the need to end incitement and violence"*. This was a classic case of blaming the victims for their woes and skirting the question of Israel's illegal occupation and settlement-building activities. During the election campaign, the Biden team also made clear that it "firmly reject[s] the BDS [Boycott, Divestment and Sanctions] movement, which singles out Israel — home to millions of Jews — and too often veers into anti-Semitism." Above all, the Biden administration has iterated that it will continue to provide Israel with unconditional military support in the amount of \$3.8 billion annually, following the precedent established by Mr. Biden's former boss, Barack Obama. Therefore, while President Biden, unlike his predecessor, may not act as a cheerleader for the Israeli right wing, his policies will not differ in substantive terms from those of earlier American Presidents. These policies were premised on the notion that Israel was the innocent party to the conflict and the blame for the deadlock lies with the Palestinians who are unwilling and unable to make compromises that in real terms would make a two-state solution dead on arrival.

The Israeli narrative

Thanks to Israeli propaganda, the conventional wisdom in Washington, D.C. has been that Palestinians *"never miss the opportunity to miss an opportunity"*. The U.S. has stuck to this narrative despite evidence to the contrary over decades that Israeli governments through the building of settlements and confiscation of Palestinian lands have negated the possibility of a viable Palestinian state emerging in the occupied territories. There are multiple reasons for the



American acceptance of the Israeli narrative. These include the influence of the Israel lobby in Congress and the presence in key positions in successive administrations of people whose sympathies lay with Israel. The Biden administration is no exception in this regard. Although the U.S.'s unquestioning support for Israel has complicated its relations with the Arab world for decades, the perception of Israel's importance to American strategy in West Asia as the U.S.'s one stable ally persists. Consequently, many in the region believe that American policy towards West Asia is made in Jerusalem and not in Washington. Mr. Obama as President was able to partially break this mould in the case of the nuclear agreement with Iran, which Israel opposed stridently. This policy was reversed by Mr. Trump. Now that Mr. Biden seems interested in reviving the nuclear deal, he will have to tread even more carefully in his approach towards Israel, which has been vociferous in its opposition to the U.S. returning to the agreement. The Palestinians are likely to pay the price for this as well since Mr. Biden cannot afford to estrange Israel on both the Iranian and Palestinian fronts for domestic and perceived strategic reasons. Consequently, the changes in Mr. Biden's approach to the Palestinians when compared to Mr. Trump's will be only cosmetic in character. In the final analysis, the status quo will continue to be the default option for the Biden administration to the detriment of the Palestinian cause.

OMINOUS PRECEDENT

Donald Trump has survived, by a mere 10 votes, the Senate trial that might have convicted him for inciting insurrection. *All 50 Democrats of the Upper Chamber voted 'guilty,' and seven Republicans joined them, yet the tally fell short of the two-thirds necessary for conviction. The charges framed against the former U.S. President came from the House of Representatives, which impeached him — for the second time — last month, this time for goading on a mob to attack the U.S. Capitol building on January 6.* The attack came after months of sloganeering by Mr. Trump on Twitter to the effect that the mail-in voting, a necessary feature of the pandemic-era election, was fraudulent and that his supporters ought to #StopTheSteal. Statistics from every previous presidential election suggest that this claim is entirely unfounded. The result was that a woman was killed at the site of the siege, and four others died during the course of the attack and its aftermath, including a police officer. Beyond the loss of life, the attack was recognised by President Joe Biden as an “unprecedented assault” on the soul of American democracy. In a sense, it marked the culmination of Mr. Trump's relentless disregard of the traditions and norms of governance whether in terms of harsh immigration policies, the rejection of major global alliances and multilateral forums, a willingness to spark off trade wars and exacerbate tensions over tariffs, or to brazenly use his public position for personal gain. *The fact that Mr. Trump survived the vote to convict him of high crimes and misdemeanours and potentially bar him from running again, leaves ominous questions regarding the future of the Republican Party. Its leader in the Senate, Mitch McConnell, waxed eloquent about Mr. Trump's culpability for incitement yet failed to grasp the irony that he had led the majority of his party to acquit the very man he claimed to denounce. This potentially raises at least two scenarios.* The first is that Congressional Republicans are not, as a group, convinced that the harm that Mr. Trump did to the presidency and the fabric of American society warrants banning him from the highest office in the land. Second, even though they might secretly believe that Mr. Trump's views were not in line with mainstream conservative values, they fear that convicting him and banning him from a second run for the White House might have the reverse effect on his supporter base — strengthening the Make America Great Again “movement”. After all, Mr. Trump did end up garnering over 74 million votes in last year's election,

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



and he mobilised these numbers through a relentless barrage of rhetoric fuelling nativist populism and a sense of disenfranchised white privilege, a political phenomenon not seen in recent decades. Unless the Grand Old Party pivots away from this Trump-centric view of its political fortunes, the bitter polarisation of the past few years will almost certainly make an ugly revival by 2024.

ENDLESS WAR

The Biden administration's decision to end U.S. support for Saudi Arabia's Yemen war is a signal to Riyadh that the Trump-era open support it had enjoyed is a matter of the past. The U.S. offered support to Saudi Arabia's campaign against the Houthi rebels in Yemen when Barack Obama was the President. Donald Trump continued that policy, overlooking the disastrous effects of the war that has turned Yemen, one of the poorest Arab countries, into a humanitarian catastrophe. In its last hours, the Trump State Department designated the Houthis, who are backed by Iran, as a terrorist organisation. Rights groups have condemned the move, saying that the designation would complicate aid efforts as the Houthis control a sizeable part of Yemen, including the capital. Mr. Biden has now taken a different line, initiating steps to remove the Houthis from the terror list, among other actions. This is part of his larger attempts to rewrite the U.S.'s West Asia policy which, under Mr. Trump, was almost entirely focused on containing Iran. *The administration's message seems to have reached Riyadh. Saudi Arabia ended a nearly four-year-long blockade of Qatar, another American ally, after Mr. Biden was elected President. It has also signalled that it would carry out domestic reforms keeping human rights in focus. But it is yet to make any definite moves to wrap up the Yemen conflict. Yemen is a case study for a war that has gone wrong on all fronts. When the Saudis started bombing the country in March 2015, their plan was to oust the Houthis from Sana'a and restore a pro-Riyadh government. Despite the Saudi-led attacks, the Houthis held on to the territories they captured, while the Saudi-backed government of President Abdrabbuh Mansur Hadi was teetering on the brink of collapse.* After five years of fighting, the United Arab Emirates pulled out of the war last year. And the UAE-backed Southern Transitional Council wants southern Yemen to be an independent entity. While these multiple factions continued to fight, more than 10,000 people were killed in attacks and tens of thousands more died of preventable diseases. Yemen also stares at famine. It is a lose-lose war for everyone. Saudi Arabia has failed to oust the Houthis from Sana'a and is now facing frequent rocket and drone attacks by the rebels. The Houthis are living in permanent war, unable to provide even basic services to the people in the territories they control. Yemen's internationally recognised government practically lacks any power and legitimacy at home as the war is being fought by other players. Ending the war is in the best interest of all parties. Mr. Biden should push Saudi Arabia and its allies to end their blockade of Yemen and initiate talks with the country's multiple rebel factions.

ROCKET STRIKE AT U.S. BASE IN IRAQ KILLS CONTRACTOR, INJURES 5

A rocket attack at a U.S.-led military base in Kurdish northern Iraq on Monday killed a civilian contractor and wounded five other people, including a U.S. service member, according to initial reports, the U.S. coalition in Iraq said. It was the most deadly attack to hit U.S.-led forces in almost a year in Iraq, where tensions have escalated between U.S. forces, their Iraqi and Kurdish allies on one side and Iran-aligned militias on the other. A coalition spokesman said on Twitter the attack

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



hit coalition forces in the Kurdish regional capital of Erbil. Kurdish security sources said at least three rockets landed near Erbil International Airport in the autonomous region late at night. Reuters reporters heard several loud explosions and saw a fire break out near the airport. U.S. troops occupy a military base adjacent to the civilian airport. A statement from the Kurdish interior ministry said a number of rockets were fired towards Erbil and its outskirts around 9:30 p.m. local time and some people were wounded, but it offered no further details.

'Outraged by attack'

A group calling itself Saraya Awliya al-Dam claimed responsibility for the attack on the U.S.-led base, saying it targeted the "American occupation" in Iraq. It provided no evidence for its claim. U.S. Secretary of State Antony Blinken said on Monday the United States was "outraged" by the attack. In a statement, Mr. Blinken said he had reached out to Kurdistan Regional Government Prime Minister Masrour Barzani "to discuss the incident and to pledge our support for all efforts to investigate and hold accountable those responsible." Groups that some Iraqi officials say have links with Iran have claimed a series of rocket and roadside bomb attacks against coalition forces, contractors working for the coalition and U.S. installations — including the Embassy in Baghdad — in recent months.

ICC RULING SAYS IT HAS JURISDICTION IN PALESTINIAN TERRITORIES

The International Criminal Court said on February 5 that the court has jurisdiction over war crimes committed in the Palestinian territories, a ruling that was welcomed by Palestinians and criticized by Israel.

What is the judgment about?

According to this ruling, the ICC would have jurisdiction to investigate potential war crimes committed in Palestinian territories. A statement by the UN Human Rights Council attributed to Michael Lynk, the Special Rapporteur for the situation of human rights in the Palestinian territory, said: "This is a significant step forward in the quest for justice and accountability involving the unaccountable 53-year-old occupation of the West Bank, including East Jerusalem, and Gaza." According to a Reuters report, the ruling was delivered by a pre-trial chamber of three ICC judges, provisions of which could lead to criminal investigations of Israel and Palestinian militant groups including Hamas. The report added that no probe was expected in the near future. This means that despite the ruling, there would be no immediate investigations even for those cases that had been brought to the attention of the international community.

How did this happen?

This ruling was really a result of the Palestinian Authority gaining formal membership of international criminal court in 2015. Israel is not a member of the ICC. At that time, the Palestinian Authority had not immediately started pressing complaints, in a move that observers had believed was an attempt to avoid direct conflict with the US Congress, which was authorised to freeze US aid to the Palestinian Authority if pursued its own legal cases. This time however, Reuters reported the ICC judges saying that their decision was based on the fact the Palestine Authority had referred the situation to the court. But the judges said the jurisdiction does not "imply any attempt to



determine Palestinian statehood, which is uncertain, or national borders.” *“The Court’s territorial jurisdiction in the Situation in Palestine... extends to the territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem,”* Reuters reported the court saying.

What was the response to the ruling?

Israel’s Prime Minister Benjamin Netanyahu denounced the ruling saying that the ICC was investigating Israel for “fake war crimes”, calling it “pure anti-Semitism”. He added that a court that was established to investigate atrocities like the Holocaust committed by Nazis, was now “targeting” a state for the Jewish people and was unwilling to investigate Iran and Syria who were committing “atrocities almost daily”. The United States also objected to the ICC’s decision, which was welcomed by the Palestinian Authority. According to a Reuters report, Palestinian Foreign Affairs Minister Riyad al-Maliki said it was an “historic day” and that Israel had previously been treated “above the law.”

What happens next?

ICC prosecutor Fatou Bensouda told Reuters that her office was studying the decision and would decide the next steps “guided strictly by its independent and impartial mandate” to prosecute war crimes and atrocities. In December 2019, Bensouda had said that “war crimes have been or are being committed in the *West Bank, including East Jerusalem, and the Gaza Strip.*” During the Trump presidency, the US had imposed sanctions on Bensouda and two other ICC officials for investigating war crimes committed by the US in the Middle East and had openly opposed and rejected the ICC’s jurisdiction. After Biden took office, the White House had said it would be reviewing these sanctions. Despite that, it still rejected the ICC’s latest ruling concerning the Palestinian Territories. *According to this new ruling, it is not only Israelis and the Israel Defence Forces who could be potentially prosecuted for war crimes, but also Palestinians and groups like Hamas, deemed terrorist organizations by the West, that have been accused of targeting Palestinian civilians, including using them as human shields.* But on February 12, Reuters reported that British barrister Karim Khan would be replacing Bensouda as the new prosecutor for a nine-year term starting on June 16, following his election by parties to the ICC. Khan is known for heading the United Nations’ special investigative team looking into Islamic State crimes in Iraq and has also worked for major international criminal tribunals in roles in prosecution, defence and as counsel for victims, the report said. Following his appointment, the decision to press ahead with a full investigation into whether war crimes have been committed in the Palestinian Territories might be one of the first few cases that Khan is likely to handle. According to a report by The Jerusalem Post, there was some speculation that the US and Israel were both hoping for Khan’s selection because of his nationality as a citizen of the United Kingdom “a country more closely allied with both the US and Israel than either Argentina or Gambia, where the past two prosecutors came from.” The report added that a significant part of Khan’s career was spent as a defense lawyer which could make him more likely to be in favour of defendants, in this case Israel. The report added that in the past, Khan has criticized the “ICC prosecutor’s office for relying on shaky or weaker evidence” on occasion, which may play in the favour of parties like the US that wish to close investigations into its role in committing war crimes in Afghanistan and Israel’s war crimes in Gaza.



What is India's stance?

The Indian Express reported how Israel has been pushing its "good friend" India to take a stand against the ICC ruling, but Delhi is reluctant to do so given its own geopolitical interests. *Delhi has not responded to Netanyahu's communication in this regard, but the report said a message was conveyed through diplomatic channels that since India is not a member of the Rome Statute, the founding treaty of the ICC, "it would not want to comment or take a position on any of the court's decisions or rulings."* India's stance may be unwelcome to Israel that considers the country to be an important partner and a 'like-minded nation'.

WHO IS PRINCESS LATIFA, WHO CLAIMS SHE IS JAILED IN DUBAI BY HER FATHER, UAE'S RULER?

In videos that were published by the BBC on Tuesday, Princess Latifa, the daughter of Dubai's ruler, has alleged kidnapping. She claims she is being kept hostage by her father in a villa converted into a jail, and adds she has no access to medical aid. Latifa alleges she is in "solitary confinement" without any trial or charges against her. An investigation led by the BBC revealed the videos, which were apparently recorded in a bathroom, were taken over the course of several months on a phone Latifa was given about a year after she returned to Dubai in 2018. In the videos, Latifa speaks of how she tried to fight back against commandos when she was being captured and that she was "tranquilised". She says since her return to Dubai, she has been held alone without any medical or legal aid. Latifa's account of her capture and subsequent detention was revealed by her friend Tiina Jauhianen, her cousin Marcus Essabri and campaigner David Haigh. They are all part of a campaign called 'Free Latifa'. Since they were published, the videos have led to a call for an investigation into the matter by the United Nations (UN), which has responded to these demands affirmatively saying it will raise the matter with the UAE.

Who is Princess Latifa?

Princess Latifa, or Latifa bint Mohammed al-Makhtoum, is the daughter of Dubai's billionaire ruler Sheikh Mohammed bin Rashid al-Maktoum who is credited for transforming Dubai into one of the foremost destinations for business and tourism. Sheikh Mohammed, also the President and Vice-President of the UAE, was partly educated in England, maintains an acquaintance with Queen Elizabeth and founded the Godolphin racing stable. Latifa's mother, Her Royal Highness Princess Haya bint Al Hussein, married al-Maktoum in 2004 and is his second "official wife". The ruler reportedly has a number of unofficial wives with whom he has had at least 25 children. Latifa was born in 1984. As per the '*Free Latifa*' campaign, the princess tried to escape from the family residence in Dubai in 2002. She was 16 at the time. She was, however, easily tracked and brought back to the palace where she was allegedly detained by her father for over three years, the campaign says. Latifa made a second attempt to escape in February 2018, when she met up with her friend Jauhianen at a coffee shop in Dubai. She and Jauhianen drove out of town and managed to cross the border into Oman. From there, she got on a boat and sailed into international waters. However, she was held just off the coast of Goa in India by a "significant Indian and UAE military force", and taken back to Dubai again.



The allegations against UAE's ruler proven in court

After the ruler's wife Princess Haya fled to the UK in 2019 with two of their children, Sheikh Mohammed commenced proceedings in England and Wales under the jurisdiction of the London High Court seeking orders that his two children — Sheikhha Al Jalila bint Mohammed bin Rashid Al Maktoum who was born in 2007, and Sheikh Zayed bin Mohammed bin Rashid Al Maktoum who was born in 2012 — return to Dubai. The rulings of these proceedings were released by the court in March 2020 and mentioned some of the key allegations made by the mother. Princess Haya claimed the ruler ordered and orchestrated the unlawful abduction of his daughter Princess Shamsa in 2000 from the UK to Dubai; and that the ruler, on two occasions in June 2002 and February 2018, ordered and orchestrated the forcible return of his daughter Latifa to the family home in Dubai. In 2002, the return was from the border of Dubai with Oman, and in 2018 it was by an armed commando assault at sea near the coast of India, she said. "At the conclusion of the fact-finding judgment I found each of the mother's core allegations, save for an assertion related to forced marriage, proved," the judge stated. Sheikh Mohammed's response to this court ruling has been that it tells only one side of the story. He insisted that the case was a private matter. According to a report in the Financial Times, the judgment is unlikely to change the perception of the ruler in the UAE as the case has not been covered by the media in the country which is "a conservative and patriarchal society where public discussion of the ruling families' private lives is frowned upon".

What is the structure of Dubai's political system?

The UAE is a federation of states or emirates, including Dubai, Abu Dhabi (capital city), Sharjah, Ajman, Umm Al-Quwain, Fujairah and Ras Al Khaimah. The country is a constitutional federation, which means its political system is based on UAE's Constitution. The highest authority of the country is the Supreme Council, which comprises seven emirates' rulers. Rashid al-Maktoum is one of them. This council of rulers elects the President of the Federation for a renewable term of five years. In addition to this council, there is a 40-member parliament, known as the Federal National Council (FNC). The year 2006 saw a breakthrough attempt to change the political system when it was decided that individual rulers would select an electoral college, whose members would elect half of the FNC. The other half is appointed by the ruler of each emirate.

THE NEW NETWORK ON THE BLOCK

It is being touted as the next big thing in social media. It is yet to turn one, having launched last March just as the world was going into a pandemic-induced lockdown, but already has 2 million users and is reportedly worth \$1 billion. It is funded by one of the most prominent venture capital firms in the world, Andreessen Horowitz. And, it is being promoted by the biggies of Silicon Valley. Clubhouse, the app that describes itself as "a new type of network based on voice", has generated a lot of buzz in recent weeks. Earlier this month, Tesla founder Elon Musk made his debut on the platform. And this week, China blocked Clubhouse but not before a rare few days of uncensored conversations on topics it considers touchy. At a time when much of the social media conversation is driven by pithy text updates, filtered photos, snappy videos, and memes, the San Francisco-based Clubhouse app is centred around people talking real-time, no cameras on. "Voice is so universal but in the world of social networking, it's relatively new," Paul Davison, Clubhouse's co-founder, told CNBC recently. Giants Facebook and Twitter are reportedly coming up with their own products to

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



take on Clubhouse. *You can access Clubhouse only on an Apple mobile device, as of now, and you can sign in only if you have been invited by an existing user. Once inside the app, what you see are 'rooms', lots and lots of them. Each 'room' is a space where a conversation is happening. You can enter one, listen in, even participate if allowed. It is much like having a wide choice of radio channels but here you can take part too. Also, you can even start a 'room' of your own.*

DRAGHI SWORN IN AS NEW PM AS ITALY HOPES TO TURN THE PAGE

Former European Central Bank chief Mario Draghi was formally sworn in as Italy's new Prime Minister on Saturday, against the backdrop of the deadly coronavirus pandemic and a crippling recession. The appointment of the 73-year-old known as "Super Mario" capped weeks of political instability for the country still in the grips of the health crisis that has killed more than 93,000 people. "I swear to be loyal to the Republic," recited Mr. Draghi, as he stood before President Sergio Mattarella in the ornate presidential palace in a televised ceremony. Members of his new Cabinet, who include technocrats, veteran politicians and Ministers held over from the previous government, each took the oath of office.

Rudderless country

Mr. Draghi was parachuted in by Mr. Mattarella after the previous centre-left coalition under premier Giuseppe Conte collapsed, leading Italy rudderless amid the worst recession since the Second World War. After assembling a broad-based coalition, on Friday night Mr. Draghi formally accepted the post of premier, publicly revealing the new Cabinet for the first time.

A GROWING RIGHTS CRISIS IN LANKA (MEENAKSHI GANGULY - SOUTH ASIA DIRECTOR AT HUMAN RIGHTS WATCH)

Indian leaders have committed to supporting the rights of minority Tamils in Sri Lanka to "live with equity, equality, justice, peace and dignity". In pledges to the United Nations, the Indian government has also vowed to uphold global human rights. These commitments have become crucial. The human rights situation in Sri Lanka has worsened since Gotabaya Rajapaksa became President in 2019. At its next session starting February 22, the UN Human Rights Council (UNHRC) will face a crucial test in taking action for protecting vulnerable Sri Lankans and upholding international law. India, as a council member, will have a key role. Rajapaksa was the defence secretary in the government led by his brother Mahinda from 2005 to 2015, a period marked by particularly egregious human rights abuses. Critics of the government were murdered, tortured, and forcibly made to disappear. Tens of thousands of civilians were killed in the civil war which ended in 2009 between government forces and the separatist Liberation Tigers of Tamil Eelam (LTTE), with both sides responsible for numerous war crimes. In the final months of the war, the armed forces indiscriminately shelled civilians and summarily executed suspected LTTE fighters.

Renewed fears

When Mahinda Rajapaksa lost the 2015 presidential election, there was hope for change. There was greater freedom of expression. The repressive and heavily militarised situation in Tamil-majority areas began to improve. The new government supported a consensus resolution at the Human Rights Council that offered victims of abuses and their families truth, justice, and reconciliation. But now,



fear has returned. Tamil communities in the north and the east fear increasing abuses. Since last year, singing the national anthem in Tamil has been dropped from Independence Day celebrations. The religious rights of minorities are under attack, including interference with Hindu temples. In January, the authorities bulldozed a memorial at Jaffna university that commemorated Tamil civilian victims of the civil war. People who participated in a protest march in February are now facing criminal investigation. The Rajapaksa government, in 2020, renounced its commitments under the 2015 Human Rights Council resolution and is threatening victims' families and activists who supported it. A presidential commission set up to investigate supposed "political victimisation" of officials by the previous government has recommended the exoneration of those implicated in cases of abuse. Numerous people who were involved in war crimes have been appointed to senior roles.

The Rajapaksa government has shown outright disdain for accountability. In September last year, Sri Lanka told the Human Rights Council that allegations against senior military officers are "unacceptable" and without "substantive evidence". Last March, Rajapaksa pardoned former army sergeant Sunil Ratnayake, who killed eight Tamil civilians, including children. In October, the government amended the Constitution to remove constraints on political interference in Sri Lanka's courts. Since 2012, the Human Rights Council has sought to work with Sri Lanka to promote reconciliation and accountability, efforts that India has backed. Sri Lanka is now rejecting that endeavour, instead proposing a new domestic commission that UN experts have dismissed as lacking credibility or independence. The UNHRC should recognise the government's actions for what they are — an effort to impede justice. A new resolution is urgently needed to protect vulnerable minority communities in Sri Lanka, by upholding the principle of accountability for the worst crimes. India should join other member states in supporting a resolution to reduce the growing risk of future atrocities.

SRI LANKA CONSIDERING INDIA'S GRANT INSTEAD OF CHINA PROJECT

*In an apparent bid to displace a Chinese company that had won the contract to install renewable energy systems in three small islands off Jaffna Peninsula in northern Sri Lanka, India has offered a grant of \$12 million to execute it, Colombo-based media reported. Sri Lanka's Minister of Power Dullas Alahapperuma has recently said that the government would consider India's proposal, and that he would present a Cabinet paper on the matter soon. Newspaper reports quoted him as saying that *receiving a grant "is an advantage" that would ease the burden on the Treasury, as opposed to an Asian Development Bank (ADB) loan*, as per the original project proposal, that would have to be repaid. The development comes less than a month after the Cabinet cleared a project to install hybrid renewable energy systems in Nainativu, Delft or Neduntheevu, and Analaitivu, located in the Palk Bay, some 50 km off Tamil Nadu. The Cabinet decisions taken on January 18, published officially, included a proposal to award the contract to Sinosoar-Etechwin Joint Venture in China, with funding from the ADB.*

'Security threats'

Meanwhile, a group of northern Tamil political parties have voiced opposition to Chinese involvement in the project, citing "security threats" to Tamil people and India.. "The people of Tamil Nadu have been lending unconditional support to the Tamil cause, so their security, as well as that of India, is very important to us," the Tamil National Alliance (TNA) legislator said, adding that India was a "long-term friend" of the Tamil people of Sri Lanka. It remains to be seen if India's

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



proposal gets official clearance, but *India's swift offer comes in the wake of being ejected — along with Japan — out of the East Container Terminal (ECT) development project at the Colombo Port*, following another Cabinet decision taken on February 1 this year.

INDIAN INVESTMENTS AND BITS (PRABHASH RANJAN - SENIOR ASSISTANT PROFESSOR AT SOUTH ASIAN UNIVERSITY'S FACULTY OF LEGAL STUDIES)

Sri Lanka's decision to renege on a 2019 agreement with India and Japan that aimed to jointly develop the strategic East Container Terminal (ECT) at the Colombo port comes as a rude shock to New Delhi. While international relations experts are busy assessing the diplomatic fallout of this problematic decision for India-Sri Lanka ties, the issue also needs to be looked at through the prism of the India-Sri Lanka bilateral investment treaty (BIT), which forms the bedrock of international law governing foreign investment between the two countries. In 1997, India and Sri Lanka signed a BIT to promote and protect foreign investment in each other's territories. The defining characteristic of this BIT, as is the case with all BITs, is that it empowers individual foreign investors to directly sue the host state before an international tribunal if the investor believes that the host state has breached its treaty obligations. This is known as investor-state dispute settlement (ISDS). An important protection provided for foreign investment in the India-Sri Lanka BIT is the fair and equitable treatment (FET) provision given in Article 3(2). This Article provides that investments and returns of investors of each country shall, at all times, be accorded FET in the other country's territory. FET is a ubiquitous provision contained in almost all BITs. The normative content of the FET provision has been fleshed out by scores of ISDS tribunals in the last two decades. The tribunals have persistently held that an important component of the FET provision is that the host state should protect the legitimate expectations of foreign investors. In a case known as *International Thunderbird Gaming Corporation v Mexico*, it was held that the concept of legitimate expectations relates to a situation where the host state's conduct creates reasonable and justifiable expectations on the part of an investor (or investment) to act in reliance on said conduct, such that a failure to honour those expectations could cause the investor (or investment) to suffer damages. Sri Lanka, by signing the agreement to jointly develop the ECT at the Colombo port, created such expectations on the part of Indian investors. Defaulting on this agreement, without specific and reasonable justification, potentially violates the Indian investor's legitimate expectations, and thus, the FET provision of the BIT. However, the twist in the tale is that India unilaterally terminated the India-Sri Lanka BIT on March 22, 2017. This termination was part of the mass repudiation of BITs that India undertook in 2017 as a result of several ISDS claims being brought against it. In cases of such unilateral termination, survival clauses in BITs assume significance because they ensure that foreign investment continues to receive protection during the survival period. Article 15(2) of the India-Sri Lanka BIT contains a survival clause, according to which, in case of a unilateral termination of the treaty, the treaty shall continue to be effective for a further period of 15 years from the date of its termination in respect of investments made or acquired before the date of termination. Thus, the Indian investment in Sri Lanka and vice-versa made or acquired before March 22, 2017, will continue to enjoy treaty protection. But, in the case of the investment in developing the ECT at the Colombo port, this survival clause will be inconsequential, since the agreement was signed in 2019, i.e., after India unilaterally terminated the BIT. Hence, the Indian investor will not be able to sue Sri Lanka before an ISDS tribunal, notwithstanding the merits of the case.



Important lessons

This sordid episode has important lessons for India's overall approach to BITs. As a consequence of the onslaught of ISDS claims in the last few years, India has developed a protectionist approach towards BITs. The motivation appears to be to eliminate or at least minimise future ISDS cases against India. However, an important attribute that perhaps has not received much attention is that BITs are reciprocal. Thus, BITs do not empower merely foreign investors to sue India, but also authorise Indian investors to make use of BITs to safeguard their investment in turbulent foreign markets. In the post-COVID-19 world, regulatory risks will further exacerbate, subjecting foreign investment to arbitrary and whimsical behaviour of countries. Accordingly, given India's emergence as an exporter, and not just an importer of capital, the government should revisit its stand on BITs. India needs to adopt a balanced approach towards BITs with an effective ISDS provision. This will facilitate Indian investors in defending their investment under international law should a country, like Sri Lanka, renege on an agreement.

WOMEN IN NEPAL: GROWING VOICE, NOW AGAINST PROPOSED RESTRICTION

Protesters, mostly social activists, writers and journalists, and a large number of them women, are out on the streets in Nepal against a proposed law that puts restrictions on foreign travel for women below age 40.

The law

The proposed law requires that any woman below 40, if travelling abroad, needs to present a letter of consent from the guardian of her family — implying a male member — or from the ward office, specifying the reason of travel. The protesters call their agitation an assertion of their right to justice from "an establishment controlled by males and insensitive towards women rights and dignity". *The placards they hold display slogans laced with sarcasm, such as "E Hajur, euta prashna sodhna painchha? hami le sas lina kasko anumati chahinchha?" (Do I please have the right to ask a question? Who do I need to get permission to breathe from?)*

Vulnerable government

Nepal is currently in a political crisis with Prime Minister K P Oli having dissolved the House of Representatives two years before it completes its term, accusing his opponents within the Nepal Communist Party of non-cooperation. In the wake of editorials and the ongoing protests, immigration authorities have gone defensive. *"It's not law yet, but something that is being proposed before the Home Ministry in view of series incidents of assault and exploitation on women abroad," an official in the Immigration Department said.* At a time when people of the country are speculating how the Supreme Court will rule on the legality of the dissolution of the House, neither faction of the Nepal Communist Party has responded to the proposed immigration law. But with the anger directed at the government, many feel the protest may hurt the already vulnerable Oli the most. *His popularity has fallen after he arbitrarily dissolved the House. Even beyond the current controversy, he has been described as an "anti-women" leader several times. His government is under criticism for failing to bring to justice those guilty in a large number of rape cases (1,271 rape cases in the last 10 months, the victims including 804 minors).* During the last two years, much of the discourse around women's justice has centred on the rape and murder of three teenagers. Amid a



series of agitations, Oli repeatedly assured that the guilty would be punished, but the investigation has made little progress. *Home Minister Ram Bahadur Thapa Badal upset protesters further when he said about the first of these three cases: "This was neither the first case of rape and murder, nor will it be the last in the country."*

Trafficking context

Besides rape cases, a larger number of Nepali women are trafficked to the Middle East. Official records show that on an average, three to four of these workers come back home dead every day, while some others return penniless, sexually abused and physically tormented. "It was because of these complaints that a law was being mooted for a long time," the immigration official said. Agencies that recruit employees for the Gulf countries do get registered with Nepali missions in those respective countries, but clandestine agents involved in trafficking take women to various destination via India. "Once they get there, their passports are seized, and they are literally captives. We appreciate the concern shown by women groups, but as a government we cannot close our eyes to the fate of these Nepalis who went on their own, without immigration ever getting the chance to check their documents," the official said. Around half a million Nepalis, many of them women, leave the country each year for studies and better opportunities. Remittance contributes nearly one third of the GDP.

What next for govt

The sweeping content of the proposed law, with women needing a "certificate of being bona fide travellers to any destination from a male family member or from the ward", has made the government position weak. It is unlikely that the government's silence will end the current row. The protests against the proposed law have reinforced the already ongoing civil society protests against the government, and is fast growing in intensity and following. It remains to be seen the government will be eventually forced to apologise and withdraw. When Oli had given only two Cabinet seats to women despite their one-third representation in Parliament, prominent leaders within the Nepal Communist Party had openly accused him of being anti-women. The image has stuck. The current protests are being held in different parts of the capital. They include a march to Singha Durbar, the PM's office, and have taken an anti-Oli turn. "We will not tolerate authoritarianism in any form," said Hima Bista, one of the most prominent among the protesters.

Women in politics

An organised voice from women and an open display of strength, cutting across party lines, may be new in Nepal politics, but female literacy and participation in politics have been visibly increasing over the years. Women have been voters since Nepal first witnessed a democratic election in 1958, and have had representation in the Cabinet and important positions in Parliament right from the beginning. The Interim Constitution of 2007 made a provision for at least one-third women representation in Parliament. But with a male leadership in every party, and members having to follow a whip, independent voices have rarely emerged from women. Until now.



NATION

LOOKING AHEAD AFTER THE LADAKH WALK BACK (SUSHANT SINGH - SENIOR FELLOW AT THE CENTRE FOR POLICY RESEARCH)

In the end, the murmurs of an imminent breakthrough after the last round of military-diplomatic talks between India and China on January 24 were finally confirmed last week when Beijing made the announcement of the start of disengagement between the two armies, the People's Liberation Army (PLA) and the Indian Army, in Ladakh. New Delhi followed suit the next day with a selectively detailed announcement by the Defence Minister in Parliament, where he again took no questions, confirming that the two Himalayan neighbours had started walking back from the brink in Ladakh. This is not the end of the 10-month-old military stand-off yet but, palpably, the beginning of the end. It is a welcome move because heightened tensions between the two nuclear-armed Asian powers serve no useful purpose for anyone, certainly not India's.

Political priority

The current disengagement is limited to two places on the Line of Actual Control (LAC) in Ladakh: north bank of Pangong lake and Kailash range to the south of Pangong. There are three other sites of contention on the Ladakh border where the PLA had come in — Depsang, Gogra-Hot Springs and Demchok — and talks will be held to resolve these after the current phase of disengagement is completed. There have been regular clashes between the soldiers of both sides at the north bank of Pangong lake, and nearly a quarter of all the Chinese transgressions on the LAC between 2014 and 2019 have taken place in the area. It has limited strategic importance, but is a popular tourist spot after the climax of the superhit Hindi film, 3 Idiots, was shot there. Moreover, unlike other areas of contestation, there are habitations in the vicinity of the north bank which can observe any Chinese ingress. These sightings have been reported by the elected Ladakhi representatives to the media, including in this newspaper, to the embarrassment of the central government which has been keen on keeping the news of Chinese control of Indian territory off the news cycle and out of public sight. This means the disengagement at north bank was a political priority — imagine the impact of tourists visiting the area again to signal normalcy — and led to it being clubbed with the Kailash range to the south of the lake. While Chinese troops had moved into the Indian side of the LAC in the other areas, the Kailash range was the only place where Indians had taken the initiative to hold hitherto unoccupied peaks in end-August. A heavy deployment of troops and tanks caught the Chinese by surprise who responded by their own deployment, with the two sides separated by a few yards.

A stance that is unclear

With soldiers and tanks in eyeball range, the Kailash range was a tinderbox that could spark off a much bigger crisis with a minor accident. The Chinese have been insistent in the talks that the two sides disengage from this area first. Knowing that this was the only leverage it had, New Delhi had resisted taking that call until now, instead seeking a simultaneous resolution of all the flashpoints on the Ladakh border. In its statement, the government has not clarified the reasons for its change of stance which was clearly dictated by something more than the desire to remove the most dangerous flashpoint on the border. Even though it does not restore the status quo ante of April



2020 and the details about the south bank are sketchy, the disengagement deal on the two banks of Pangong is a fair deal for India when seen from the limited prism of only these areas. But when considered from the perspective of the whole LAC in Ladakh, it raises questions about the wisdom of giving up the only leverage India had for the sake of disengagement at north bank.

Depsang issue, buffer zones

The Indian military leadership is aware of the strategic importance of the Depsang plains in the Daulat Beg Oldi (DBO) sector, not only due to its proximity to the Darbuk-Shyok-Daulat Beg Oldie (DSDBO) road, the DBO airstrip and the Karakoram Pass, but because of the threat it poses to Indian control over the Siachen glacier. This remains the only area on the Indian landmass where China and Pakistan can physically collude militarily, and has been identified by former northern army commanders as tough to defend in case of a Chinese military attack. The excuse that the Depsang problem precedes the current crisis on the LAC and thus must be treated separately holds little water, for it would be in India's interest to club them together and find a holistic solution. Moreover, even the current crisis on the north bank of Pangong lake has been there since at least October 2019 though it flared up substantially in May 2020. The current disengagement plan provides us with a window into the mindset of the Indian decision makers who prefer the creation of a 'no patrol' zone or buffer zone as a solution to the tensions on the LAC. Before the buffer zone was created at the north bank of Pangong, a similar buffer zone was created in Galwan in July 2020 around the place where India lost 20 soldiers in a deadly clash a month earlier. That buffer zone has held good till date, even though it denies India access to the areas up to PP14 which it patrolled earlier. There are worries that such buffer zones would lie majorly on the Indian side of the LAC, thus converting a hitherto Indian-controlled territory into a neutral zone. A no patrol zone has not been announced, at least publicly by the Defence Minister, for the Kailash range and that exposes the limitations of any plan to create such buffer zones in all the contentious border areas for the sake of peace and tranquility on the LAC. Owing to the disputed nature of the border and a lack of trust between the two sides, any perceived violations of 'no patrol' zones can lead to deadly outcomes as seen in Galwan on June 15, 2020. At best, these buffer zones can provide a temporary reprieve but are no alternative to the mutual delineation of the LAC and a final settlement of the Sino-Indian boundary.

A power differential

As the Indian media highlighted the rapid pace of the PLA's withdrawal from disengagement sites, obliquely suggesting a Chinese weakness, the response from Chinese experts was in the form of a threat. Qian Feng, director of the research department at the National Strategy Institute at Tsinghua University was quoted in the Global Times saying that if the PLA can withdraw this many armaments and ground forces in one day, it can also return equally swiftly. It goes to the nub of New Delhi's weakness vis-à-vis Beijing: India does not have the military capacity and the political will to evict the Chinese troops out of its territory. Because of the power differential with China, India's best-case scenario is to deploy sufficient troops to prevent any PLA ingress as was done with a massive deployment on the LAC after May 2020. The option of undertaking a prompt quid pro quo military operation in Chinese territory, as advocated by the Non-alignment 2.0 strategy document produced by Centre for Policy Research in 2012 (<https://bit.ly/37BGGTB>), contains escalatory risks which an India in economic recession lacks the appetite for.



The enduring impact

The Ladakh border crisis of 2020 will leave a lasting impact on India's strategic calculus. The political imperative of defending every inch of territory, while lacking the wherewithal to reverse a Chinese ingress, is likely to favour an enhanced deployment of the Indian Army all along the LAC, from Ladakh to Arunachal Pradesh. Not only will it stretch the Army, it would divert scarce resources towards the continental border away from the maritime domain. With India's attractiveness to the United States and the Quadrilateral Security Dialogue, better known as the Quad, firmly anchored in the Indian Ocean, such a move would work to China's advantage. It is another matter that having struck a disengagement deal with China, New Delhi itself may no longer be as enthusiastic about the Quad as it was a couple of months ago when the Chinese threat was imminent. Will it lead to a reset of ties with Beijing? By seeking the restoration of peace and tranquillity on the LAC instead of a reversion to the status quo ante as of April 2020, the Narendra Modi government has made a political choice in Ladakh. It will have to bear the strategic consequences of that choice.

FROM CLASHES BETWEEN TROOPS ON THE LAC TO DISENGAGEMENT

Starting in April 2020, *China amassed a large number of troops and armaments along the disputed Line of Actual Control (LAC) in eastern Ladakh and other areas along the 3,488 km LAC, leading to stand-offs and skirmishes at Galwan Valley, Pangong Tso (lake), Gogra-Hot Springs and other areas. The People's Liberation Army (PLA) moved into Indian territory and built fortified structures and defences, changing the status quo on the ground.* While there are differences in perception on the alignment of the LAC, over the years, both sides concluded a series of agreements to maintain peace and tranquillity on the border, while talks continued to resolve the dispute. At Pangong Tso, PLA troops moved up to Finger 4 from Finger 8, and then a major clash occurred on the night of May 5, which resulted in injuries to over 70 Indian soldiers. On the north bank, India's perception of the LAC lies at Finger 8 and the Army regularly carries out patrols till there, which were blocked as a result of the Chinese ingress. On the night of May 9, *clashes were reported at Naku La in North Sikkim. India responded by mobilising additional troops and equipment to match the Chinese build-up. Since then, several friction points emerged in eastern Ladakh and both sides initiated diplomatic and military talks aimed at disengagement and de-escalation, with India pushing for the restoration of status quo ante of pre-April.* India and China earlier reached an understanding for phased disengagement from all friction points followed by de-escalation from the depth areas along the LAC. It was during this initial process of disengagement that the violent clash occurred on June 15 at Patrolling Point (PP) 14 in Galwan Valley, resulting in the death of 20 Indian soldiers, including a Commanding Officer, and an unknown number of PLA casualties. This marked the biggest clash since 1967.

Partial disengagement

Despite that, disengagement continued at PP14 and PP15 in the Hot Springs area, and partial disengagement was undertaken at Hot Springs and on the north bank of Pangong Tso. The aim was to create a buffer at these locations with a small group of soldiers retained and the rest moving back to their permanent locations. However, PLA troops continued to sit on the ridgelines of Finger 4 overlooking Indian positions, which was a matter of significant concern to India as it would alter the status quo on the ground. Fresh tensions occurred in the end of *August on the south bank of*

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



Pangong Tso, as the Indian Army pre-empted Chinese moves and occupied several dominating peaks on the Kailash range on the Indian side of the LAC, which gave tactical advantage to India. This resulted in a massive deployment of troops and tanks in very close proximity a couple of hundred metres of each other, at some locations. Several incidents of firing of warning shots also occurred, the first firing since 1975. This stalled the earlier disengagement process. Both sides amassed around 50,000 troops and heavy equipment in eastern Ladakh and undertook preparations to remain deployed through the harsh winters in the high altitude region. On September 10, External Affairs Minister S. Jaishankar met his Chinese counterpart Wang Yi in Moscow where they agreed on a five-point resolution to take forward the talks. India and China on February 11 announced an agreement for disengagement on the north and south bank of Pangong Tso to cease their forward deployments in a “phased, coordinated and verified manner”, which according to Defence Minister Rajnath Singh will “substantially” restore the situation to that existing prior to commencement of the stand-off last year. As per the agreement, *the Chinese side will move back its troops on the north bank to east of Finger 8 while Indian troops will move to their permanent base at Dhan Singh Thapa Post near Finger 3. “A similar action would be taken in the south bank area by both sides,” Mr. Singh said in the Rajya Sabha. The agreement also entails that any structures that had been built by both sides since April 2020 in both north and south bank area will be removed and the landforms will be restored. There is also a moratorium on patrolling in this area until a resumption is discussed by both sides through diplomatic and military talks.*

Way forward

The Defence Ministry said last week that Mr. Singh’s statement made clear there were outstanding *problems to be addressed, including at Hot Springs, Gogra and Depsang, and these issues would be taken up within 48 hours of the completion of the Pangong Tso disengagement, which could take two weeks or longer. Once complete disengagement is achieved at all friction areas, both sides will undertake de-escalation along the LAC.*

THE HEIGHTS OF CONSTANT FRICTION

I am happy to inform the House today that as a result of our well-thought-out approach and sustained talks with the Chinese side, we have now been able to *reach an agreement on disengagement on the north and south banks of Pangong Tso, Defence Minister Rajnath Singh said in the Rajya Sabha on Thursday, announcing the disengagement of Indian and Chinese troops to end the nine-month-long stand-off in eastern Ladakh. Pangong Tso, which caught the fascination of the country with the Aamir Khan starrer 3 idiots, has been an area of constant friction between India and China. The name is of mixed heritage, Pangong in Ladakhi language means extensive concavity and Tso means lake in Tibetan. India holds one third of the 135-km-long boomerang-shaped lake located at an altitude of more than 14,000 feet. The lake, a glacial melt, has mountain spurs of the Chang Chenmo range jutting out, referred to as “Fingers”, and the brackish water freezes in winter. India has always held till Finger 4, while it claims till Finger 8, which is where the Indian perception of the Line of Actual Control (LAC) lies, as reiterated by a Defence Ministry statement on Friday. The north bank, which has much higher differences in perception of the LAC than the south bank, had been the initial site of clashes in early May last year. The Indian Army has a permanent position near Finger 3, the Dhan Singh Thapa post, named after Major Dhan Singh Thapa who was awarded the*



Param Vir Chakra, the highest gallantry award in the country. The Chinese have a base east of Finger 8.

Face-offs in lake

The Indian Army sends patrols from Finger 3 to Finger 8 on foot, while the Chinese have built a road for their vehicular movement. Both sides also patrol the water on speed boats which also results in face-offs. However, the face-offs are usually resolved as per the protocols agreed to for maintaining peace and tranquillity on the border. *The south bank of Pangong leads to the Kailash range and to the Chushul sector. The Chushul sector is critical as it lends room for tank manoeuvres owing to its flat terrain. This was the site of pitched battles during the 1962 war and the heroic battle by 13 Kumaon, led by Major Shaitan Singh at Rezang La, the mountain pass on the southeastern approach to the Chushul Valley.* Over the years, India has strengthened its defences on the south bank in addition to deployment of tanks. For India, Pangong is critical to maintain hold on the Chushul Valley. As per the current agreement, both sides will cease their forward deployments in a “phased, coordinated and verified manner” and will move back to their permanent bases. “A similar action would be taken in the south bank area by both sides,” the Indian Defence Minister said. *“These are mutual and reciprocal steps and any structures that had been built by both sides since April 2020 in both north and south bank area will be removed and the landforms will be restored.”* The PLA has built extensive defences between Finger 8 and Finger 4 and also mounted gun positions on the ridgelines of Finger 4, overlooking Indian positions. *The Army gained tactical advantage over the PLA on the south bank in August by occupying several peaks lying vacant since 1962, gaining a dominating view of the Moldo area. On the north bank too, Indian troops set up posts facing PLA positions on the ridgelines of Finger 4. Both sides are now in the process of clearing these positions, and the process is being jointly monitored.* Last September, shots were fired in the air on the south bank, the first time since 1975 on the LAC. Both sides have also been agreed to a “temporary moratorium” on military activities on the north bank, including patrolling to the traditional areas, which will be resumed only when an agreement is reached in diplomatic and military talks between the two countries. *While Pangong has emerged as the focal point of the stand-off, the disengagement here is the first step in a long process.* The Defence Ministry said that Mr. Singh’s statement had also made it clear that there are outstanding problems to be addressed, including at “Hot Springs, Gogra and Depsang”. The outstanding issues are to be taken up within 48 hours of the completion of the Pangong Tso disengagement, it added.

THE QUAD ENDURES

Disproving the widespread scepticism in Delhi about the Biden Administration’s support for the Quad — the quadrilateral security framework involving Australia, India, Japan and the United States — the foreign ministers of the four countries conferred virtually on Thursday to reaffirm their commitment to a forum that drew much international attention during the Trump years. The real significance of the meeting was in the fact that the Biden national security team wanted to convene it within the first month of its tenure. *The read-outs from the four ministers touched on all the familiar Quad themes — maritime security in the Indo-Pacific, counter-terrorism, cooperation on COVID-19 management, and building supply chain resilience. The only new element — support for rule of law and democratic restoration in Myanmar — was a response to the unfolding events in that country. That the Quad has not only survived the political transition in Washington but is set to*



thrive does not surprise those who recall bipartisan American support for the institution formed in 2007, when George W Bush was the president. Although the Quad went into a political coma soon after, thanks to political reservations in Canberra and Delhi, President Barack Obama recognised that a rising China demanded a new geopolitical framework and strategic institutions. The idea of a "pivot to Asia" and the framing of the "Indo-Pacific" as a theatre emerged from the Obama Administration. The Trump Administration made the idea of Indo-Pacific its own and was eager to revive the Quad in 2017. The other three responded positively as the challenges posed by China could no longer be ignored. The momentum behind the Quad picked up in 2020 in the wake of the COVID-19 crisis, China's growing assertiveness, and deterioration of Beijing's bilateral relations with all Quad partners. A second source of confusion about the Quad lies in the assumption that Delhi is a reluctant member. That was certainly true under the UPA government which was hesitant to acknowledge the challenges from China and unwilling to deepen ties with America. If the Narendra Modi government was eager to shed the "historic hesitations" of the Congress party in engaging the US, it had no problem seeing the strategic consequences of China's rise. Many observers tend to conflate India's support for the Quad with the military confrontations on the China frontier in 2017 and 2020. *Hence, the recent assessments that India might walk away from the Quad once the current military crisis in eastern Ladakh eased. This week's Quad meeting, so soon after the agreement with China on Ladakh disengagement, underlines that India's interest in the Quad is not tactical but profoundly strategic.* For India the Quad is really about addressing the growing power imbalance with China that has manifold consequences for India's security and prosperity as well its regional and international standing. While Delhi's foreign policy traditionalists remain rather defensive about the Quad, Modi's team evidently views it as an unprecedented strategic opportunity for India to shape the emerging regional and global order.

V.K. SINGH STATEMENT ON LAC 'UNWITTING CONFESSION': CHINA

China's Foreign Ministry on Monday said Union Minister of State for Road Transport and Highways and former Army chief, Gen. V.K. Singh (retd), had made an "unwitting confession" by saying India had transgressed the Line of Actual Control (LAC) on more occasions than China had. *On Sunday, Gen. Singh said the border had never been demarcated, and while China had transgressed across the LAC up to its perception, India had done the same but the government did not announce it.* "Similarly, none of you come to know how many times we have transgressed as per our perception. Chinese media does not cover it," he said. "Let me assure you, if China has transgressed 10 times, we must have done it at least 50 times," Gen. Singh said.

'Confirming trespass'

China's Foreign Ministry on Monday pointed to his statement as confirming "frequent acts of trespass" by India. Its spokesperson Wang Wenbin said, "This is an unwitting confession by the Indian side". *"For a long time, the Indian side has conducted frequent acts of trespass in the border area in an attempt to encroach on China's territory and constantly created disputes and frictions, which is the root cause of the tensions at the China-India border.* We urge the Indian side to follow through on the consensus, agreements and treaties it reached with China, and uphold peace and stability in the border region with concrete actions," he said. Gen. Singh's statement was also highlighted by the Chinese media. "V. K. Singh, an Indian Union Minister of State, also former Army General, accidentally told truth of China-India border situation," tweeted Hu Xijin, editor-in-chief



of the Communist Party-run Global Times. "It's India that breaks border status quo, China has to respond to it," he said.

Pointing fingers

Last year, China's official media similarly seized on Prime Minister Narendra Modi's comments at an all-party meet saying "nobody has intruded", in an attempt to justify the People's Liberation Army's (PLA) moves on the border. Those remarks were widely reported in China in and used to point the finger at India for last year's crisis, which was triggered in May after the PLA mobilised a large number of troops, transgressed the border, and sought to unilaterally redraw the LAC in several areas in eastern Ladakh.

INDIAN IT WORKERS TO BENEFIT FROM U.S. IMMIGRATION BILL

In a major move that will benefit thousands of Indian IT professionals in America, the Biden administration has introduced an immigration bill in Congress, which, among other things, proposes to eliminate the per-country cap for employment-based green cards. *The U.S. Citizenship Act of 2021 proposes a pathway to citizenship to 11 million undocumented workers, elimination of per-country quota for employment-based green cards and work authorisation for dependents of H-1B foreign workers. The bicameral immigration bill, if passed by both the chambers of the Congress — House of Representatives and the Senate — and signed into law by the President, would bring citizenship to millions of foreign nationals, including undocumented workers and those who came to the country legally. Those waiting for a green card for more than 10 years would get the legal permanent residency immediately as they would be exempted from the visa cap. Indian IT professionals waiting for more than a decade now, and whose number runs into thousands, are likely to be the biggest beneficiaries.* Authors of the bill, Senator Bob Menendez and Congresswoman Linda Sanchez, said the bill establishes a vision of immigration reform that is expansive and inclusive.

THE CASE OF AMROHA'S SHABNAM, THE FIRST WOMAN LIKELY TO BE HANGED AFTER INDEPENDENCE

On February 18, the 12-year-old son of Shabnam, a death row convict from Uttar Pradesh's Amroha, appealed to President Ram Nath Kovind to "forgive" his mother. Shabnam has exhausted most of her legal remedies, and if executed, will be the first woman in independent India to be hanged for a crime. *Only one jail in India -- the one in Mathura -- has the provisions for hanging a woman convict.* Pawan Kumar, the hangman in the December 2012 New Delhi gangrape case, has recently been quoted as saying by media outlets that he had been to the Mathura jail to see if the execution room was in working order.

What was Shabnam convicted of

Shabnam along with her lover Saleem was convicted of killing seven members of her family in 2008 -- father Shaukat Ali (55), mother Hashmi (50), elder brother Anees (35), Anees's wife Anjum (25), younger brother Rashid (22), cousin Rabia (14), and Arsh, Anees's 10-month-old son. Shabnam, belonging to the Saifi Muslim community, lived in Bawankhedi, a village in Hasanpur tehsil of Amroha in western Uttar Pradesh. A post-graduate in two subjects, English and



Geography, she worked as a shiksha mitra (government school teacher). Her family was opposed to her relationship with Saleem, a Class VI dropout, who worked at a wood sawing unit outside their home and belonged to the Pathan community. According to the prosecution case, on the intervening night of April 14-15, Shabnam sedated six of her family members -- everyone except the baby Arsh. Saleem then chopped their heads off with an axe, while Shabnam held them by their hair. She throttled her 10-month-old nephew. When Shabnam and Saleem were arrested five days after the crime, they were both in their 20s, and Shabnam was seven weeks pregnant. In December of that year, she gave birth to her son. In 2010, an Amroha sessions court sentenced them to death, which was upheld by the Allahabad High Court in 2013 and the Supreme Court in May 2015. Within 10 days, however, the Apex Court stayed the death warrants. *In September 2015, then-Uttar Pradesh Governor Ram Naik rejected Shabnam's plea for mercy, which she had sought on the ground of her responsibilities towards her son, Mohammad Taj. In August 2016, then President Pranab Mukherjee rejected her mercy petition. In January 2020, a Supreme Court bench headed by CJI SA Bobde upheld the death sentence.*

What Shabnam claimed

Shabnam was the one who had raised the alarm about her family's murder. She had initially claimed that unknown assailants had entered her home and killed everyone. However, during the course of their trial, the couple turned against each other. The 2015 Supreme Court judgment says that in her Section 313 statement, Shabnam said Saleem had entered the house with a knife through the roof and killed all her family members while she was asleep. Saleem, on the other hand, said he reached the house "only on the request of Shabnam" and that when he reached there, she confessed to having killed the others. Seven years after the crime, when her son was being sent to foster care, Shabnam had claimed she feared for his life, as the "people who had killed her family over a property dispute could harm him too".

Shabnam's son

Shabnam's son stayed with her in jail for the first few years of his life. In 2015, he had to be sent to foster care as according to the jail manual, women inmates can't keep children above six with them. Taj now lives with journalist Usman Saifi, who was Shabnam's college junior, and his wife Suhina. Saifi had told The Indian Express in 2015: "The Shabnam you hear of, the woman on death row, is not the Shabnam I know. We went to the same college... She once paid my college fee when I couldn't, she would help me with my notes and stand up for me in college. All this, just like an elder sister would. So when this happened, I was shocked. I told my wife that I owe a lot to Shabnam and must do this for her."

Other women on death row in India

According to a 2016 report on the death penalty in India by National Law University, New Delhi, 12 women are on death row in the country, and all belong to "backward classes and religious minorities". Another case where the convicts' mercy petitions has been rejected by the President is that of Renuka Shinde and Seema Mohan Gavit, sisters convicted of kidnapping and killing several children in Maharashtra towns between 1990 and 1996. Charged along with their mother Anjana with the kidnapping of 13 children and the murder of 10 of them, they were convicted by the Supreme Court in 2006 of five of those murders, besides the kidnappings. According to the



sisters' defence counsel, the murders were committed by their mother -- who died two years after their arrest in 1996 -- and the sisters were framed by Kiran Shinde, Renuka's husband, who turned approver. The women would kidnap children to use them either as props or distractions during pickpocketing and petty thefts. Later, they would kill them. The sisters were convicted by a Kolhapur sessions court in June 2001. The Bombay High Court upheld the death penalty given to them in 2004, and the Supreme Court in 2006. In 2014, then-President Pranab Mukherjee rejected their mercy petition.

WHAT DO THE AMENDMENTS TO THE JUVENILE JUSTICE ACT MEAN?

This week, the Union Cabinet ushered in some major amendments to the Juvenile Justice (Care and Protection of Children) Act 2015 in a bid to bring in clarity and also entrust more responsibilities on bureaucrats when it comes to implementing provisions of the law.

What is the Juvenile Justice (Care and Protection of Children Act) 2015?

The Juvenile Justice (Care and Protection of Children) Act was introduced and passed in Parliament in 2015 to replace the Juvenile Delinquency Law and the Juvenile Justice (Care and Protection of Children Act) 2000. One of the main provisions of the new Act was allowing the trial of juveniles in conflict with law in the age group of 16-18 years as adults, in cases where the crimes were to be determined. The nature of the crime, and whether the juvenile should be tried as a minor or a child, was to be determined by a Juvenile Justice Board. This provision received an impetus after the 2012 Delhi gangrape in which one of the accused was just short of 18 years, and was therefore tried as a juvenile. The second major provision was with regards to adoption, bringing a more universally acceptable adoption law instead of the Hindu Adoptions and Maintenance Act (1956) and Guardians of the ward Act (1890) which was for Muslims, although the Act did not replace these laws. The Act streamlined adoption procedures for orphans, abandoned and surrendered children and the existing Central Adoption Resource Authority (CARA) has been given the status of a statutory body to enable it to perform its function more effectively.

The inclusion of serious crimes apart from heinous crimes

Most heinous crimes have a minimum or maximum sentence of seven years. According to the Juvenile Justice Act 2015, juveniles charged with heinous crimes and who would be between the ages of 16-18 years would be tried as adults and processed through the adult justice system. The amendment passed by the Union Cabinet this week has included for the first time the category of "serious crimes" differentiating it from heinous crimes, while retaining heinous crimes. Both heinous and serious crimes have also been clarified for the first time, removing any ambiguity. *What this means is that for a juvenile to be tried for a heinous crime as an adult, the punishment of the crime should not only have a maximum sentence of seven years or more, but also a minimum sentence of seven years. This provision has been made to ensure that children, as much as possible, are protected and kept out of the adult justice system. Heinous crimes with a minimum imprisonment of seven years pertain mostly to sexual offences and violent sexual crimes. At present, with no mention of a minimum sentence, and only the maximum seven year sentence, juveniles between the ages of 16-18 years could also be tried as adults for a crime like the possession and sale of an illegal substance, such as drugs or alcohol, which will now fall under the ambit of a "serious crime".*



Expanding the purview of district and additional district magistrates

Women and Child Development Minister Smriti Irani Wednesday announced that district magistrates (DMs) along with additional district magistrates (ADMs) will monitor the functioning of various agencies under the JJ Act in every district. This includes the Child Welfare Committees, the Juvenile Justice Boards, the District Child Protection Units and the Special juvenile Protection Units. The amendment has been brought in based on a report filed by the NCPCR in 2018-19 in which the over 7,000 Child Care Institutions (or children's homes) were surveyed and found that 1.5 per cent do not conform to rules and regulations of the JJ Act and 29 per cent of them had major shortcomings in their management. The NCPCR report also found that not a single Child Care Institution in the country was found to be 100 per cent compliant to the provisions of the JJ Act. CCIs can be government-run, government-aided, privately run or run through government, private or foreign funding. These institutions, while falling under the CWC and the state child protection units had very little oversight and monitoring. Even to receive a license, after an application was made, if the children's home were to not receive a reply from the government within 3 months time, it would be "deemed registered" for a period of six months, even without government permission. The new amendment ensures that this can no longer happen and that no new children's home can be opened without the sanction of the DM. DM's are also responsible now for ensuring that CCIs falling in their district are following all norms and procedures. During the NCPCR survey, for instance, it had been CCI's with large funds, including foreign funding, had been found keeping children in unsanitary conditions in portacabins. Since the survey, the WCD Ministry shut down 500 illegal child welfare institutions that had not been registered under the JJ Act. The DM will also carry out background checks of CWC members, who are usually social welfare activists, including educational qualifications, as there is no such provision currently to check if a person has a case of girl child abuse against him. To hasten the process of adoption and ensure the swift rehabilitation of children into homes and foster homes, the amendment further provides that the DM will also now be in charge of sanctioning adoptions, removing the lengthy court process.

The challenges

While the amendments have been welcomed by most, in its attempt to provide better protection to children in need of care, the challenge perceived is that of having given too many responsibilities to the DM.

WHAT DO THE AMENDMENTS TO THE JUVENILE JUSTICE ACT MEAN?

This week, the Union Cabinet ushered in some major amendments to the *Juvenile Justice (Care and Protection of Children) Act 2015* in a bid to bring in clarity and also entrust more responsibilities on bureaucrats when it comes to implementing provisions of the law.

What is the Juvenile Justice (Care and Protection of Children Act) 2015?

The Juvenile Justice (Care and Protection of Children) Act was introduced and passed in Parliament in 2015 to replace the Juvenile Delinquency Law and the Juvenile Justice (Care and Protection of Children Act) 2000. One of the main provisions of the new Act was allowing the trial of juveniles in



conflict with law in the age group *of 16-18 years as adults*, in cases where the crimes were to be determined. The nature of the crime, and whether the juvenile should be tried as a minor or a child, was to be determined by a Juvenile Justice Board. This provision received an impetus after the 2012 Delhi gangrape in which one of the accused was just short of 18 years, and was therefore tried as a juvenile. The second major provision was with regards to adoption, bringing a more universally acceptable adoption law instead of the Hindu Adoptions and Maintenance Act (1956) and Guardians of the ward Act (1890) which was for Muslims, although the Act did not replace these laws. The Act streamlined adoption procedures for orphans, abandoned and surrendered children and the existing Central Adoption Resource Authority (CARA) has been given the status of a statutory body to enable it to perform its function more effectively.

The inclusion of serious crimes apart from heinous crimes

Most heinous crimes have a minimum or maximum sentence of seven years. According to the Juvenile Justice Act 2015, juveniles charged with heinous crimes and who would be between the ages of 16-18 years would be tried as adults and processed through the adult justice system. The amendment passed by the Union Cabinet this week has included for the first time the category of “serious crimes” differentiating it from heinous crimes, while retaining heinous crimes. *Both heinous and serious crimes have also been clarified for the first time, removing any ambiguity.* What this means is that for a juvenile to be tried for a heinous crime as an adult, the punishment of the crime should not only have a maximum sentence of seven years or more, but also a minimum sentence of seven years. This provision has been made to ensure that children, as much as possible, are protected and kept out of the adult justice system. *Heinous crimes with a minimum imprisonment of seven years pertain mostly to sexual offences and violent sexual crimes. At present, with no mention of a minimum sentence, and only the maximum seven year sentence, juveniles between the ages of 16-18 years could also be tried as adults for a crime like the possession and sale of an illegal substance, such as drugs or alcohol, which will now fall under the ambit of a “serious crime”.*

Expanding the purview of district and additional district magistrates

Women and Child Development Minister Smriti Irani Wednesday announced that district magistrates (DMs) along with additional district magistrates (ADMs) will monitor the functioning of various agencies under the JJ Act in every district. This includes the Child Welfare Committees, the Juvenile Justice Boards, the District Child Protection Units and the Special juvenile Protection Units. The amendment has been brought in based on a report filed by the NCPCR in 2018-19 in which the over 7,000 Child Care Institutions (or children’s homes) were surveyed and found that 1.5 per cent do not conform to rules and regulations of the JJ Act and 29 per cent of them had major shortcomings in their management. The NCPCR report also found that not a single Child Care Institution in the country was found to be 100 per cent compliant to the provisions of the JJ Act. CCIs can be government-run, government-aided, privately run or run through government, private or foreign funding. These institutions, while falling under the CWC and the state child protection units had very little oversight and monitoring. *Even to receive a license, after an application was made, if the children’s home were to not receive a reply from the government within 3 months time, it would be “deemed registered” for a period of six months, even without government permission. The new amendment ensures that this can no longer happen and that no new children’s home can be opened without the sanction of the DM. DM’s are also responsible now for ensuring that CCIs falling in their district are following all norms and procedures.* During the NCPCR survey, for instance, it had been



CCI's with large funds, including foreign funding, had been found keeping children in unsanitary conditions in portacabins. Since the survey, the WCD Ministry shut down 500 illegal child welfare institutions that had not been registered under the JJ Act. *The DM will also carry out background checks of CWC members, who are usually social welfare activists, including educational qualifications, as there is no such provision currently to check if a person has a case of girl child abuse against him. To hasten the process of adoption and ensure the swift rehabilitation of children into homes and foster homes, the amendment further provides that the DM will also now be in charge of sanctioning adoptions, removing the lengthy court process.*

The challenges

While the amendments have been welcomed by most, in its attempt to provide better protection to children in need of care, the challenge perceived is that of having given too many responsibilities to the DM.

ECHO OF #METOO

A Delhi court's acquittal of journalist Priya Ramani in a criminal defamation case brought against her by former Union minister and editor M J Akbar is an empowering judgment — a landmark in India's #MeToo movement. In 2018, as women across the country broke a long silence by calling out powerful sexual predators on social media, Ramani, too, had alleged sexual harassment by the editor during a job interview 20-odd years ago. Akbar, who resigned after a spate of allegations, had sued Ramani for speaking up, accusing her of tarnishing his "stellar reputation". Worldwide, the #MeToo movement attempted to break the asymmetry of patriarchal power that makes sexual harassment invisible, and silences and discredits women's voices. It is, therefore, heartening that Judge Ravindra Kumar Pandey has given primacy to Ramani's word. The court also acknowledged that 20 years ago, neither Ramani nor one of the witnesses who was also a journalist reporting to Akbar, had the protection offered by the Vishakha guidelines or the Sexual Harassment of Women at Workplace Act, 2013. The order affirms the spirit of those guidelines by upholding the right to a violence-free, safe workplace. It pointed out that a woman's right to speak up about her violations was not restricted by the passage of time. And that "a woman cannot be punished for raising voice against sex abuse on the pretext of criminal complaint of defamation as the right of reputation cannot be protected at the cost of the right of life and dignity as guaranteed under Article 21 of the Constitution". Across the world, the #MeToo movement resulted not only in a re-evaluation of toxic patriarchal cultures but also resulted in convictions of powerful men like film producer Harvey Weinstein, comedian Bill Cosby and gymnastics coach Larry Nassar. In India, it has been much harder to call impunity to account. In the entertainment industry, women have faced a backlash for speaking up, while men accused of grievous abuse have been reinstated. The allegations against a former chief justice of India were disposed of with a flagrant lack of due process. The allegations against Akbar were backed up by accounts of no less than 20 journalists. And yet, it was a woman who had to stand trial, who was the accused. In her defence, Ramani cited truth and public good. Indeed, the matter of MJ Akbar vs Priya Ramani was not only about two individuals. In standing up to defend herself, even if it meant submitting to a long-drawn legal process, Ramani was also defending the right of other women to speak up against powerful men, to refuse to be intimidated into silence. That she was backed up by other women, who spoke their truth and lent weight to hers, is an affirmation of the power of solidarity. Their spirited, fearless



fight — and the wisdom of the court, in times when the judiciary has not always been so hearteningly resolute in upholding individual rights and drawing the line — enables countless more women to call their violators to account.

Additional Chief Metropolitan Magistrate, Ravindra Kumar Pandey, has placed the case in the correct perspective by noting that a woman cannot be punished for criminal defamation when she raises her voice against sexual harassment because “the right of reputation cannot be protected at the cost of the right of life and dignity of [the] woman”. He has taken note of the unequal equations of power between the harasser and victim in most situations. Given that it may result in loss of dignity and self-confidence at that time, the court underscored that “a woman has a right to put her grievance at any platform of her choice and even after decades”. It may appear to be a sweeping statement that opens up the possibility of incidents from the distant past to be raked up, to the detriment of anyone’s reputation. However, the court places it in the context of the need for women to have freedom, equality, equal opportunity and social protection, if they were to excel in an atmosphere in which their workforce participation is undesirably low. In this backdrop, it is unfortunate that criminal defamation still survives in the statute book, thanks to a 2016 Supreme Court verdict upholding it. A criminal prosecution is quicker and less expensive, making it a handy tool to silence one’s critics and detractors. The time may have come to decriminalise defamation so that those who suffer injury to their reputation are left only with a civil remedy.

THE PRESSING NEED TO ADJUDICATE, NOT MEDIATE (KALEESWARAM RAJ - LAWYER AT THE SUPREME COURT OF INDIA)

The recent judgment of the Supreme Court that refused to review its earlier verdict on the Shaheen Bagh protest is inseparable from its political context. The verdict of October 7, 2020 declared that there is no absolute right to protest, and it could be subjected to the orders of the authority regarding the place and time. Apart from thinking about the legal and constitutional issues, it can also lead to a discourse on the moral authority of the top court in dealing with such fundamental questions related to freedom.

Protests, a political challenge

Both the judgments came out at the time of ongoing street agitations. Protest “at anytime and anywhere” has not been as simple as conceived in the judgments. The agitations against the Citizenship (Amendment) Act (CAA) and the farm laws also brought out the immense agony and hardship that the protesters had to face. In the anti-farm laws struggle, they experienced suffering over almost the entire winter for a cause which they believe as one that concerns the whole nation.

They had to pay a heavy price for their convictions. Many were subjected to malicious prosecution by the state on serious charges of sedition and terrorist activities. Not only the protesters but also their supporters, including comedians and journalists, were not spared. *All freedoms under Article 19 of the Constitution, from freedom of expression to that of peaceful association, were seriously impaired.* Even today, many languish in jail for the offence of dissent and the more serious offence of ‘andolan’. Disha Ravi, a 22-year-old climate activist, was booked recently for ‘conspiracy against the government’. Such arrests continue because the protests are a political challenge to the existing regime, a theme which the Court did not even address with contextual details.



A problematic 'balancing'

There is a more significant question that a citizen could pose against the Court's pronouncements on the Shaheen Bagh protest. *The agitations on the street became an imperative because the issues were not subjected to a timely judicial examination. The subject matter of almost all the major protests which have happened recently in India, be it over 'economic reservation', the CAA or the farms laws, involved legal and constitutional issues requiring immediate and effective adjudication in terms of their constitutional validity. The top court could not exercise its constitutional role and ensure judicial scrutiny on an aggrandising executive and an equally imposing Parliament by exercising its counter-majoritarian function. Having failed to do so, the kind of 'balancing' which the Court now tries to attain by way of the Shaheen Bagh orders will pose more questions than it answers. In the original judgment on Shaheen Bagh, the Court attempted to "mediate" the issue and admitted in the judgment that it "did not produce any solution".* The Court's duty during the testing times is to adjudicate, and not to mediate. *A reconciliatory approach is not a substitute for juridical assertion. The review petition provided the Supreme Court an opportunity to revisit its earlier folly where it merely acted as a judicial extension of the executive.* It could have taken empirical lessons from a political situation that was almost proximate to an internal Emergency. *Constitutional morality is a philosophy that should primarily apply to the constitutional courts. Dr. B.R. Ambedkar used this idea in terms of institutions and not of individuals. Had there been a timely adjudication of the validity of the laws which was questioned by the process recognised by the law, the torment on the street could have been probably reduced.*

Think fair and effective

A fair and effective adjudicative mechanism in constitutional matters can meaningfully sublimate the agitation on the street. Studies have shown that social movements could be less radical and less oppositional when the issues could be effectively sorted out by way of fair litigative means. Sociologist Luke Martell was of the opinion that the radical green movement in Britain has been at a slower pace when compared with other parts of western Europe, because the "public enquiry system" in the United Kingdom could "process ecological demands, integrate them into the political system and minimise radicalisation of the movement arising out of exclusion and marginalisation". The principle can have application across the constitutional democracies. The textbook theory of "balancing" the right to protest and the right to move along the road does not need any reiteration in the constitutional climate of the present day. When fear is the new normal for the average Indian, the Court's only role is to act as the guardian of the right to dissent. In the review petition, the petitioners rightly apprehended that the observations in the earlier judgment against the indefinite occupation of public space "may prove to be a license in the hands of the police to commit atrocities on legitimate voice of protest". The Court, by its present rejection of the plea, has reinforced an illiberal state's intimidating stand during another unjust political situation. Its affirmation of the earlier view is not merely insensitive or surreal. It illustrates an instance of "abusive judicial review", as described by David Landau and Rosalind Dixon, where the Court not only refuses to act as the umpire of democracy but aids the executive in fulfilling its strategies. In the process, it legitimises very many illegitimate state actions.



State's intrusion is a worry

In the 2020 verdict, the Supreme Court has also failed to properly appreciate and contextualise the earlier Constitution Bench judgment in Himat Lal K. Shah vs Commissioner of Police (1972) even after referring to it. It is the state's intrusion into the realm of rights that should worry the Court. In Himat Lal K. Shah, the Court said that the rule framed by the Ahmedabad Police Commissioner conferred arbitrary power on the police officers in the matter of public meetings and, therefore, was liable to be struck down. Justice Kuttyil Kurien Mathew, in Himat Lal K. Shah, explained that "freedom of assembly is an essential element of a democratic system" and that "the public streets are the 'natural' places for expression of opinion and dissemination of ideas". In the review petition, it was not the cause alone that was tried. It was also the Court.

SEDITION LAW CAN'T BE USED TO QUELL DISQUIET: COURT

Charges of sedition "cannot be invoked to quieten the disquiet under the pretence of muzzling the miscreants", a Delhi Court observed while granting bail to a 21-year-old labourer. The youth was arrested for posting a fake video on Facebook about the Delhi police on the farmers' agitation. *Additional Sessions Judge Dharmender Rana remarked that in the absence of any exhortation, call, incitement or instigation to create disorder or disturbance of public peace by resort to violence, the sedition law cannot be invoked against anyone.* Mr. Swaroop Ram had posted a fake video on his Facebook page with the tagline 'Delhi Police mae bagawat 200 policekarmiyon ne diya samuhik istifa. (Rebellion in Delhi Police, 200 policemen have resigned en masse) Jai Jawaan Jai Kisan #I_Support_Rakesh_Tikait_Challenge". The Delhi police stated that the video was related to an incident in which a senior officer was briefing police personnel at the protest site and encouraging them to tackle the situation properly. Mr. Ram, in his defence, submitted that the material was "innocuous in nature and was, in fact, an expression of emotions uttered in disagreement with government policies". Taking note of submission from both sides, ASJ Rana said, "*The law of sedition is a powerful tool in the hands of the State to maintain peace and order in society. However, it cannot be invoked to quieten the disquiet under the pretence of muzzling the miscreants*".

INDIANS CONCERNED ABOUT PRIVACY: CJI

Chief Justice of India Sharad A. Bobde on Monday said Indians have "grave apprehensions" about privacy from Facebook and WhatsApp. "People have grave apprehensions about loss of privacy. You may be a two or three trillion company, but people value their privacy more. It is our duty to protect people's privacy," Chief Justice Bobde, heading a three-judge Bench, addressed lawyers appearing for the social media/instant messaging giants. "We are telling you what we heard and read — people think that if A sends a WhatsApp message to B and B to C, the circuit of messages is revealed to Facebook," he addressed senior advocates Kapil Sibal and Arvind Datar, for the companies.

Companies' denial

Both lawyers vehemently denied this as "misinformation". Chief Justice Bobde said, "Say that on oath. We are issuing notice. File a response." Solicitor General Tushar Mehta, for the government, stated, "*This is an apprehension of the nation... Privacy is part of our fundamental rights. They [WhatsApp and Facebook] cannot compromise our privacy... They cannot differentiate.*" The hearing

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



concerned the new privacy policy introduced by WhatsApp on January 4. The allegation is that it scraps users' 'opt-out policy'. The user would have to, according to the policy, compulsorily consent to share their data with Facebook and its group, the petitioners have alleged. The policy deadline was February 8 initially, but it was extended to May 15. Mr. Sibal denied allegations that WhatsApp was treating Europeans and Indians differently. "Europe has a special law [General Data Protection Regulations], India doesn't. As soon as India has the special law, we will follow. We will follow the law of Parliament," he submitted. The new privacy policy was applicable to the rest of the world except Europe. Mr. Datar said the General Data Protection Regulations was followed by probably 20 countries in the world. Allegations of differential treatment being accorded to Indians were unfounded. Senior advocate Shyam Divan, for petitioner Karmanya Singh Sareen and others challenging the new privacy policy, said they were not on whether WhatsApp was encrypting messages or not. "We are on the point of sharing of meta data for profit," he submitted. "There is a different set of rules for Europeans and different for Indians... Even the government has taken serious note and issued notices to the companies," he said. He urged the court to ensure that no data is leaked.

INJUDICIOUS IMPASSE

With his retirement due in just over a month, *Chief Justice of India SA Bobde is likely to be the first CJI since 2015 who did not make a single appointment to the Supreme Court. The collegium he heads to appoint his colleagues has not made any recommendations in the 13 months since he took office. This lack of urgency was in spite of the fact that the top court last appointed a judge in September 2019 and currently has four vacancies, with five more expected this year. This impasse also comes at a time when high courts across the country are short of over 400 judges and the judicial system has been struggling to keep pace since the COVID-19 pandemic.* The restricted functioning of the judiciary for over a year has increased the burden on the institution to protect the rights of citizens and keep government in check. *Five years ago, when the Supreme Court struck down the National Judicial Appointments Commission, the restatement of its faith in the collegium system of appointing judges to the higher judiciary was accompanied by a promise of transparency and efficiency. The fact that the issue of appointment of judges has been taken up on the judicial side by every CJI since then, hauling up government law officers on why names have not been cleared, to no ostensible effect, shows the lack of efficiency in the process.* In a hearing on January 27, a three-judge bench headed by CJI Bobde asked the Centre whether there was a timeline for government clearance of recommendations made for high courts. During the hearing, the bench also questioned other high courts on the working of the collegium at the high court level — the number of times it met and why the number of recommendations did not correspond to the number of vacancies, although the same can be asked of the apex court too. *Incremental reforms on transparency, such as the practice of disclosing the reasons while announcing the collegium's decision, introduced in 2017, were quickly rolled back without any explanation.* Now, the collegium only puts out a public statement on who it has recommended but does not disclose who dropped out. The hearing to address delay in appointments has resulted only in an unseemly blame-game between the government and the collegium through sworn affidavits on who caused more delay in the process. Institutional reform of the judiciary cannot be any one chief justice's burden, but every chief justice has allowed the court to slide back on transparency and efficiency. If CJI Bobde retires without a successful collegium meeting, the compulsions that lie behind this apparent incapacity of a vital institution must be made known.

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



NITI AAYOG SEEKS TO TRACK IMPACT OF GREEN VERDICTS

The NITI Aayog — the government’s apex think tank — has commissioned a study that seeks to examine the “unintended economic consequences” of judicial decisions that have hindered and stalled big-ticket projects on environmental grounds. A perusal of the document appears to suggest that judgments that negatively impact major infrastructure projects don’t adequately consider the economic fallout — in terms of loss of jobs and revenue. Doing so, it reckons, would contribute to public discourse among policymakers for promoting an “economically responsible approach by judiciary” in its decisions. The project brief, a copy of which has been viewed by The Hindu, says that it intends to examine five major projects that have been “impacted” by judicial decisions of the Supreme Court or the National Green Tribunal. It plans to do this by interviewing people who have been affected by the closure of the projects, environmental campaigners, experts and assessing the business impact of closure. Projects to be analysed include the construction of an airport in Mopa, Goa; cessation of iron ore mining in Goa, and the shutting down of the Sterlite copper plant in Thoothukudi, Tamil Nadu. The others are decisions by the NGT involving sand mining, and construction activities in the National Capital Region. “These have been some of the most significant cases in the recent past that have caused substantial damage to the economy,” the brief notes. The study is to be undertaken by the Jaipur-headquartered CUTS (Consumer Unity and Trust Society) Centre for Competition, Investment and Economic Regulation, that also has an international presence. “The judiciary needs to take into account environment, equity and economic considerations while deciding cases, and needs to institutionalise a mechanism for it,” the brief notes. “The absence of ex-ante (before an event) analysis of the economic costs associated with a decision is further exacerbated when judicial activism by courts and tribunals is also in play.” Vikrant Tongad, Uttar Pradesh-based environmentalist and founder, Social Action for Forest and Environment (SAFE) was among those whom CUTS reached out to, as an expert, because of his involvement in campaigns against sandmining operations. He told The Hindu that he found the study “surprising” in its intent. “Does the government now want to train judges not to give such judgements? Is the government forgetting that due to their negligence, courts have been forced to give strict orders. Will the NITI Aayog also study how much damage will be done if the courts do not give such orders,” he asked. Vice-Chairman of NITI Aayog Rajiv Kumar said the study was a purely economic exercise. “The intent of this study is to analyse the cost and benefit of certain judicial decisions. It doesn’t question judicial intervention. I was, for example, happy to see how Supreme Court’s intervention led to the adoption of CNG (compressed natural gas, in transport vehicles in Delhi) and the economic benefits from it.”

WHY DID THE CENTRAL GOVERNMENT ISSUE MSP GUIDELINES FOR SUGAR MILLS?

The Ministry of Consumer Affairs, Food and Public Distribution issued separate guidelines for sugar mills and cane commissioners in regards to sale of sugar below the Minimum Selling Price (MSP) of Rs 3,100/- per quintal. While sugar mills have been threatened with action for selling sugar below the government-mandated MSP, the cane commissioners have been asked to track the sale of sugar and report any breach of MSP.



What is MSP and why was it introduced?

To control the constant slide in ex mill prices of sugar, the central government had in June 2018 specified the concept of MSP for sugar. *Back then the MSP was fixed at Rs 2,850/- per quintal which was subsequently raised to Rs 3,100/- per quintal. Along with MSP, the centre had also fixed mill wise sales quota. Mills who breached either of the conditions were liable for action under the Essential Commodities Act, 1955 which would include fine as well as a jail term (ranging from 3 months to 7 years) or both. These out of box measures were brought in to arrest the constant slide of sugar and to keep the demand supply ratio to a safe limit. It was reasoned that both these measures would help mills generate enough revenue to pay their farmers the Fair and Remunerative Price (FRP) for cane purchased from farmers. Mills pledge their sugar to financial institutions to raise working capital well before the sugar season.* The same is recovered by selling sugar through tenders keeping in view both the cost of production and other margins. *On part of the mills, the threat of action by cane commissioners in case of failure to clear FRP dues within 14 days of cane being sold is the Damocles Sword which hangs over their head. In order to prevent attachment of properties as arrears of land revenue, mills try to accelerate sales to clear the FRP.* Back in 2018, this haste had seen sugar prices dropping down to Rs 2,500-2,600/- levels as against the then cost of production of around Rs 3,300. Both the measures were brought in to stop distress sale of sugar and to help mills generate timely capital to help them clear their dues.

How has this mechanism worked so far?

While there has been a constant clamour for a revision of the MSP to keep it in accordance with the current cost of production, overall the system has managed to keep the industry afloat. This was particularly important during the years of bumper crops like 2018-19, 2019-20. *Industry leaders admit had not there been a check on sales, the supply demand ratio would have gone for a toss leading to a price avalanche in the markets.*

Why has the central government issued a notification asking for mills to adhere to MSP and the quota system?

The season of 2020-21 is expected to see the country producing 302 lakh tonnes (lt) of sugar. Trouble started brewing in Maharashtra and Karnataka in December as mills reported very low uptake of their tenders. *Sugar demand dips in December and January as the winter season steps in and demand for aerated drinks goes low. Sugar mills in Maharashtra and Karnataka had started selling sugar below the MSP and in some cases more than their monthly quota of sale.* This was to raise money to clear their FRP dues failing which they would face action from cane commissioners. On paper the months of December and January were marked by mills failing to fulfil their sales quota. Industry figures say 30-35 per cent of the sugar quota in the country remained unsold for the last two months. But sales by undercutting the MSP has been rampant, with such sugar coming up for resale at prices below Rs 3,100/-. *Insiders admit all mills in Solapur, and half of the mills in Ahmednagar and Marathwada region of Maharashtra have been indulging in below MSP sales. Sugar mills along the Karnataka and Maharashtra border in Karnataka have also been indulging in such sales. Concerned with constant influx of below MSP sugar in the open markets mills who have so far resisted doing so had approached the central government. Friday's notification was a result of the same.*



How will this order play up?

Cane commissioners who have been ordered to keep a tab on sugar sales admit it will be difficult to track sales below MSP as such transactions do not have a paper trail. *On paper the mills would show the sale at MSP but the real financial transaction might be different. Thus, mills might provide traders more than contracted quota of sugar by managing the recovery of the season, or might not include transportation and handling costs in the final bill.* Thus, most commissioners are not very optimistic about catching the mills on paper. What can be easier to catch would be breach of sales quota for which mills can be held liable. But the order, many hope, will act as a deterrent for mills given the punishment it involves.

Why are mills complaining of low sugar sell, when the government has announced a Rs 3,500 crore subsidy program for exports?

Ironically, the distress sales had started even as the central government announced a subsidy program for the sector. Till date around 25 lakh tonnes of exports have been inked by mills. But infrastructural problems like lack of containers at ports have put a spanner in the export plans. Most millers are not very optimistic about India fulfilling the 60 lt target for export given.

WHY GOVT BROUGHT NEW FARM ACT IN 2020 DESPITE HAVING LEGISLATED MODEL CONTRACT FARMING LAW IN 2018

Between the Punjab Contract Farming Act 2013 and the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act 2020, another law on contract farming – the *State/UT Agricultural Produce & Livestock Contract Farming and Services (Promotion & Facilitation) Act, 2018 – also known as Model act 2018* was legislated by the Union government. Experts said that of around 20 states that had already amended their APMC Acts by 2016-17 under the provisions of the Centre's Agricultural Produce Marketing Committee Act-2003, nearly 14 had notified the rules related to contract farming even before Model Act 2018 was notified.

Why did the government bring in the 2020 Act when Model Act-2018 was already in place for contract farming?

Experts say that with Model Act -2018 already in place, there was no need to bring the new law in 2020. Rather, some amendments could have been made to the earlier law to make it more farm-friendly. Then the government should have waited a few years to observe how the states were making or implementing the provisions of the law. Now *the 2020 Act on contract farming will supersede the 2018 law. Keeping the 2018 law as base, some states had enacted own legislations on contract farming. Now, such laws will also stand null and void.*

Similarities between the 2018 and the 2020 Acts

Experts observed several similarities between the 2020 Act and Centre's Model Act, 2018. *The provision titled 'Object and period of agreement' in the 2018 Act mentioned leasing of farm land. "The 2018 Act has provisions for the producer leasing out agricultural land to the sponsor – lessee, which is not legally inconsistent as of now. But, how can a committee mandated to legislate on contract farming step into the domain of land leasing issues when there exists a separate Model Act for land leasing by the NITI Aayog apart from the state-level laws? This clearly would allow sponsors*



full access to farmland, not just through contract farming, but also encourage corporate farming disguised as contract farming. There is a similar provision in the 2020 Act too,” said Dr Sukhpal Singh, professor, Centre for Management in Agriculture (CMA) Indian Institute of Management, Ahmedabad (IIMA). The professor, with three decades’ experience in the subject of ‘contract farming’, added that in the Centre’s 2020 Act, there is a term called ‘farming agreement’, which is used and being confused with other arrangements like sharecropping or leasing pacts. “The confusion has led to the Rajasthan Amendment Bill, 2020, assuming that sponsors can lease farm land,” he said. “Both Acts link contract price to market price, which is the antithesis of contract farming philosophy. The reason for undertaking contract farming is that the desired quality of produce and at reasonable cost are not available to the agency in the open market. Now going back to the same mandi does not speak very well about the Act,” said Dr Sukhpal Singh. He further said: “In the 2018 Act, two-third of the value of the payment is to be made at the time of delivery (of crop), while the rest is to be done after the assessment of quality. If assessment of quality is pending, how can the buyer make any payment for the produce? In the 2020 Act, quality, grade, and standards for the pesticide residue, food safety, labour and social development standards may also be adopted in the agreement, but these aspects are only suggested and not made mandatory even though labour exploitation in contract farming is quite prevalent and also affects India’s export reputation in the global market fair trade and ethical products”. Both the Acts suggest that a farming agreement may be linked with insurance or credit instruments under any scheme of the central or state government or any financial service provider to ensure risk mitigation and flow of credit to farmers or sponsor or both.

Is there any similarity between 2018 Act and Punjab’s 2013 ACT?

Some experts say that in several ways, the 2018 Act seems to be a copy of the Punjab law. For instance, Punjab calls for setting up of a Contract Farming Commission (CFC), while the 2018 law calls for setting up of the Contract Farming and Services (Promotion and Facilitation) Board for regulation of contract farming. In both Acts, the buyer will be registered with the registering authority and have to submit reports of the contract transactions to it. Both Acts provide that the buyer has to make arrangements for packing and weighing of the produce and to hand over the slip to the farmer. In both Acts, if the buyer fails to make payment at the time of delivery as per the agreement, it will have to be made within 30 days with interest as prescribed. If the said payment is not made within 30 days, it shall be recovered as an arrear of land revenue with interest.

Similarities in the three Acts

Farmers cannot approach the civil court. *As per the 2013 Act, the district collector will resolve the dispute within 30 days’ time and empower the commission to seize the crop purchased by the buyer. In 2018 Act, Board, Dispute Resolution Authority and alternative measures were provided. As per the 2020 law, party may approach the concerned sub-divisional magistrate who shall be the sub-divisional authority for deciding the disputes under farming agreements. Any party aggrieved by the order of the SDM may prefer an appeal to the appellate authority, which shall be presided over by the collector or additional collector nominated by the collector, within 30 days from the date of such order.* The three laws say that there will be no action for recovery of dues against farmers’ land. But experts said that leasing of farm land is a crucial provision.



Where the three Acts differ

In the Punjab Act, there is a jail provision for both parties, while the 2018 Act provides for setting up of a Dispute Settlement Authority, an appeal in the Board and alternative dispute resolution mechanism. *The 2020 Act provides SDM as an authority to settle disputes. In the 2018 Act, the Board shall levy and collect facilitation fee from the sponsor not exceeding 0.3 per cent on contracted produce. It is like mandi fee in APMC Act. There was no such provision in the Punjab law and Centre's 2020 Act. Prof Singh said that the 2018 Act was facilitating contract farming for the benefit of private agencies as against the farmer's interest while the board is seen as a guide and umpire to popularise contract farming crops in domestic and export markets.* "It is a regulatory body. How can a regulatory body engage in promotion of this mechanism," he asked.

HOW RISING FUEL PRICES WILL HIT INPUT COST OF FARM OPERATIONS

Escalating fuel prices are set to burn a hole in the pocket of already stressed farming community. The Indian Express explains how rising prices of petrol and diesel are set to increase the input cost of farming sector by 28 per cent compared to last year.

How will fuel price rise enhance the input cost in the agriculture sector?

In Punjab, there are around 11 lakh farm households which own 5.20 lakh tractors, nearly 17,000 combine harvesters including nearly 6,000 with an *attachment of Straw Management System (SMS), which are used for harvesting around 36-37 million tonnes wheat and paddy in the state annually. Apart from this the state owns 75,000 stubble management machines, over one lakh other farm implements. All these machines are diesel operated and mostly tractor mounted and are used to cultivate nearly 42 lakh hectares area in Punjab. Apart from this there are 1.50 lakh diesel operated tubewells too in the state.*

What is the consumption of diesel in Punjab in the agriculture sector?

"In Punjab the consumption of diesel is 2.5 times higher than the petrol approximately out of which nearly 40 per cent consumption of diesel is in the agri sector as we have nearly 20 per cent such petrol pumps out of total 3,400 in the state which are totally dependent on farming sector consumption," said Gurmeet Monty Sehgal, the spokesperson of Petrol Pump Dealers Association, Punjab. He also mentioned that the government is looting the farmers as the price of crude oil came down to USD 20 per barrel in April-May last during the spread of pandemic and then it remained around USD 40 per barrel for around 5 months till October last but government never decreased oil prices in retail according to the rate of crude oil in international market. By this development the prices in retail should have gone down with decreasing rate of crude oil when it was cheaper and then it should have increased retail rates with increasing rate of crude oil, but that did not happen even when farming sector was running full steam even during Covid-19 lockdown.

What is the current price of diesel and petrol in Punjab as compared to the last year?

Wednesday's price of the petrol and diesel was Rs.90.51 per litre and Rs. 81.64 per litre, respectively. "Last year the prices of both on February 18, 2020 were Rs. 71. 83 per litre and Rs.



63.62 per litre, respectively,” said Sehgal. By this figure there is an enhancement of 28 per cent and 26 per cent in diesel and Petrol prices, respectively in the state in one year.

How the rates of diesel have gone up since 2017 when the Centre government announced to double the farming income by 2022?

Though petrol and diesel prices are decided by the Centre but state governments can always reduce the Value Added Tax (VAT) and local cess, which are different in different states, to keep the prices of these products at par with neighbouring states. In Punjab in 2017, the prices of diesel were around Rs 56 per litre including 28 per cent VAT + 10 per cent additional tax on VAT. And now it has gone up to Rs 81.64 per litre, an increase of Rs 25.64 per litre, which is an increase of 45.8 per cent in the past four years.

What would be the cost of running farm implements on one acre now?

For instance, if we take just one operation in the field — wheat harvesting from coming April, a farmer will require to spend Rs 816 per acre on diesel cost only because a harvester consumes around 10 litre diesel on one acre. Last year, the cost was Rs 636 per acre. So there is an increase of Rs 180 per acre only on diesel cost in just one year. Now a field requires around 8-10 operations of various types of tractor mounted machines between preparing the fields for sowing to harvesting and post harvesting and every operation will see an increase of 28.3 per cent in diesel consumption. Simply put, if the total cost of field preparation for one crop, say paddy, after normal combine-harvesting would be Rs 3,000 per acre, then it will go up to Rs 3,800 to 3,900 if the higher diesel costs are factored in. Farmer Jagdeep Singh of Kanoi Village in Sangrur, an owner of combine harvester, said that earlier he used to charge Rs 1,800 per acre for harvesting but now he will have to increase it to Rs 2,200 to 2,300 per acre to meet the cost. “Government is all out to kill the farmers from every side as one can imagine that how much extra burden will be there when there is around 41 lakh hectares (1.01 crore acres) area is under cultivation of various crops in Punjab,” said BKU (Dakaunda) General Secretary Jagmohan Singh.

WHAT IS YEAR OF THE OX? HOW DID IT BECOME A GLOBAL INSTAGRAM TREND?

Unlike most countries, *China celebrates its New Year in the month of February on the second full moon, which marks the end of winter and the beginning of spring. The Chinese or the Lunar New Year is commonly referred to as the “Spring Festival” and is based on the lunar calendar.*

What is the Year of the Ox?

In Chinese astrology, twelve animals represent the Chinese zodiac signs. Each year, one animal and its personality traits is assigned to the 12-month period. And 2021 is the Year of the Ox, which is said to bring stability and calmness. It is predicted to be an year of great opportunities and economic prosperity.

Why is it significant this year?

The Year of the Ox will replace the Year of the Rat (2020) that is traditionally filled with turbulence. Around the world, the Covid-19 pandemic caused scores of deaths and economic downturn. This year, however, the Ox is predicted to provide some much needed stability.



How did it go viral on social media?

Social media platforms such as Facebook and Instagram have joined the Chinese New Year celebrations. From stickers to AR effects and filters, both platforms have come up with features allowing users to celebrate the event online. On Instagram, to commemorate the occasion, the platform has come up with a new story feature which simply compiles people's celebrations from around the world. To be a part of the story, one must use any of the Year of the Ox stickers in their stories. The platforms also released new AR effects and filters, in line with the occasion, which users can add to their stories. The new features will be available on the platform through February 17. With the Covid-19 pandemic continuing to restrict travel, the new features have gone viral on social media. Incidentally, Facebook and its products are not available in China.

WHY THE BJP IS FOCUSING ON THE LEGEND OF RAJA SUHELDEV IN EASTERN UP

Prime Minister Narendra Modi Tuesday laid the foundation stone of the statue of Raja Suheldev in Bahraich district of Eastern Uttar Pradesh. Prime Minister Narendra Modi Tuesday laid the foundation stone of the statue of Raja Suheldev in Bahraich district of Eastern Uttar Pradesh, maintaining that history of India, written by those who enslaved us, has not been just to martyrs like him. He also laid the foundation stone for tourism-oriented development works at Chitaura Jheel. It is not for the first time that the ruling Bhartiya Janta Party has made attempts to reach out to the Rajbhar or "Bhar Rajput" community of Eastern Uttar Pradesh through the legacy of Raja Suheldev and his success in the Battle of Bahraich. With just one year left for Assembly polls in the state, the ruling party has many reasons behind presenting Suheldev as a "saviour of Hindu religion". The OBC Rajbhar community makes up about 18 per cent of the state's vote share with prominent influence in over 60 Assembly constituencies of Eastern Uttar Pradesh.

The legend of Suheldev

The legend goes that that over a millennia back when invaders were conquering one region after another in India, it was Raja Suheldev of Shravasti who gathered heads of different communities likes Tharu and Banjara as well as small kings to block the invasion. It is said that it was his army which defeated and killed Ghazi Salar Masud, the nephew of Mahmud of Gazni at Bahraich. In local folklore, Suheldev is said to be a Rajbhar. The RSS and Vishwa Hindu Parishad, which also celebrate "Hindu Vijay Utsav" to mark the victory of Bahraich, have been demanding a proper memorial for Suheldev. *Interestingly, the tomb of Ghazi Salar Masud is a pilgrimage site in Bahraich. On February 24, 2016, then BJP national president Amit Shah visited Bahraich to inaugurate the statue of Suheldev and urged those present to give a chance to his party to bring development to the region and restore its past glory.* The BJP's attempt to win over the Rajbhars paid dividends in 2017 when the party managed to tie up with the Suheldev Bhartiya Samaj Party (SBSP) before the elections. SBSP chief Om Prakash Rajbhar was made Cabinet minister after BJP won with majority and formed the government in the state. The party tried to woo the community before the 2019 Lok Sabha elections too.

Suheldev Bhartiya Samaj Party

Rajbhar formed the SBSP in 2002 with a claim to be representatives of Rajbhars and other most backward castes. While SBSP won four seats in Uttar Pradesh in 2017, its support helped BJP



candidates rake in OBC votes in many seats. However, the tie-up broke before 2019 Lok Sabha elections as both the parties could not enter into a seat sharing agreement. On December 29, 2018, Prime Minister Narendra Modi released a postal stamp on Maharaja Suheldev and announced development projects for the region. The SBSP, meanwhile, has already announced that it will contest the 2022 polls in alliance with AAP. It claims that if the BJP really bothered about the welfare of the community, it would have given reservations to OBCs or worked on the Suheldev projects much earlier. The BJP is now backing Anil Rajbhar as its leader in the region and has given him a cabinet post. He has been given charge of both Ballia and Bahraich districts and was present in Modi's event as well.

NO RECORD OF TRUSTS HEADED BY PM: PMO

Information on the number of trusts (both public and private) that Prime Minister Narendra Modi heads by virtue of his office (ex-officio) is not maintained by the Prime Minister's Office. The compilation of this information from different units-files would disproportionately divert the resources of the PMO from the efficient discharge of its normal functions, said a reply to an application filed under the Right To Information Act, 2005.

Online RTI query

Hemant Kumar, an advocate at the Punjab and Haryana High Court had sought information about the names of all the trusts (public or private) that are being headed by the Prime Minister by virtue of his office or the post, through online RTI with the PMO on January 19. In its reply, the PMO on February 15, said, "The information available, if any, is not maintained in compiled form in this office. Its collection and compilation from different units-files would disproportionately divert the resources of the office from the efficient discharge of its normal functions, thereby attracting the provisions under section 7(9) of the RTI Act, 2005." As per section 7 (9) of RTI, Act, 2005, an information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question. "While I am unsatisfied over the response, what is more surprising is that beneath the reply even the name of First Appellate Authority in the PMO has not been mentioned where I (RTI applicant), if not satisfied with the reply, can file first appeal... it's a statutory right provided under the RTI Act," said Mr. Kumar.

SUN SHINES AT NIGHT IN REMOTE NAGALAND VILLAGE

A remote village in Nagaland is celebrating the sun – for shining at night. The bamboo torch was the source of light after dusk in Shinnyu for almost 44 years after it was set up close to the border with Myanmar. The last of these torches were lit on February 15, the day before solar-powered bulbs lit up the village of 60 families belonging to the Konyak Naga community. Shinnyu would probably have been in darkness for some more time had not John Khangnyu, the headmaster of the government-run village school, lamented the lack of electricity on social media. Mr. Khangnyu is from Tobu, the nearest connected settlement about 58 km from Shinnyu. He is one of the few people in Shinnyu to own a mobile phone because recharging the battery involves travel of several kilometres. The nearest village, Yongkhao, is 25 km away towards Tobu, which is about six hours drive from district headquarters Mon. "We took 16 hours to travel from Mon to Shinnyu with solar panels and



accessories. We came to know about the village from Brother John's social media post on the electricity and connectivity issues in Shinnyu," Jaideep Bansal of Global Himalayan Expedition (GHE) told The Hindu on Friday. GHE is a social impact initiative that has been working on sustainable development for remote communities since 2013. Partnering the local administration, it has set up solar energy projects in more than 100 remote villages in Ladakh and 21 villages in the Garo Hills of Meghalaya. Mr. Khangnyu said it wasn't easy for him to log on. He had to come home in Tobu from Shinnyu, where he is posted as one of three teachers of the primary school catering to 74 students, to post his views on social media. "Shinnyu was set up in 1977 and recognised by the State government in 2002 but it has virtually remained cut off in the absence of proper road infrastructure. The Power Department tried to electrify the village in 2013-14 but the project was abandoned due to logistical problems," he said. "We hope the installation of solar lighting will transform the lives of the community. Shinnyu was one of 10 un-electrified villages in our district. We intend to work with GHE for the other nine," Mon district's Deputy Commissioner Thavaseelan K. said. GHE executed the ₹23 lakh solar project under its corporate social responsibility with the district administration taking care of the logistics. A team of 10, including engineers, set up the project. "Our next mission is a solar engineering workshop to train locals in maintaining the technology we have developed," Mr. Bansal said. Part of the agreement made with the villagers, Mr. Bansal added, is for them to open a village bank account where every household contributes ₹100 periodically for maintenance, repair and replacement of components of the solar installation.

HYDERABAD WINS GLOBAL 'TREE CITY' STATUS

Hyderabad has won a green contest among cities in India, and emerged one of the "Tree Cities of the World". That title has been bestowed by the Arbor Day Foundation and the Food and Agriculture Organization (FAO). Hyderabad has been selected for its commitment to growing and maintaining urban forestry, a statement from the GHMC said on Thursday. *With the recognition, the city joins 120 others from 23 countries, including the U.S., the U.K., Canada, and Australia. The Municipal Administration and Urban Development Department applied for consideration with an online submission on January 31 this year, citing the State government's Haritha Haram programme and its Urban Forest Parks plan, the statement said. The city was evaluated on five metrics: 'Establish Responsibility', 'Set the Rules', 'Know What You Have', 'Allocate the Resources', and 'Celebrate the Achievements'.* City leaders must delegate responsibility for the care of trees to a staff member, a city department, or a group of citizens called a Tree Board. "Hyderabad city is demonstrating leadership in management of its urban trees and is serving as part of the solution to many of the global issues we face today," a statement said.

NO RECORDS OF CHILLA ADJACENT TO CHARMINAR, SAYS ASI

The Bhagyalakshmi temple abutting the Charminar 'came into existence' after the merger of Hyderabad State with the Union of India, and there are no records of the chilla (a small shrine) at the monument, the Archaeological Survey of India (ASI) has stated. The ASI was responding to a Right to Information query filed by YouRTI.in, a portal which helps individuals and activists obtain information by means of the RTI Act. "The Bhagyalakshmi temple came into existence after taking over of Hyderabad by the Govt. of India adjacent to South Eastern minaret of the Centrally Protected Monument. *No records are available in this office about the chilla adjacent to Charminar,*"

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



the ASI response reads. In its response, the ASI stated that the Charminar was declared a Centrally protected monument under the Ancient Monuments Preservation Act of 1904. "There have been a lot of questions in connection with the both the temple and the chilla. These include the nature of these structures, and whether the ASI has any records of them. This led our team to file an RTI," said Mohammed Akram, from YouRTI.in. A separate but similar RTI query was filed in December 2012. The RTI applicant, S.Q. Masood who is an independent activist, sought to know the 'status' of the temple. In its response, the ASI stated, "As per the AMASR Act 1958, Rules 1959, AMSR Act, 2010 (Amendment and Validation) the construction of temple adjacent to the south eastern minar of the Charminar has considered by the Archaeological Survey of India as an unauthorised construction." "Had timely action been taken while dealing with religious structures in monuments, the situation would have been different. Political and communal mileage would not have been drawn from them," he said.

ASPIRATIONAL DISTRICTS GEAR UP FOR CHILDREN'S NUTRITION

The five aspirational districts in Rajasthan have geared up to improve nutritional status of children with the distribution of fortified rice through midday meal scheme and the Integrated Child Development Services (ICDS). The initiative will be launched from April this year. Fortified rice will be supplied from the godowns of the Food Corporation of India (FCI) with the estimates of 4,551 metric tonnes for midday meal scheme and 77,736 metric tonnes for ICDS. The five aspirational districts selected in the State by NITI Aayog are Baran, Dholpur, Jaisalmer, Karauli and Sirohi. Food and Civil Supplies Secretary Naveen Jain said here on Wednesday that the fortified rice would have sufficient contents of iron, zinc, vitamins B1 and B12 and folic acid as well as micronutrients. The distribution of fortified rice at Anganwadi centres would help remove malnutrition among children and women, he said.

Pregnancy care

Some other districts in the State are likely to be included in the next two phases of the programme. *An online pregnancy and child care system is already operative in the aspirational districts, for which the development partners, such as UNICEF and UNFPA, are rendering technical assistance.*

SCHOOL CLOSURE LED TO LOSS IN FOUNDATIONAL ABILITIES

How badly were students, especially those in lower classes, impacted by the sudden and extended closure of schools in March last year as COVID-19 took its toll on society? A field study by Azim Premji University paints a grim picture. *Children not only missed out on the regular curricular learning they would have acquired had schools remained open, but are also 'forgetting' what they had learnt in previous year.* According to the study, *on an average, 92% of students from Classes II to VI have lost at least one specific foundational ability in languages that they may have acquired in previous years.* The corresponding figure for mathematics is 82%. As many as 16,067 primary schoolchildren in 1,137 government schools between Classes II and VI across five States were surveyed for the study titled, 'Loss of Learning during the Pandemic'. Two thousand teachers and 400 members of the Azim Premji Foundation conducted a comparative field study. *Foundational abilities are those that form the basis for further learning.* The researchers noted that a grasp of concepts in language and mathematics during primary school years forms the basis of a student's



further learning in all subjects. *Some examples of foundational abilities include reading a paragraph with comprehension, addition and subtraction. In mathematics, foundation abilities include identifying single and two-digit numbers; performing arithmetic operations; using basic arithmetic operations to solve problems; and reading and drawing inferences from data, among others.* Anurag Behar, Vice-Chancellor of the university, in a press release said, "When schools reopen, teachers have to be given time to cover this deficit and be provided with other support. A carefully synchronised set of measures across States will be required." *Some of the suggestions included eliminating vacations, extending the academic year well into 2021 and perhaps beyond depending on when schools open and reconfiguring the syllabus.*

UGC BATS FOR 'COW SCIENCE' EXAM

The *University Grants Commission has written to all Vice-Chancellors asking them to encourage students in their universities and affiliated colleges to write the Central government's "indigenous cow science" examination later this month. The study material for the examination includes claims that cow dung is used as protection against radiation in nuclear centres in India and Russia and protected Bhopal residents from the gas leak. It claims a link between cow slaughter and earthquakes and posits that Jersey cows are lazy and give poor quality milk, while indigenous cow milk is yellow, because it has traces of gold.* This controversial material was removed from the English version of the study text after it caused an uproar last month. *However, several regional language versions including Tamil and Malayalam still contain these claims.* The examination is run by the *Rashtriya Kamdhenu Aayog (RKA)*, set up under the Animal Husbandry Ministry to disseminate information on the "economic, scientific, environmental, health, agricultural and spiritual relevance of the indigenous cow", said the UGC letter, dated February 12. The all-India examination, which is open to school and college students as well as other citizens, will be held on February 25. "I write this to request you to give wide publicity to this initiative and encourage students to enrol/ register themselves for this examination," wrote UGC Secretary Rajnish Jain.

Revised study material

The revised English version of the study material now has three sections. "Divinity is locked up in the anatomy of cow as she is said to embody the elements of purity, reality and existence. Her face epitomizes innocence — her eyes reflect peace, her horns royalty and her ears intelligence. Her udders are the fountain of ambrosia in the form of milk," says the first section, which is titled 'Kamdhenu Desi Cows and some Shlokas in Scripture'. Apart from quotes from the Vedas, it also cites the Bible and Muslim theologian Al Ghazali to make its case.

HOW INDIA IS BUILDING ITS OWN FOOTWEAR SIZING SYSTEM

By next year, India could have its own '*Footwear Sizing System*', which will hopefully remove some of the confusion involved in buying shoes of 'EU', 'UK' or 'US' sizes, especially online. CSIR-Central Leather Research Institute (CLRI) will lead a pan India feet scanning survey, data from which will be used to define Indian footwear size standards – and which will be included by shoe manufacturers in their size charts.



What footwear sizing system does India follow?

India has never had its own footwear sizing system. *The British introduced English sizes before Independence, which are followed still. Manufacturers size footwear according to the English system, with charts mentioning the equivalent European and American sizes. According to this UK system, the average Indian woman wears footwear sizes between 4 and 6, and the average man between 5 to 11.*

Why is an Indian sizing system needed?

Designing footwear is complex, and requires scientific and engineering expertise. Optimal comfort and foot health can be expected only with appropriately sized footwear. Bad fits can cause injuries, more so in those above age 40, women, and diabetics. Footwear designed on a borrowed sizing system may not always suit the requirements of the Indian wearer, whose feet characteristics are different that of Europeans or Americans. Back in 1969, the Bureau of Indian Standards (BIS), which lays down standards and certifies product quality, had notified the Indian Standard Specification for Sizes and Fitting of Footwear (IS 1638-1969). The characteristics of Indian feet have changed since. Also, shoes are much more popular, and important to people now. "From owning 0.5 to 0.6 pairs/person many decades ago, Indians now own 1.5 pairs/person on average... Demand for footwear in India has increased significantly since 2015," Dr K J Sreeram, director, CSIR-CLRI, said. Md Sadiq, chief scientist at CSIR-CLRI, said: "The time has come to educate Indian consumers not only about footwear sizes, but also about right fits and comfort for good health." However, India's vastness and regional variations makes it difficult to standardise footwear sizes. Among some general observations: people from the Northeast have comparatively smaller feet, and overall, the feet of Indians are broader near the toes, so they prefer a size bigger than actually required.

What is the Footwear Sizing System project?

CLRI will lead a first-of-its-kind pan Indian anthropometric survey that will include 3D foot scans and measurement of feet. The project, which is scheduled to begin later this year and continue for 14 months, is supported by the Department for Promotion of Industry and Internal Trade (DPIIT) of the Union Ministry of Commerce. The survey will collect data that will be used to design a footwear sizing scheme based on Indian requirements, trace ethnic differences if any, determine characteristic age and size groups with special requirements, establish a size range for the Indian population, and produce a numerical database with specific length and width groupings. Survey teams will travel to identified schools, offices, groups of households, CSIR labs, and defence institutions. "We plan to use the network of ASHA workers to reach out to survey participants. We will visit schools to sensitise students and teachers, who can be volunteers and spread the word to enlist participants," Dr Sreeram said. The survey, which is estimated to cost Rs 11 crore, will cover 94 districts around Agra, Ahmedabad, Coimbatore, Chennai, Jodhpur, Jorhat, Jalandhar, Kanpur, Kolkata, Mumbai, Patna, and Shillong. Some 1,05,000 samples will be collected using the 3D feet scanner machines, 30 of which will be imported from Italy. The survey is expected to commence in June – CLRI is currently training its staff and those from collaborating institutions, including Footwear Design and Development Institute, Central Footwear Training Institute, and National Institute of Fashion Technology. The sizing scheme is expected to be ready by early 2022. Given fast changing lifestyles, walking styles and footwear requirements similar anthropometric



surveys may be needed every 7-8 years going forward, CLRI officials said. Union Minister for Health and Science and Technology Dr Harsh Vardhan became the first subject to present his feet sample when the scheme was inaugurated in January. "Within 10 seconds, the scanner captures about 30 dimensions, including length and width measurements of various regions of the foot, and the angle of the arc," Sadiq said.

What will happen after the sizing scheme comes into effect?

Footwear makers will have to prepare shoe lasts – which are like moulds or casts for footwear – per the Indian sizing system. They will have to provide a chart indicating the Indian equivalent of international sizing schemes. *This will also mean that international manufacturers wanting to sell their products in India will have to manufacture shoes as per Indian sizing requirements. Footwear are currently sized according to four main schemes – English (UK), French (European), American, Mondopoint (Japanese).* One or the other of these schemes is used in countries around the world, and manufacturers provide charts to match sizes in other schemes. India is the second largest footwear producing country after China, producing 2,257 million pairs annually. Some 2,021 million pairs are sold in the domestic market every year. While India manufactures all kinds of footwear, the share of men's footwear is the largest at about 58 per cent. Women's footwear accounts for 30 per cent, children's for 9 per cent, and others for 3 per cent of the footwear. India exports footwear to the UK, followed by Germany, France, Italy, and Spain.

NITI AAYOG SEEKS TO TRACK IMPACT OF GREEN VERDICTS

The NITI Aayog — the government's apex think tank — has commissioned a study that seeks to examine the "unintended economic consequences" of judicial decisions that have hindered and stalled big-ticket projects on environmental grounds. A perusal of the document appears to suggest that judgments that negatively impact major infrastructure projects don't adequately consider the economic fallout — in terms of loss of jobs and revenue. *Doing so, it reckons, would contribute to public discourse among policymakers for promoting an "economically responsible approach by judiciary" in its decisions.* The project brief, a copy of which has been viewed by The Hindu, says that it intends to examine five major projects that have been "impacted" by judicial decisions of the Supreme Court or the National Green Tribunal. *It plans to do this by interviewing people who have been affected by the closure of the projects, environmental campaigners, experts and assessing the business impact of closure. Projects to be analysed include the construction of an airport in Mopa, Goa; cessation of iron ore mining in Goa, and the shutting down of the Sterlite copper plant in Thoothukudi, Tamil Nadu. The others are decisions by the NGT involving sand mining, and construction activities in the National Capital Region.* "These have been some of the most significant cases in the recent past that have caused substantial damage to the economy," the brief notes. *The study is to be undertaken by the Jaipur-headquartered CUTS (Consumer Unity and Trust Society) Centre for Competition, Investment and Economic Regulation, that also has an international presence. "The judiciary needs to take into account environment, equity and economic considerations while deciding cases, and needs to institutionalise a mechanism for it," the brief notes.* "The absence of ex-ante (before an event) analysis of the economic costs associated with a decision is further exacerbated when judicial activism by courts and tribunals is also in play." Vikrant Tongad, Uttar Pradesh-based environmentalist and founder, Social Action for Forest and Environment (SAFE) was among those whom CUTS reached out to, as an expert, because of his involvement in



campaigns against sandmining operations. He told The Hindu that he found the study “surprising” in its intent. *“Does the government now want to train judges not to give such judgements? Is the government forgetting that due to their negligence, courts have been forced to give strict orders. Will the NITI Aayog also study how much damage will be done if the courts do not give such orders,”* he asked. Vice-Chairman of NITI Aayog Rajiv Kumar said the study was a purely economic exercise. “The intent of this study is to analyse the cost and benefit of certain judicial decisions. It doesn’t question judicial intervention. I was, for example, happy to see how Supreme Court’s intervention led to the adoption of CNG (compressed natural gas, in transport vehicles in Delhi) and the economic benefits from it.”

FARM LAWS AND ‘TAXATION’ OF FARMERS (R. RAMAKUMAR - PROFESSOR AT THE TATA INSTITUTE OF SOCIAL SCIENCES, MUMBAI)

Over the past three decades, a major rationale offered in favour of liberalising Indian agriculture was that farmers were “net taxed”. In other words, incomes of farmers were kept artificially lower than what they should have been. It was argued that this “net taxation” existed because protectionist policies deprived farmers of higher international prices, and the administered price system deprived farmers of higher domestic market prices. If there were more liberal domestic markets and freer global trade, prices received by farmers would rise. These arguments are raised again in the debates around the three farm laws. According to this view, *farm laws are necessary to end the net taxation of agriculture. For this purpose, data on Producer Support Estimate (PSE) are used. A recent study found that PSE in Indian agriculture was -6% between 2014-15 and 2016-17. In contrast, PSE was +18.2% in the Organisation for Economic Co-operation and Development (OECD) countries, +19.6% in the European Union countries and +9.5% in the U.S. The farm laws would weaken restrictive trade and marketing policies in India and “get the markets right”. This, in turn, would eliminate negative support and raise farmers’ prices. In these debates, a common example cited is that of milk. There is no Minimum Support Price (MSP) in milk, and a substantial share of milk sales takes place through the private sector, including multinationals like Nestle and Hatsun. Yet, India’s milk sector is growing faster than the foodgrain sector. If the milk sector can grow without MSP and with private corporates, why cannot other agricultural commodities? This article attempts a closer look at these claims.*

PSE and its estimation

The PSE is estimated using a methodology advocated by the OECD. The OECD defines the PSE as “the annual monetary value of gross transfers from consumers and taxpayers to agricultural producers, measured at the farm gate level, arising from policies that support agriculture...” The PSE has two components. *The first is market price support (MPS). MPS is that part of the gross transfers to producers arising from “a gap between domestic market prices and border prices of a specific agricultural commodity”. The second is budgetary transfers (BOT). BOT includes all budgetary expenditures on policies that support agricultural production. PSE is the sum of MPS and BOT, expressed also as a percentage of the value of agricultural production. The PSE for Indian agriculture in 2019 was ₹-1,62,740 crore, or -5.5% of the value of production. Within the PSE, the MPS was negative while BOT was positive. The MPS was ₹-4,61,804 crore, or -15.5% of the value of production. The BOT was ₹+2,99,064 crore, or +10.1% of the value of production. The MPS for a commodity is calculated as the product of its annual production and the difference between its international and*



domestic prices. The problem begins here: the international price is considered a benchmark with no reference to the actual possibilities of domestic producers obtaining that price. Let us assume a commodity 'A' whose international price is higher than its domestic price. First, 'A' may be produced in large quantities but may also be essential for domestic food security. Hence, it may not be regularly exported. Yet, its MPS will be negative. Examples are rice and wheat in India. Second, most of the short-term changes in MPS may be illusory if they result from short-term fluctuations of international prices or relative exchange rates, or shocks to global demand or supply. Such fluctuations are more pronounced in agriculture because international agricultural markets are infamously imperfect, narrow and dominated by monopolistic multinational companies. Third, if a country starts exporting 'A' to benefit from higher international prices, will the differential between international and domestic prices remain? *In mainstream trade literature, a "small country assumption" is used where all countries are assumed to be price-takers and no single country is considered capable of triggering a major rise or fall in prices. But this is an unrealistic assumption. The international market for most agricultural commodities is small, while countries like India are large producers. Even if India exports a small additional share of the production of 'A', its impact on the international prices of 'A' will be disproportionately inverse. Consequently, the differential between domestic and international prices would considerably narrow, if not simply disappear. Due to such fluctuations in MPS, the PSE also fluctuates widely. The PSE for Indian agriculture was +1.9% in 2000. It fell to -14% in 2004, -20.4% in 2008 and -27.8% in 2013. Afterwards, it rose to -3.8% in 2015 and -5.5% in 2019. These fluctuating PSEs mean nothing in terms of taxation or subsidisation of producers.* They only mean that international prices were volatile. In summary, the MPS is a wrong measure of taxation in agriculture because the international price is no "true price" to be accepted as a benchmark. Further, a negative MPS, by itself, implies neither a government that squeezes revenues out of farmers nor the absence of absolute profitability in agriculture.

The case of milk trade

Proponents of farm laws use the OECD estimates of MPS and PSE to show the perils of restrictive markets. By the same logic then, if the increasing penetration of private companies and the absence of MSP in milk are positive features, we should expect positive and rising MPS and PSE for milk. However, milk had the highest negative MPS among India's major agricultural commodities in 2019. The MPS for milk was ₹-2,17,527 crore, which accounted for about 47% of the total MPS in agriculture. As a share of its value of production, the MPS for milk was -37.5%. Thus, if we go by the OECD estimates, milk was one of the most heavily "taxed" agricultural commodities in India. Consider the period between 2015 and 2019. If the growth of private firms in milk trade was a positive change, the MPS for milk should have increased over this period. In 2015, the MPS for milk was positive at ₹16,190 crore. But in 2016, the MPS turned negative at ₹-57,223 crore and by 2019 it fell further to ₹-2.17 lakh crore. In other words, "taxation" of milk producers intensified between 2015 and 2019. In reality, the MPS for milk turned negative not because of any compression of domestic prices. In fact, the average domestic price for milk rose from ₹25,946/tonne in 2015 to ₹28,988/tonne in 2019. But the average international reference price for milk rose faster from ₹24,905/tonne to ₹39,884/tonne in 2019. This led to a rise in the price differential from ₹1,041/tonne in 2015 to ₹10,896/tonne in 2019. To argue from the above that India's milk producers were "taxed" is as meaningless as arguing that India's farmers as a whole were "taxed" to the tune of ₹4,61,804 crore



in a year. The reason is that the OECD methodology, either for milk or for other commodities, does not offer any realistic assessment of the extent of taxation or subsidisation.

The lack of logic in debates

But these issues do not seem to bother the advocates of farm laws in India. In the debates, it is telling that these advocates *(a) use the OECD estimates to highlight the overall negative MPS for agriculture as a problem; (b) but conveniently remain silent on the negative MPS for milk; and (c) yet, argue in the same breath that milk producers have benefited from the growth of private firms.* The absence of logic in this line of argument is nothing but appalling. In fact, what is missed in these debates is the elephant in the room: the BOT. The West's PSEs in agriculture are positive and higher than India's because they have higher BOT than in India.

DECADES AGO, WHEN CENTRE-AKALIS STALEMATE PLUNGED PUNJAB INTO VIOLENCE

Addressing an all-party meeting on the farmers' agitation, Punjab Chief Minister Amarinder Singh urged the Centre to resolve the issue speedily while recalling how prolonged negotiations over a list of 42-odd demands between the Centre and the Akali Dal had culminated in Operation Blue Star in 1984. "We have to work to resolve this issue before things go out of hand," he warned. What are the 42 demands he was alluding to? How did the failure of talks between the Centre and Akali Dal plunge the state into what is now called the dark decade of militancy?

Canal controversy

In 1978, the Akali Dal formalised the Anandpur Sahib resolution seeking greater autonomy for Punjab after Prime Minister Indira Gandhi's government decided to divide the surplus waters of Ravi and Beas flowing in Punjab between Haryana and Rajasthan by building the Satluj Yamuna Link (SYL) canal. The Akalis, who were in power in Punjab, called it a gross violation of riparian principles, and an act of discrimination against the Sikh-majority state. The two sides did hold a few round of talks but without any results. Subsequently, the Akalis complained that the Centre was refusing to give them any concession. Things came to a head when PM Gandhi inaugurated the canal at Kapoori village near Patiala in April 1982, two years after Congress came to power in the state. The Akalis, who were taken by surprise when she arrived four hours before the scheduled inauguration, started the Nehar Roko Morcha. Three months later, it turned into Dharam Yudh Morcha in which hardliners like Sant Jarnail Singh Bhindranwale — chief of Sikh seminary Damdami Taksal, whose lieutenant Bhai Amrik Singh, president of the All India Sikh Students Federation, had been arrested by the government — joined the Akalis in seeking implementation of the Anandpur Sahib resolution. Akalis started a jail bhara movement in which 51 persons would court arrest every day. They also laid siege to the Punjab Assembly, after which they shifted their movement to Amritsar.

The 42 demands

The charter of 42 issues that Amarinder Singh referred to was first finalised during the World Sikh Convention in July 1981. Former IAS officer and author Gurtej Singh says these were 46, not 42, "grievances". When PM Gandhi called the Akalis for talks in October 1981, they whittled these down to around 14. Broadly, the demands, both before and after the Dharam Yudh Morcha, were



constitutional, territorial, and religious. The Akalis sought greater autonomy for Punjab, and recognition of Sikhs as a separate religious group by amending Article 25 B of the Constitution. They also wanted the Centre to stop meddling in the affairs of the SGPC, the body managing Sikh shrines. The Akalis sought the transfer of Chandigarh, a Union Territory and joint capital of Punjab and Haryana, to Punjab. This became a point of contention as the Centre said it would do so only if some predominantly Hindu areas in Punjab were transferred to Haryana. The Akalis also sought the transfer of Punjabi-speaking areas in Haryana, Rajasthan and Himachal to Punjab, a demand termed communal by the Centre. One of the most important demands was a share in the irrigation waters of neighbouring Haryana and Rajasthan. Religious demands included declaration of Amritsar as a holy city, installation of a radio transmitter at the Golden Temple to broadcast the daily prayers, permission to Sikhs to carry a small kirpan (ceremonial sword) on airplanes, and renaming of some trains. While the Congress government accepted most of the religious demands, it termed the others, especially the demand for autonomy and territory, as secessionist.

The violent turn

Initially, the movement helmed by Akali leader Sant Harchand Singh Longowal and party chief Parkash Singh Badal adhered to the principle of non-violence. But gradually, as the talks lingered without any breakthrough, radicals led by Bhindranwale started dominating the agitation. Former bureaucrat and author Gurtej Singh says the Akalis thrice reached an agreement with the Centre but each time the latter made some last-minute changes unacceptable to them. Badal once sarcastically remarked, "Yes, Mrs Gandhi has often given us blank cheques. But she never signed them." In February 1984, there was a ray of hope when PM Gandhi offered tripartite talks, with the Opposition as the third side. Longowal famously said he sensed a change of mood, and PM Gandhi said she didn't want a confrontation with the Akalis. But communal violence in both Punjab and Haryana in March muddied the waters, and extremists gained the upper hand. Finally, the spiral of violence led to Operation Blue Star that was launched to flush out militants from the Golden Temple in June 1984. Bhindranwale was killed in the operation. Four months later, Indira Gandhi was shot dead by two of her Sikh bodyguards to avenge the operation. The anti-Sikh pogrom that followed further pushed the state into anarchy. Ironically, Gandhi's son Prime Minister Rajiv Gandhi accepted the demands of the Akali Dal in July 1985 in what is called the Rajiv-Longowal accord, and the Akalis agreed to withdraw their agitation. But the cycle of violence continued, and Longowal was gunned down a month after the accord in August 1985. It took many years and the loss of many lives, including that of Congress Chief Minister Beant Singh, killed in 1995, before peace returned to Punjab.

THE COST OF INTERNET SHUTDOWNS (ANIL K. ANTONY - THE NATIONAL CO-ORDINATOR OF AICC'S SOCIAL MEDIA DEPARTMENT, AND THE NATIONAL COORDINATOR OF PIINDIA.ORG)

The movement led by farmers against the Central government's agricultural laws has become a part of our national and international discourse. Keeping aside the merits and demerits of the contentious legislation, the manner in which the Centre introduced the Bills and its actions towards countering the movement have raised plenty of concerns. *A principal concern among these has been the recurrent shutdowns, ordered by the Ministry of Home Affairs, of Internet services around many border areas of NCR since the unruly incidents on January 26.* Unfortunately, these



blockages are not new. *India shuts down Internet services more than any other democracy in the world. The past four years have seen over 400 such shutdowns. Many parts of Jammu and Kashmir saw a partial restoration of digital services after a long period of 223 days — the longest Internet shutdown across the world — since the abrogation of Article 370 in the erstwhile State.* Many, including UN rights groups, termed these shutdowns a form of collective punishment for people, and an overreach of governments on citizens' rights and liberties. Currently, Indian laws have vague provisions for suspending telecommunication services, including the Internet, during times of public emergencies, or, if required, for protecting 'public interest'. Meanwhile, *the Supreme Court had declared in January 2020 that the right to access the Internet is one of our fundamental rights, alongside the freedom to carry on any trade, business or occupation over the medium of Internet, under Article 19 of the Constitution.* The impact of shutdowns becomes even more pronounced during a pandemic. During the COVID-19 outbreak, *the ones with good connectivity and know-how of digital tools were able to carry on with their lives with relatively fewer disruptions.* Meanwhile, the ones without digital literacy or connectivity found themselves completely left out of all social and economic systems. Blanket bans on digital connectivity during the COVID-19 crisis may breed deep-rooted societal difficulties. *The most vulnerable among us may be cut off from health and welfare alerts; there could be breaks in vital digital services, including those currently being used by hospitals to monitor the well-being of their patients at risk of infection, including the elderly, and pregnant women; students may lose access to avenues of learning as classes shift online; journalists may find it impossible to do ground-reporting from already volatile areas.*

Massive losses

Today, almost all white-collar employment sectors, including IT, financial and consulting services, are encouraging their employees to work from home. Internet shutdowns will freeze economic activity in affected areas and cause large-scale disruptions in economic output. *India is estimated to have lost over ₹20,000 crore in 2020 because of Internet shutdowns.* Despite the costs and inconveniences involved, the shutdowns, on very rare occasions, do become necessary evils. However, it is hard to classify the ones initiated by the Central government in recent years under those categories. Internet bans should be a last resort and must be enforced following well-formulated protocols. Emergency response and relief systems for the vulnerable have to then work in parallel. Upgrading cyber divisions of law enforcement agencies with new-age innovations may offer several alternatives. The use of some of these technologies, including mass surveillance systems and communication interceptors, also presents its own ethical dilemmas. *As the pace of globalisation, digitisation and connectivity accelerates, balancing civil liberties with security concerns will become an increasingly difficult task.* Governments, especially in democracies, will have to create modern, independent institutions that have the authority and expertise to create frameworks that meet these challenges, without falling back on measures that result in state overreach.

WHAT IS SANDES, THE GOVERNMENT'S NEW INSTANT MESSAGING PLATFORM?

The National Informatics Centre has launched an instant messaging platform called Sandes on the lines of WhatsApp. Like WhatsApp, the new NIC platform can be used for all kinds of communications by anyone with a mobile number or email id.



Why has NIC launched this instant messaging platform?

Following the nationwide lockdown imposed in March 2020 to contain the spread of Covid-19, the government felt the need to build a platform to ensure secure communication between its employees as they worked from home. After security scares, the Ministry of Home Affairs had in April last year issued an advisory to all government employees to avoid using platforms like Zoom for official communication. This was after the Computer Emergency Response Team (Cert-In) had also posted an advisory against Zoom over safety and privacy concerns. The idea for a secure communication network dedicated exclusively to government employees has been in the works for the past four years. The execution of the idea was accelerated during the last year, according to officials. In August 2020, the NIC released the first version of the app, which said that the app could be used by both central and state government officials "for intra and inter-organisation communication." The app was initially launched for Android users and then the service was extended to iOS users. The launch of the app is also a part of the government strategy to push for use of India-made software so as to build an ecosystem of indigenously developed products. Open initially only to government officers, it has now been released for the common public as well.

What is different in the new app developed by NIC?

The instant messaging app, called Sandes, has an interface similar to many other apps currently available in the market. Although there is no option to transfer the chat history between two platforms, the chats on government instant messaging systems or GIMS can be backed up to a users' email. GIMS, like other instant messaging apps in the market, uses a valid mobile number or email id to register the user for the first time. It also offers features such as group making, broadcast message, message forwarding and emojis. Further, as an additional safety feature, it allows a user to mark a message as confidential, which, the app's description says, will allow the recipient to be made aware the message should not be shared with others. The confidential tag, however, does not change the way the message is sent from one user to another. The limitation, however, is that the app does not allow the user to change their email id or registered phone number. The user will have to re-register as a new user in case they wish to change their registered email id or phone number on the app.

WHAT IS EXTINCTION REBELLION, GLOBAL MOVEMENT OF WHICH YOUNG ACTIVISTS ACCUSED IN 'TOOLKIT' CASE ARE PART?

Delhi Police have named environmental activists Disha Ravi, Nikita Jacob, and Shantanu Mukul, who are volunteers of a global environment movement seeking to call attention to the climate change emergency, in the Greta Thunberg 'toolkit' case. In her petition seeking anticipatory transit bail, Jacob had said: "This volunteer movement helps to create awareness about the various environmental crises and concerns worldwide and helps to create a positive change to the current system and structure in the world today with non-violent means."

What is Extinction Rebellion?

The global movement Extinction Rebellion, also referred to as 'XR', describes itself as a "decentralised, international and politically non-partisan movement using non-violent direct action and civil disobedience to persuade governments to act justly on the Climate and Ecological Emergency". XR



was launched in the United Kingdom on October 31, 2018, as a response to a report by the United Nations Intergovernmental Panel on Climate Change (IPCC), which declared that “we only have 12 years to stop catastrophic climate change and our understanding that we have entered the 6th mass extinction event”. The logo of Extinction Rebellion is an ‘X’ with the top and bottom crossed so that it resembles, according to the movement’s website, an hourglass, which stands for a warning that time is running out for many species. The extinction (X) hourglass is placed within a circle that represents the planet Earth. The movement now has a presence in 75 countries, including India.

What does XR want?

The group has “three core demands” of governments around the world. It wants governments to “Tell the Truth”, to “Act Now”, and to “Go Beyond Politics” in order to confront the climate and ecological emergency that the world is faced with. It wants them to communicate the urgency to bring change, and reduce greenhouse gas emissions to net zero by 2025. XR seeks to “rebel”, and asks groups to “self-organise”, without the need for anyone’s permission, to come up with collective action plans as long as they adhere to the group’s core principles and values. It suggests that teams organise in circles that are focussed on media and messaging, creating a citizens’ assembly, finance and fundraising, and legal training, following which an “overall anchor circle” can meet to share information and resolve issues that lack clarity, according to its website.

TRANSIT REMAND, BAIL: LEGAL PROVISIONS INVOKED IN GRETA THUNBERG ‘TOOLKIT’ CASE

The Bombay High Court on Tuesday granted transit anticipatory bail to Shantanu Shivlal Muluk in the Greta Thunberg toolkit case registered by the Delhi Police in connection with the ongoing protests against the three farm laws. The transit anticipatory bail has been granted to Muluk for 10 days to allow him to approach the competent court in the national capital for a pre-arrest bail. On Wednesday, the High Court also granted transit bail for three weeks to lawyer and activist Nikita Jacob in the same case. What does the law say about the procedure regarding arrests to be made from a state other than where the case has been registered and what does transit bail mean?

What does the law say about the arrest of a person?

According to Article 22 of the Constitution of India, every person who is “arrested and detained in custody” has to be produced before the nearest magistrate within a period of 24 hours of the arrest — the period excludes the time necessary for the journey from the place of arrest to the court. No person can be kept in custody beyond the period of 24 hours without an order of a magistrate. Section 56 of the CrPC states that the person arrested has to be taken before the magistrate without unnecessary delay. According to Section 167 (2) of CrPC, when the Magistrate before whom the accused person has been produced does not have the jurisdiction to try the case or commit it for trial, the judicial officer is required to forward the accused to a Magistrate having such jurisdiction. Depending upon the case, the jurisdictional magistrate can authorise detention of the accused either by the police or send the person in judicial custody.



When does a person apply for anticipatory transit bail?

When a person is apprehending arrest by the police of a state other than where they are at present, they approach the nearest competent court for a transit anticipatory or pre-arrest bail. The court does not have jurisdiction over the place where the case is registered or where crime has been alleged to have been committed but since the question of personal liberty is involved, the High Courts across India generally allow such prayer depending upon the merits of the case. The relief is sought to seek temporary protection from arrest and simultaneously get time to approach the appropriate court of that place, wherefrom the police has come or where the case is registered, for a similar pre-arrest bail. Muluk argued before the Bombay Bench at Aurangabad on Tuesday that it would take time for him to reach New Delhi from his residence in Beed, engage an advocate and file for anticipatory bail. While the police objected to the jurisdiction of the Aurangabad bench, *Justice Vibha Kankanwadi cited the law laid down earlier by a division bench of the High Court, according to which when the person is apprehending arrest in a case in some other state, he should have remedy of applying to the Bombay HC if the arrest is likely to be effected within its jurisdiction and even if the offence might have been committed in some other state.*

What is transit remand and when is it required?

Since the arrested person is required under the law to be presented before a magistrate within 24 hours of arrest, they are produced by the police of the other state – which has registered the case – before the nearest magistrate of the place from where the person has been arrested to get a transit remand. This is done to comply with the provisions of law regarding the production of the accused before a magistrate within 24 hours since it may not be otherwise possible due to travel from one state to another. The application is filed by the police which has come to arrest the accused, before the nearest magistrate of that area where the accused is at present or residing. Delhi High Court in *Gautam Navlakha vs State (NCT of Delhi)* in 2018 held that “the Magistrate examining the transit remand application is not required to go into the adequacy of the material, he should nevertheless satisfy himself about the existence of the material”. It also held that the Magistrate should ask the person arrested and brought before him whether he has been informed of the grounds of arrest and whether he was required to consult and be defended by any legal practitioner of his choice. The apex court last year said the Delhi HC judgment shall not be treated as precedent and ordered that the questions of law are kept open. However, the apex court in different judgments has also held and reiterated that a Magistrate should not pass an order of remand automatically or in a mechanical manner.

TOOLKIT JUSTICE

The police in India, and especially forces under the present regime, have a dubious record of effecting needless arrests and filing questionable cases as a tool of harassment. The Delhi Police have outdone all of them by arresting a 22-year-old climate activist in a case that makes the *incredible allegation that a social media toolkit for organisers of protests against the farm laws amounted to sedition and incitement to riots.* The manner in which a Delhi Police team travelled to Bengaluru and took Disha Ravi into custody, apparently without following the guidelines laid down by the Delhi High Court on inter-State arrests, marks a new low in the display of perversity and high-handedness in law enforcement. Even though Ms. Ravi was produced before a duty magistrate in Delhi within the



mandatory 24-hour period, there is no indication whether the Delhi Police informed the local police and if she was properly represented by counsel.

It appears that the main charge against her is that she edited a Google document shared among activists, including global climate change icon Greta Thunberg. The toolkit, the prosecution alleges, was prepared by a pro-Khalistani outfit, and based on this, it was concluded that Ms. Ravi was working with separatists to create disaffection against India. *It is quite strange that none in the Delhi Police deemed this far-fetched. Such* toolkits are common for those organising protests online, and they contain not much more than calls for protests, texts to be tweeted, hashtags to be used, and names of authorities and public functionaries whose handles can be tagged. *The possible fact that direct protests were also discussed and planned does not mean there was any incitement to violence, a mandatory requirement to charge someone, as has been done in the case of Ms. Ravi, with sedition.*

Ever since the farm protests began, the government has sought to demonise the protesters or to undermine their agency by looking over their shoulder — in the case of farmers from Punjab, the Khalistan spectre comes in handy. The fact is that the state's tryst with terror in the decade of the 1980s has left a bitter residue in the form of a hardliner fringe, more NRI than not. It may also be, as happens in large movements, that this fringe is riding the ongoing mobilisation. But the impression is inescapable that the government is giving it undue attention. *In the name of unravelling a grand foreign plot, it seems to be harnessing all its formidable power and energies to go after, and to be seen to go after activists, instead of addressing the central issue — the protesters' fears and anxieties about the laws in question. In the process, it is sending out a chilling message, especially to the country's young — you can speak out and talk back to your government at your own peril.* Surely India's democracy cannot be so thin-skinned about international interface, so paranoid, '70s-style, about the "foreign hand". In an open democracy, the power of a government lies not in creating an obedient and pliant citizenry by criminalising the protester, but in extending and enlivening the public sphere.

There is little doubt now that it is not organised protests, online or offline activism in support of the ongoing farmers' protests against the controversial agricultural laws, or the mobilisation of public opinion against government policy, that is adversely affecting the country's reputation and prestige. *The regime is more likely to attract international embarrassment and opprobrium by the indiscriminate use of police power against activists, protesters and the media. The state is increasingly resorting to heavy-handed responses to issues that attract a convergence of activism, opposition political activity and adverse media scrutiny.* In particular, the farmers' protests, and the violent turn that it took on Republic Day due to some deviant elements, have led the present regime to imagine a global conspiracy where none exists. *A government truly worried about its global image would instead seek to address the deficit in tolerance and surfeit in repression that are becoming more obvious with each passing day.*

REGULATION LITE

India's Internet-based Over-The-Top (OTT) streaming services have operationalised a code of self-regulation from February 10, soon after the I&B Ministry announced that it had prepared a set of guidelines and directives for the industry. The inexorable growth of OTT channels has infused creative talent into film-making, aided by the absence of overbearing censors and vested interests,

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



although it might be argued that it also has a small minority pursuing crass commercialism. COVID-19 buoyed subscription revenues from home-bound viewers for OTT ventures streaming films, reality shows, serials and documentaries, and with cinemas closed, even broke the industry taboo against online-first film releases. Yet, *the urgency of this code arises not from any challenge to law and order or morality posed by films, but the gauntlet of police and court cases that film-makers and the channels are now having to run.* Governments are also lending tacit support to the view that creative expression may be becoming too influential to be left free. The FIRs in U.P. against the Amazon Prime Video series, Tandav, invoking legal provisions on cyber terrorism, obscenity, promoting social enmity and defiling places of worship, on the ground that its portrayal of god was derogatory, and a plea in M.P. on the same series seeking a court direction to bring OTT channels under censorship laws indicate the growing oppressive environment. *It is time the Centre took a firm stand against displays of manufactured outrage and let newer channels of creativity flourish. The collective initiative of the OTT services under the aegis of the Internet and Mobile Association of India, which places emphasis on abiding by the IPC, laws on women's and children's rights, copyright and age-appropriate certification and parental control, while upholding Constitutional provisions on free speech, should be given an opportunity to work. Such a voluntary code is consistent with the recommendations of the I&B Ministry's Expert Committee on film certification chaired by Shyam Benegal in 2016. The panel upheld creative expression and full ownership of any visual production, leaving viewing decisions to audiences, more accurately classifying films by viewer age, and ensuring transparency in the way reviewing bodies are constituted.* The idea that films must be pre-censored and arbitrary cuts made by government-appointed nominees, mostly out of prejudice, is antiquated and repugnant to liberal societies. Clearly, a plethora of laws are available to assess, based on complaints, whether there has been an egregious violation of law, and this determination ought to be made by unimpeachable bodies representing a wide spectrum of civil society. A policed approach to films and media can only grow a monoculture of propaganda.

WHO IS BEHIND THE KOO APP, THE INDIAN ALTERNATIVE TO TWITTER

At a time when the Centre is embroiled in a kerfuffle with microblogging site Twitter over blocking of certain accounts, several ministers and departments of the Union government have started flocking on Koo App — a homemade version of the social networking platform.

Who is behind the Koo App?

The microblogging site was co-founded by entrepreneurs Aprameya Radhakrishna and Mayank Bidwatka. Radhakrishna had founded online cab booking service TaxiForSure, which was subsequently sold to Ola Cabs. Prior to Koo, its parent company — Bombinate Technologies Pvt Ltd — launched and is operating the Indian version of Quora called Vokal. According to data sourced from Crunchbase, the company raised Series A funding in 2018 from a clutch of investors including Blume Ventures, Kalaari Capital and Accel Partners India. In the latest round of funding announced earlier this month, former Infosys CFO TV Mohandas Pai's 3one4 Capital also joined the list of those investing in Bombinate Technologies.



How did Koo rise to prominence?

While the app was launched in early 2020, its participation and the subsequent winning of the government's Atmanirbhar App Innovation Challenge brought it under the limelight. The app, along with other India-made apps like Zoho and Chingari — the local version of TikTok, won the challenge, which was launched by the Centre close on the heels of banning scores of apps with Chinese links citing national security concerns. Following the outcome of the Atmanirbhar App Innovation Challenge, the app was also mentioned by Prime Minister Narendra Modi in his Mann Ki Baat address.

Which prominent accounts are there on Koo App?

Commerce Minister Piyush Goyal, Law & IT Minister Ravi Shankar Prasad, Members of Parliament Tejasvi Surya and Shobha Karandlaje, Karnataka Chief Minister BS Yediyurappa, Isha Foundation's Jaggi Vasudev, former cricketers Javagal Srinath and Anil Kumble are among the politicians, ministers and celebrities to have joined the app. In addition, the Union IT Ministry, India Post and the Niti Aayog are among the government departments to have an account on the app.

What is the significance of top political personalities joining Koo App?

The fact that several ministers and politicians are putting their weight behind the Indian microblogging site, especially at a time when the world's largest platform in this segment has not responded in the most favourable terms to the Indian government's demands, is a key indicator of the government's willingness to push an alternative to the social networking platform. In a stern message to the American firm, the Union IT Ministry had noted that Twitter was an intermediary and "they are obliged to obey the directions of the government. Refusal to do so will invite penal action". The company was told that non-compliance with the government's demands could also lead to action being taken under the Section 69A (3) of the IT Act, which could potentially have the senior officials of the company in prison for up to seven years, in addition to a financial penalty.

GOVERNMENT REGULATIONS AND TECH PLATFORMS

The Centre has issued notice to Twitter after the micro-blogging site restored more than 250 accounts that had been suspended earlier on the government's 'legal demand'. The government wants the platform to comply with its earlier order of January 31 by which it was asked to block accounts and a controversial hashtag that spoke of an impending 'genocide' of farmers for allegedly promoting misinformation about the protests, adversely affecting public order. Twitter reinstated the accounts and tweets on its own and later refused to go back on the decision, contending that it found no violation of its policy.

Are platforms required to comply with government requests?

Cooperation between technology services companies and law enforcement agencies is now deemed a vital part of fighting cybercrime, and various other crimes that are committed using computer resources. These cover hacking, digital impersonation and theft of data. *The potential of the Internet and its offshoots such as mail and messaging services and social media networks to disseminate potentially harmful content such as hate speech, rumours, inflammatory and*



provocative messages and child pornography, has led to law enforcement officials constantly seeking to curb the ill-effects of using the medium. Therefore, most nations have framed laws mandating cooperation by Internet service providers or web hosting service providers and other intermediaries to cooperate with law and order authorities in certain circumstances.

What does the law in India cover?

In India, the Information Technology Act, 2000, as amended from time to time, governs all activities related to the use of computer resources. It covers all 'intermediaries' who play a role in the use of computer resources and electronic records. The term 'intermediaries' includes providers of telecom service, network service, Internet service and web hosting, besides search engines, online payment and auction sites, online marketplaces and cyber cafes. It includes any person who, on behalf of another, "receives, stores or transmits" any electronic record. Social media platforms would fall under this definition.

What are the Centre's powers vis-à-vis intermediaries?

Section 69 of the Act confers on the Central and State governments the power to issue directions "to intercept, monitor or decrypt...any information generated, transmitted, received or stored in any computer resource". The grounds on which these powers may be exercised are: in the interest of the sovereignty or integrity of India, defence of India, security of the state, friendly relations with foreign states, public order, or for preventing incitement to the commission of any cognisable offence relating to these, or for investigating any offence.

How does the government block websites and networks?

Section 69A, for similar reasons and grounds on which it can intercept or monitor information, enables the Centre to ask any agency of the government, or any intermediary, to block access to the public of any information generated, transmitted, received or stored or hosted on any computer resource. Any such request for blocking access must be based on reasons given in writing. Procedures and safeguards have been incorporated in the rules framed for the purpose.

What are the obligations of intermediaries under Indian law?

Intermediaries are required to preserve and retain specified information in a manner and format prescribed by the Centre for a specified duration. Contravention of this provision may attract a prison term that may go up to three years, besides a fine. When a direction is given for monitoring, interception or decryption, the intermediary, and any person in charge of a computer resource, should extend technical assistance in the form of giving access or securing access to the resource involved, and must comply with the request to intercept or monitor or decrypt the information concerned. Failure to extend such assistance may entail a prison term of up to seven years, besides a fine. Failure to comply with a direction to block access to the public on a government's written request also attracts a prison term of up to seven years, besides a fine. The Act also empowers the government to collect and monitor data on traffic. When an authorised agency asks for technical assistance in this regard, the intermediary must comply with the request. Non-compliance may lead to a prison term of up to three years, besides a fine.



Is the liability of the intermediary absolute?

No. *Section 79 of the Act makes it clear that “an intermediary shall not be liable for any third-party information, data, or communication link made available or hosted by him”. This protects intermediaries such as Internet and data service providers and those hosting websites from being made liable for content that users may post or generate.* However, the exemption from liability does not apply if there is evidence that the intermediary abetted or induced the commission of the unlawful act involved. Also, the provision casts a responsibility on intermediaries to remove the offensive content or block access to it upon getting “actual knowledge” of an unlawful act being committed using their resources, or as soon as it is brought to their notice. *In Shreya Singhal vs U.O.I (2015), the Supreme Court read down the provision to mean that the intermediaries ought to act only “upon receiving actual knowledge that a court order has been passed, asking [them] to expeditiously remove or disable access to certain material”. This was because the court felt that intermediaries such as Google or Facebook may receive millions of requests, and it may not be possible for them to judge which of these were legitimate.* The role of the intermediaries has been spelt out in separate rules framed for the purpose in 2011. In 2018, the Centre favoured coming up with fresh updates to the existing rules on intermediaries’ responsibilities, but the draft courted controversy. This was because one of the proposed changes was that intermediaries should help identify originators of offensive content. This led to misgivings that this could aid privacy violations and online surveillance. Also, tech companies that use end-to-end encryption argued that they could not open a backdoor for identifying originators, as it would be a breach of promise to their subscribers. Other proposed changes, which have not been acted upon, include rules that intermediaries should deploy automated tools for proactively removing or disabling public access to unlawful information, and to have a 24x7 mechanism to deal with requisitions of law enforcement.

FUZZY LAW, UNCLEAR JURISPRUDENCE, TRAMPLED RIGHTS (GAUTAM BHATIA - DELHI-BASED LAWYER)

On February 1, 2021, in the wake of the intensification of the farmers’ protests and reports of violent incidents on January 26 – a number of Twitter accounts became inaccessible in India. These included (among many others) the accounts of The Caravan magazine, the actor Sushant Singh, and the Kisan Ekta Morcha handle, which was chronicling the protests. In the beginning, it was unclear whether this was Twitter’s decision, based on its belief that the accounts had violated its Terms of Service (the reason for its permanent suspension of Donald Trump from its platform, for example), or whether Twitter had been ordered to do so by the government, or by a court. As outrage mounted, the Government of India clarified that it had invoked Section 69A of the Information Technology Act, and ordered Twitter to block access to these accounts. The reason, it appeared, was the use of the hashtag #ModiPlanningFarmerGenocide, which was deemed a threat to public order. The merits of this argument aside, the government’s Section 69A order was clearly an overreach even on its own terms, as media outlets such as The Caravan had not used the hashtag.

Uneasy truce

Soon after, Twitter restored access to many of the withheld accounts. This prompted a sharp reaction from the government, including a non-compliance notice and veiled threats that Twitter’s employees



would be prosecuted for violating Section 69A. A meeting between Twitter officials and the government appears to have yielded for now an uneasy truce. On February 10, Twitter also published a blog post (<https://bit.ly/378vIof>) where it remarkably — and in my view correctly — argued that the government's own actions in directing it to withhold access to the accounts of journalists, activists, and politicians, violated Indian law, and the constitutional guarantee of the freedom of speech. These events of the last few days throw into sharp relief the unsatisfactory state of Indian law and how it is interpreted and applied by censorship-happy governments. *At present, the online free speech rights of Indian citizens depend entirely upon the extent to which multinational social-media platforms are able to stand up to the government's censorship requests, how willing they are to risk legal prosecution, and how much confidence they have that their interpretation of Indian free speech law will stand up in court, even over the claims of the government.* It should be clear that this is not a sustainable situation.

The root lies in the IT Act

The root of the problem is Section 69A of the IT Act. Section 69A grants to the government the power to issue directions to intermediaries for blocking access to any information that it considers prejudicial to, among other things, the sovereignty and integrity of India, national security, or public order. Section 69A(3) envisages a jail sentence for up to seven years for intermediaries who fail to comply. In 2009, the government also issued "Blocking Rules", which set up the procedure for blocking (including regular review by government committees), and also stated that all requests and complaints would remain strictly confidential.

Violation of rights

There are a number of problems with this legal structure. *The first is that it makes censorship an easy and almost completely costless option, for the government. Rather than having to go to court and prove a violation even prima facie of law, the government can simply direct intermediaries to block content, and place the burden of going to court upon the users.* It stands to reason that *the easier it is to censor speech, the more likely it is that a government — any government — will resort to that option.* Furthermore, the confidentiality requirement means that the user will not even know why their account has been blocked and, therefore, will be in no position to challenge it. Third, *there are no procedural safeguards — no opportunity for a hearing to affected parties, and no need for reasoned orders.* This, then, violates both free speech rights, as well as the right to due process. *In the famous Shreya Singhal case that is well known for the striking down of Section 66A of the IT Act, the scope of Section 69A and the Blocking Rules were also litigated before the Supreme Court.* Unfortunately, however, the Supreme Court missed an opportunity to guide the law in a pro-free speech direction, as it had with Section 66A: without engaging in any detailed analysis, the Court largely endorsed the legal regime, as it stood. *The Court only noted that every affected individual would retain the constitutional right to challenge a blocking order, through a writ petition before the High Court.*

Need for transparency

Now, it would appear to follow from this holding that the Shreya Singhal judgment made it mandatory for the government to furnish blocking orders along with reasons to affected parties; it is evidently impossible to challenge something that you cannot even see. However, as recent events



show, in practice, that is not being followed (the lack of clarity in the Shreya Singhal judgment is no doubt a contributory factor). In a recent article in The Indian Express, Apar Gupta also pointed out that after the Supreme Court's judgment in the Kashmir Internet Ban case, it is, at least now, an arguable position of law that any order restricting access to the Internet, or information on the Internet, must be made public. There is, at present, a pending case before the High Court of Delhi, which makes the same argument; until that is resolved, however, the present state of affairs is likely to continue. *Consequently, a combination of bad law and unclear jurisprudence has created a situation where Twitter or the intermediary that might be caught in the government's crosshairs is the only entity that is in a position to defend the free speech rights of Indian citizens.* And there is little doubt that doing so entails a non-trivial risk: in particular, *the record of the Indian judiciary in civil rights cases involving the government has been remarkably poor in recent times*, and it would take considerable courage for any entity to bet on the proposition that its interpretation of Indian free speech law would be necessarily upheld by the courts. *Thus, while it may still be possible for Twitter to stand up to the government in obvious cases of overreach and abuse, such as the suspension of The Caravan, there will be a host of borderline cases where it will simply be easier to back down; indeed, as MediaNama reported recently, the Twitter account of a Rajya Sabha Member of Parliament remains suspended even now.*

Enable a fair hearing

There is, thus, an urgent need for both legal and jurisprudential reform. Legally, the best case scenario would be to prohibit the government from being able to directly order intermediaries to block access to online information, except in narrowly-defined emergency cases, and to require it to go through court to do so, with an adequate opportunity for affected parties to defend themselves. Short of that, however, it is vitally important that blocking orders be made public, and that even under the current legal regime, affected parties be given the opportunity of a fair hearing before a blocking order is issued. This process will also ensure that the blocking order is a reasoned one, and can be effectively challenged before a court, if need be. Long term, however, the hard work of contesting governmental impunity in cases of censorship, both in courts and outside, remains to be done.

MEDIA AS TARGET

Ordinarily, searches and seizures are the legitimate starting point of an investigation, done on the basis of prior information. But the ED's raids in the office of independent digital news platform NewsClick, and in the residence of its promoter and editor-in-chief, have invited justified condemnation from organisations representing the media. There is every likelihood that this operation is linked to the platform's in-depth coverage of ongoing protests as well as the various struggles of the people and the grassroot organisations that represent them. Ostensibly arising from an FIR registered by the Delhi police some months ago, the ED is said to be investigating alleged money-laundering to the tune of ₹30 crore. Not much is known about the nature of the police case, but the agency is empowered by the Prevention of Money-Laundering Act to investigate if the proceeds of crime related to a 'predicate offence' have been laundered. Whether such a primary offence has been established or not, and if so, whether NewsClick is in any way linked to it, is unclear. However, in the light of the manner in which the central agency is wont to enter the scene to investigate both real and imaginary allegations against anyone vocally critical of the



government, *it is difficult to brush aside the suspicion that the website is being targeted for its coverage of the farmers' agitation as well as last year's country-wide protests against the Citizenship (Amendment) Act.* The present regime's record is quite dismal when it comes to the obvious use of central agencies such as the CBI, ED, IT and even the NIA, to rein in dissenting voices. It is unfortunate that specialised agencies are allowing themselves to be used as force multipliers in political battles against sections of the Opposition. Amidst claims that there are varying kinds of conspiracies against the government and India, it is no surprise that relentless journalistic focus on protests, which are basically steps taken in pursuit of redress for public grievances, is inviting repressive action. Laws that are serious in nature and ought not to be invoked lightly are being used with abandon against those seen to have invited the establishment's wrath. *This may explain the frequency with which the offence of sedition is being invoked for speeches and writings, while allegations of anti-national activity peddled by those groomed to build such narratives lead to action under the Unlawful Activities (Prevention) Act.* In other instances, *cases of promoting social enmity or outraging religious sentiments are also slapped selectively to 'discipline' comedians and script-writers.* The Supreme Court's intervention has protected prominent journalists from arrest for defamation for tweets that turned out to be incorrect. It no more behoves a responsible and responsive government to dismiss criticism of its treatment of dissenters, including journalists who do not agree with it, as motivated or inspired by foreign elements.

THE ANDHRA-ODISHA DISPUTE OVER 21 BORDER VILLAGES

Andhra Pradesh held panchayat elections in three villages in the Kotia cluster, which is at the centre of a dispute between Andhra Pradesh and Odisha.

THE VILLAGES: These villages, with a population of nearly 5,000, are located on a remote hilltop on the inter-state border and are inhabited by Kondh tribals. The region, once a Maoist hotbed which still reports sporadic incidents of violence, is also rich in mineral resources like gold, platinum, manganese, bauxite, graphite and limestone.

THE DISPUTE: Prior to April 1, 1936, villages under Kotia panchayat were part of Jeypore Estate. In the Constitution of Orrisa Order, 1936, published in the Gazette of India on March 19 that year, the Government of India demarcated Odisha from the erstwhile Madras Presidency with the latter including the present-day Andhra Pradesh.

In 1942, the Madras government contested the boundary and ordered re-demarcation of the two states. In a joint survey of Odisha, Bihar and Madhya Pradesh, seven villages of Kotia gram panchayat were recorded as revenue villages and revenue was collected by the Odisha government, but the exercise left out the 21 villages now under dispute. When the state of Andhra Pradesh was created in 1955, the villages were not surveyed by the Andhra Pradesh government either.

IN BOTH WORLDS: This is the first time Andhra has held panchayat polls in any of these villages. But the villages participate in Assembly and Lok Sabha elections for both states. They are registered as voters for Salur Assembly and Araku Lok Sabha seats of Andhra, and Pottangi Assembly and Koraput Lok Sabha seats of Odisha. The villagers enjoy benefits from both states under various schemes. For instance, Odisha constructed a gram panchayat office, a village agricultural centre, the office of an agricultural overseer, a boarding school, and a 380-bed hostel;



it has also implemented MGNREGA, and distributed BPL cards to over 800 families and job cards to 1800 families. The Andhra Pradesh government has built roads, supplied electricity and provided rations to BPL families.

CURRENT STATUS: In the early 1980s, Odisha filed a case in the Supreme Court demanding right and possession of jurisdiction over the 21 villages. In 2006 however, the court ruled that *since disputes belonging to the state boundaries are not within the jurisdiction of the Supreme Court, the matter can only be resolved by Parliament and passed a permanent injunction on the disputed area.* A day after Andhra notified the panchayat elections here, Odisha Chief Minister Naveen Patnaik inaugurated projects worth Rs 18 crore. The Odisha government moved the Supreme Court, which posted the matter for hearing on February 19, according to a PTI report. In Andhra, Vizianagaram District collector M Hari Jawaharlal said the three villages are separate gram panchayats and fall under Salur Mandal, hence elections were held.

WHAT LED TO CONGRESS' PUDUCHERRY CRISIS, AND KIRAN BEDI FACTOR

Resignation of one more Congress MLA, A John Kumar, from Puducherry assembly on Tuesday seems to have pushed the Congress-DMK government below the majority mark in the Union Territory. The ruling coalition and the opposition NR Congress-AIADMK-BJP alliance now have 14 MLAs each in the House that has a current effective strength of 28. The jolt to the Congress came a day ahead of Rahul Gandhi's visit to Puducherry. Now, the Opposition seeks resignation of the 'minority' Congress government.

Are these developments unusual?

The peculiar nature of Puducherry politics and the size of each assembly seat explains what makes it easier for legislators here to shift their loyalties, especially when much more has happened to the ruling AIADMK in the neighbouring state of Tamil Nadu in the past four years. *On an average, a Puducherry MLA represents about 20,000 to 25,000 voters, which is only as big as an average city corporation ward in India. And the political transactions here are largely 'personal' than 'political,' with politicians having a significant personal rapport with people in their smaller localities, mostly based on community and caste factors, besides a little politics.* Even if majority of Puducherry population speaks Tamil, and several policies, schemes and areas such as education are influenced by Tamil Nadu, the stake of DMK and AIADMK in Puducherry has also been very limited, as both parties hardly had a special interest in Puducherry affairs. In a tiny Union territory with hardly 30 elected MLA seats, which are scattered across Puducherry (23), Karaikal in Tamil Nadu, Mahe in Kerala and Yanam in Andhra Pradesh, Puducherry has been traditionally a Congress stronghold. The latest developments in Puducherry were part and parcel of similar strategies BJP had been applying in Kerala and Tamil Nadu, ahead of the upcoming polls. Like in Tamil Nadu, where BJP managed an alliance and a control over the ruling AIADMK alliance within four years time, BJP was the beneficiary in the latest Puducherry crisis too. Two of the four MLAs who resigned from Puducherry Congress have already joined BJP, including a minister. One more MLA, Kumar, is to join soon. And *three nominated MLAs in the assembly represent BJP members, thanks to the former Lt. Governor Kiran Bedi who nominated them.*

Political activity has picked up pace in Puducherry ahead of assembly elections with the Centre recalling on Tuesday the Lieutenant Governor of the Union Territory, Kiran Bedi. The move seems



to have caught all the players off guard — though Chief Minister V Narayanasamy had petitioned Rashtrapati Bhavan multiple times for a replacement and a delegation led by the CM had called on President Ram Nath Kovind only a few days ago with such a request. Bedi's removal from office has coincided with the Congress government losing its majority in the Assembly. *Telangana governor and former BJP chief of Tamil Nadu, Tamilisai Soundararajan, has been entrusted with the UT at a time of political uncertainty in the run-up to assembly elections. Bedi and the Congress government in Puducherry have had a running feud from the day she was appointed as the LG. As in the National Capital Region, the LG and CM disagreed over their respective powers and responsibilities.* Bedi was accused of usurping executive powers and transgressing into the domains of the legislature and the state cabinet as she cancelled orders of the government in the name of streamlining administration and curbing corruption in the system. *Relations between the LG and the government reached a nadir when Bedi nominated three BJP leaders to the assembly and thereby gave a voice to the party that had no electoral presence in the UT. The BJP has since been increasing its footprint by winning over legislators from other parties: At least four MLAs of the Congress have quit the party in the past two months and three of them are now with the BJP. Though just a UT with a single Lok Sabha MP, Puducherry is politically important particularly since the Congress has its only government in southern India here.* That perhaps explains the disproportionate attention the UT has been receiving from the BJP. Most of Puducherry borders Tamil Nadu and the imprint of Dravidian parties is visible here. Yet, the UT has been ruled mostly by the Congress. Speculation is rife that Puducherry may soon witness a West Bengal kind of scenario, where legislators from different parties are flocking to the BJP ahead of elections. *The BJP has been ambitious about expanding its presence in the Tamil region, which has nurtured paradigms of regionalism, federalism and social justice that, on the face of it, challenge its unitarian Hindutva agenda.* It may fancy using the leverage it has by virtue of running the central government to influence the political dynamic in Puducherry. But all players must be warned, as the countdown to polls begins, they will be watched.

WHAT IS THE KERALA PSC ROW THAT HAS TRIGGERED PROTESTS ACROSS THE STATE?

Thousands of youths, including Public Service Commission (PSC) rank holders, have hit the streets across Kerala demanding government jobs. The trigger for the protests is the regularisation of hundreds of temporary employees, with most of them allegedly having links with the ruling CPI(M), in various government departments, self-governing bodies and state-run corporations.

Why are Kerala PSC rank holders protesting?

The sudden surge in regularisation of temporary workers, in the final lap of the present LDF regime, is at the cost of lakhs of job aspirants who are in various rank lists of the PSC, the state recruitment board. Many government departments made temporary appointments even when rank lists prepared by PSC were alive. Besides, there are several state-run corporations and self-governing bodies, which have made their own appointments without bringing selection to such bodies under the ambit of PSC. A rough estimate shows that 1.50 lakh have been appointed on temporary basis in various government departments and entities.



How are government posts filled?

Kerala has 5.28 lakh state government employees with 20,000-odd retiring every year. When an existing government post falls vacant, the department concerned has to absorb the eligible person from the rank list prepared by the PSC. If no valid rank list is live, the departments can recruit temporary hands from state employment exchanges in all districts, which have 34 lakh youths registered for government jobs. At the same time, the vacancy has to be alerted to PSC, which, in turn, would initiate a recruitment process. Most often, these mandatory and legal options are bypassed, and vacancies are filled with nominees of ruling political parties on a temporary basis. Sometimes, the departments also do not promptly report vacancies to PSC.

Are temporary appointments common?

Yes. *The duration of temporary appointments to various government departments is extended from time to time so as to ensure that nominees of political leaders remain in service. After a temporary staff remains in service for five to ten years, they then make claims for regularisation on humanitarian grounds. In fact, pointing out their long service as temporary staff, they sometimes move court seeking regularisation of their appointments, making the normal selection process complex. As long temporary employees remain in service, the appointment of those in the PSC rank lists remains in abeyance, often getting expired also.* In its defence, the CPI (M) pointed out that the previous Congress regime had resorted to “illegal temporary appointments and had regularised a chunk of such appointments”. The government said the previous UDF government had regularised 5,910 persons. The government also said that during the last five years, 1.57 lakh persons had been issued advice memo for (jobs) as against the figure of 1.15 lakh during the UDF regime.

What is the Kerala government’s stand?

The state government insists there was no political consideration in regularisation of temporary staff. While it also claims that only those who have completed 10 years in service are being regularised on humanitarian grounds, however, this is not the case in many departments. Besides, the government said all those figures in a PSC rank list would not get jobs as the list would have five-fold names than the real number of vacancies. For every 20 vacancies, there would be a rank list of 100 persons.

Is regularisation a violation of the SC directive?

Yes. In the State of Karnataka vs Uma Devi and others, the Supreme Court in 2006 had stated that “equality of opportunity is the hallmark, and the Constitution has also provided affirmative action to ensure that unequals are not treated equals”. The 2006 judgment also stated that “regular process of recruitment or appointment has to be resorted to, where regular vacancies or posts to be filled up and the filling up of those vacancies can not be done haphazardly or based on patronage of other considerations.” *About the claim of temporary employers for a permanent job, the Supreme Court said when a person enters a temporary employment or gets engagement as a contractual or casual worker and the engagement is not based on a proper selection as recognised by the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, casual or contractual in nature. The order further reads: “Such a person cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment to the post could be made only by following a proper procedure for selection and in cases concerned, in*



consultation with the Public Service Commission. The State cannot constitutionally make such a promise."

THE VIABILITY OF TWO PROPOSALS (M.P. NATHANAEL - INSPECTOR GENERAL OF POLICE (RETD), CENTRAL RESERVE POLICE FORCE)

Speaking at a roadshow in Kolkata on January 23, West Bengal Chief Minister Mamata Banerjee asked why India should have only one capital and suggested that there be four. She directed Sudip Bandyopadhyay, MP and leader of the Trinamool Congress in the Lok Sabha, to raise the issue in Parliament. She suggested that Parliament sessions should be held in each of the four capitals in a rotating manner. While Ms. Banerjee has the right to have her opinion on the issue, she doesn't seem to have given much thought to the feasibility of the proposal.

A plan the nation cannot afford

Four capitals would *obviously mean having Parliament buildings in three other regions, too.* If there are four capitals, accommodation for all the MPs and the adjunct staff will have to be constructed. *While those from the northern parts of the country would prefer to be comfortably ensconced in the existing residential accommodation in New Delhi, those from other parts of the country may prefer to settle in the capital of the region to which they belong. During Parliament sessions, MPs will descend in droves to the envisaged capitals and fly out, leaving these residential accommodations vacant for months after every session.* Add to this the huge expenditure involved in all the MPs and their staff having to fly to and from these capitals every now and then. Providing security to all the MPs will be a huge burden for the State Police. Even the vacant accommodations where the MPs don't reside will have to be guarded round the clock. Depending on the risk factor, enhanced security will have to be necessarily provided to a fair number of them, many of whom manage to get top security cover merely for their imprudent utterances. *Calcutta (now Kolkata) was once a capital of this country until King George V announced in December 1911 that Delhi would be the new capital. Parliament House was opened in 1927 and the magnificent Viceroy's residence (now Rashtrapati Bhavan) and the government buildings were inaugurated in 1931. One of the factors that may have weighed in favour of New Delhi could be its proximity to the summer capital, Shimla. But today, even shifting a State capital would involve huge expenditure.* In the 1980s, the Tamil Nadu Chief Minister proposed to shift the State capital to Tiruchirappalli in central Tamil Nadu. The plan was ultimately shelved when the huge burden it would impose on the State exchequer became apparent. The cost to the government exchequer to have capitals in three other States will be mind-boggling and our nation can ill-afford this.

A proposal to be considered

A similar request was made in January 2021 when the Bar Councils of the five southern States called for a Supreme Court bench in south India. This has been a long-standing demand. Unlike the proposal to establish four capitals, this one merits serious consideration given the prohibitively long distance between the southern States and Delhi. *Not many can afford to travel all the way to New Delhi to engage lawyers and plead their cases. The exorbitant fees of the Supreme Court lawyers in New Delhi is another deterrent.* While speaking at an online event last year, Attorney General K.K. Venugopal suggested that four benches of Court of Appeal with 15 judges each be created across the country to reduce the burden of the Supreme Court. This would enable judges to go

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



through each case thoroughly and deliver a well-thought-out verdict. *Setting up these courts would call for an amendment in the Constitution.* Though the demand is to set up a bench in the south, southern Bar Councils may later take up the issue of setting up separate appellate benches in regions in the south. *Such an arrangement would leave the apex court free to deal with constitutional issues.* With cases mounting in various courts, a viable solution needs to be worked out. Easy accessibility to justice for every citizen is a right that cannot be countered.

UTTARAKHAND DELUGE

The staggering collapse of part of a glacier in Uttarakhand's Nanda Devi mountain and the ensuing floods that have claimed many lives come as a deadly reminder that this fragile, geologically dynamic region can never be taken for granted. *A significant slice of the glacier, dislodged by a landslide, according to some satellite images, produced roaring torrents in the Rishiganga and Dhauliganga rivers in Chamoli district, trapping unsuspecting workers at two hydro power project sites.* Once the crucible of environmentalism, epitomised by Sunderlal Bahuguna, Gaura Devi and the Chipko movement, the State's deep gorges and canyons have attracted many hydroelectric projects and dams, with little concern for earthquake risk. Red flags have been raised repeatedly, particularly after the moderate quake in 1991 in the region where the Tehri dam was built and the 2013 floods that devastated Kedarnath, pointing to the threat from seismicity, dam-induced microseismicity, landslides and floods from a variety of causes, including unstable glacial lakes and climate change. *India is heavily invested in dam development and growth of hydropower, largely in the Himalaya region — especially to cut carbon emissions.* By one estimate, if the national plan to construct dams in 28 river valleys in the hills is realised in a few decades, the Indian Himalayas will have one dam for every 32 km, among the world's highest densities. Yet, as researchers say, this may be a miscalculation for reasons, including potential earthquake impacts, monsoonal aberrations that could repeat a Kedarnath-like flood, severe biodiversity loss and, importantly, extreme danger to communities downstream. *There is also some evidence that the life of dams is often exaggerated, and siltation, which reduces it, is grossly underestimated: in the Bhakra dam in Himachal Pradesh, for instance, siltation was higher by 140% than calculated. The need is to rigorously study the impact of policy on the Himalayas and confine hydro projects to those with the least impact, while relying more on low impact run-of-the-river power projects that need no destructive large dams and reservoirs.* Unlike what the NITI Aayog seems to think of environmental accounting, this would be a sound approach.

A deluge that resulted from a glacial melt on Nanda Devi flooded Rishiganga river in Uttarakhand and washed away at least two hydroelectric power projects — the 13.2 MW Rishiganga hydroelectric power project and the Tapovan project on Dhauliganga river, a tributary of the Alakananda.

Environmental experts attributed the Nanda Devi glacial melt to global warming. *Glacier retreat and permafrost thaw are projected to decrease the stability of the mountain slopes and increase the number and area of glacier lakes, according to the latest assessment reports of the UN Intergovernmental Panel on Climate Change.* There is also high confidence that the number and area of glacier lakes will continue to increase in most regions in the coming decades, and new lakes will develop closer to steep and potentially unstable mountain walls, where lake outbursts can be more easily triggered. Farooq Azam, assistant professor, Glaciology and Hydrology division, IIT Indore, said such a glacial burst was an "extremely rare event". "Satellite and Google



Earth images do not show a glacial lake near the region, but there's a possibility that there may be a water pocket in the region. *Water pockets are lakes inside glaciers, which may have erupted leading to this event.* We need further analysis, weather reports and data to confirm if this indeed was the case," he said. Climate change has driven erratic weather patterns like increased snowfall and rainfall, and warmer winters had led to the melting of a lot of snow. *The thermal profile of ice, said experts, was increasing. Earlier the temperature of ice ranged from -6 to -20 degree Celsius; it is now -2 making it more susceptible to melting.*

In the wake of the Uttarakhand avalanche, there is increased anxiety among the people in the Lahaul-Spiti district of Himachal Pradesh who have been up in arms against the hydropower projects proposed in this tribal region. Among the projects proposed in Lahaul-Spiti are Tandi (104 Mega Watt), Rashil (102 MW), Bardang (126 MW), Miyar (90 MW) and Jispa (300 MW). People from at least two Panchayats — Tandi and Goshal — have been strongly opposing the Tandi project. "Our apprehension surrounding the ill-effects of big hydro-projects on environment has only been strengthened after the recent tragedy in Uttarakhand. Locals here are opposing hydro projects on the Chandra-Bhaga River basin. Our Panchayat has also passed a resolution against the Tandi hydro-project," Virender Kumar, vice-pradhan (head) of Tandi, told The Hindu. Mr. Kumar said locals had been voicing their concerns for a long time. "We are against all hydro power projects in Lahaul, and in particular at Tandi.

UTTARAKHAND DISASTER: AN EARLY WARNING SYSTEM FOR GLACIERS IS NEEDED

There is little that can be done to prevent the kind of flash floods that struck Uttarakhand last Sunday. Whether caused by lake bursts, excessive rainfall, or triggered by a landslide and avalanche, like what seems to have happened this time, incidents like these are a result of natural processes that can hardly be stopped. But their frequency, and the destruction they cause, can be minimised. A relatively low-hanging fruit, but a very effective one, is to set up early warning systems that alert the downstream populations about an impending disaster. This has to be coupled with plans to quickly evacuate local communities to safer regions. *"The technology is available. There are several parameters in the glaciers and lakes that can be monitored, and based on that, a warning system can be developed. Several countries around the world have these. Nepal installed these at least a decade ago.* There is no reason why we cannot have a warning system. It will save plenty of human lives," says Syed Iqbal Hasnain, a glaciologist who now serves as the Pro-Chancellor of Jamia Hamdard University in New Delhi. India has already seen the benefits of an effective early warning system for other natural disasters, most noticeably for cyclones. Every year, potentially thousands of lives are being saved because of accurate cyclone prediction, the availability of shelters, and timely evacuation of people from danger zones. *Climate change has increased both the frequency and ferocity of cyclones in the last few years, but the loss of human lives has been reduced significantly. India also has a working early warning system for tsunami, which offers barely half an hour of lead time. Though there has been no opportunity, thankfully, to test this in a real-life situation, mock drills and simulations have shown that it would be possible to shift the vulnerable populations even in this small time period.* In recent years, *early warning systems have been developed for heatwaves and flooding as well, and these too have helped in saving human lives. Experts say a warning system for flash floods in states like Uttarakhand is far less complicated, and in most instances, an impending disaster can be detected several hours, even days in advance. "A lake burst, for example, does not happen all of a sudden.* There are ample indications that can be



monitored. Changes in water level, discharge in the rivers, excessive rainfall in the catchment areas, are all things that can be measured. Regular monitoring can sometimes tell us weeks in advance about the danger, and in many cases, it could even be possible to avert the tragedy. For instance, a lake burst can be prevented in some cases if a drainage is constructed that lets out water at regulated levels,” says Anil V Kulkarni, a glaciologist and visiting distinguished scientist at Divecha Centre for Climate Change at Indian Institute of Science, Bengaluru. Kulkarni and many others The Sunday Express spoke to suggested that *one of the reasons why an early warning system has still not been installed in the Himalayas could be the fact that the responsibilities related to glaciers are spread out across several government departments, and that there was no nodal agency to coordinate their efforts.* The survey and monitoring of glaciers are done by the Geological Survey of India (GSI), which is under the Ministry of Mines; scientific research is coordinated by the Department of Science and Technology; climate change studies and impacts are the domain of the Environment Ministry; while rainfall and precipitation are monitored by the India Meteorological Department, which functions under the Earth Sciences Ministry. The Central Water Commission works on the hydrology aspects; avalanches are monitored by an agency that is part of Defence Research and Development Organisation (DRDO); while remote sensing is being done by the National Remote Sensing Agency (NRSA), which is a part of ISRO. In addition, state electricity boards and irrigation departments are also stakeholders in the glaciers.

SCHOOL CLOSURE LED TO LOSS IN FOUNDATIONAL ABILITIES

How badly were students, especially those in lower classes, impacted by the sudden and extended closure of schools in March last year as COVID-19 took its toll on society? A field study by Azim Premji University paints a grim picture. *Children not only missed out on the regular curricular learning they would have acquired had schools remained open, but are also 'forgetting' what they had learnt in previous year.* According to the study, *on an average, 92% of students from Classes II to VI have lost at least one specific foundational ability in languages that they may have acquired in previous years.* The corresponding figure for mathematics is 82%. As many as 16,067 primary schoolchildren in 1,137 government schools between Classes II and VI across five States were surveyed for the study titled, 'Loss of Learning during the Pandemic'. Two thousand teachers and 400 members of the Azim Premji Foundation conducted a comparative field study. *Foundational abilities are those that form the basis for further learning.* The researchers noted that a grasp of concepts in language and mathematics during primary school years forms the basis of a student's further learning in all subjects. *Some examples of foundational abilities include reading a paragraph with comprehension, addition and subtraction. In mathematics, foundation abilities include identifying single and two-digit numbers; performing arithmetic operations; using basic arithmetic operations to solve problems; and reading and drawing inferences from data, among others.* Anurag Behar, Vice-Chancellor of the university, in a press release said, “When schools reopen, teachers have to be given time to cover this deficit and be provided with other support. A carefully synchronised set of measures across States will be required.” *Some of the suggestions included eliminating vacations, extending the academic year well into 2021 and perhaps beyond depending on when schools open and reconfiguring the syllabus.*



STEPS TO DEMOLISH RESORT BEGINS

Authorities have initiated preliminary steps to demolish the illegally constructed *villas of Kapico Kerala Resorts Private Limited on Nedyathuruthu island in Vembanad Lake here. The Supreme Court on January 10, 2020 dismissed appeals by Kapico Resorts against a Kerala High Court order banning the construction of resorts and removal of structures on the backwater island.* The court observed that the constructions violated coastal and environmental regulations. Last week, Sub-collector Ilakkiya, Cherthala Tahsildar P.G. Rajendra Babu and other officials visited the resort. The officials said they were in the process of valuing various items at the resort. *“The resort has electrical and mechanical equipment, among other items. Its valuation should be carried out. We have conducted a preliminary inspection and experts will now conduct a detailed examination.* Once the valuation is completed, a detailed action plan will be prepared for demolishing the structures in due time,” said an official. It would be a challenge to prevent debris, including hazardous waste, from falling into the lake during the demolition and transportation. *Kapico Resorts constructed 54 villas and a main block, among other facilities, over six years from 2007. In March 2013, the Kerala High Court ordered the demolition of the resort along with illegal structures constructed by Vaamika Island (Green Lagoon Resort) on Vettilla Thuruthu, also on Vembanad Lake.* The High Court ordered the removal of the unauthorised structures within three months. Following this, Vaamika moved the Supreme Court. Their petitions were dismissed by the court, stating that *Vembanad Lake was an ecologically sensitive area.* While dismissing the appeals by Kapico Resorts, the court noted, “We do not know how this finding can be held to be applicable only to Vettilla Thuruthu island.”

FOSSILS OF ‘DICKINSONIA’ FOUND AT BHIMBETKA

Researchers have discovered three fossils of the earliest known living animal — the 550-million-year-old ‘Dickinsonia’ — on the roof of the Bhimbetka Rock Shelters, about 40 km from Bhopal. One can identify the fossils from the white leaf-like patches with a central vertebra (central midrib) and connecting veins. While one fossil is 17 inches long, the other two are much smaller. The new discoveries, published in a journal, Gondwana Research, can be seen right at the beginning of the ‘Auditorium Cave’, the first of such caves at Bhimbetka, a UNESCO heritage site, located about 3.5 metres above the ground. Geological Survey of India’s Bhopal in-charge Tapan Pal, who had come to visit the site, told The Hindu that they were the only such fossils available in the country, and were similar to those seen in south Australia. “This is further proof of the similar paleoenvironments and confirms assembly of Gondwanaland by the 550 Ma (mega annum), but not reconstructions adjusted for true polar wander,” the article says. The five authors of the article are Gregory J. Retallack, Neffra A. Matthews, Sharad Master, Ranjit G. Khangar and Merajuddin Khan.



BUSINESS & ECONOMICS

CABINET APPROVES PLI PLAN FOR TELECOM

The Union Cabinet on Wednesday approved the production-linked incentive scheme for the telecom sector with an outlay of ₹12,195 crore over five years. The scheme, which aims to make India a global hub for manufacturing telecom equipment, is expected to lead to an incremental production of about ₹2.4 lakh crore, with exports of about ₹2 lakh crore over five years and bring in investments of more than ₹3,000 crore. “The implementation of PLI scheme in telecom manufacturing will start from April 1, 2021.

‘Import dependence cut’

The Minister added the scheme was also likely to generate 40,000 direct and indirect employment opportunities and generate tax revenue of ₹17,000 crore from telecom equipment manufacturing, including core transmission equipment, 4G/5G Next Generation Radio Access Network and wireless equipment, access and Customer Premises Equipment (CPE), Internet of Things (IoT) access devices, other wireless equipment and enterprise equipment such as switches and routers. According to an official release, *the core ‘component’ of this scheme is to offset the import of telecom equipment worth more than ₹50,000 crore. The Minister added that the approval for the scheme followed the success of PLI-scheme related to mobile and component manufacturing.* Under this, ₹34,000 crore investment has been made by some of the top mobile companies, he said, adding that the government planned to bring similar incentives for laptops and tablet manufacturing. For inclusion of MSMEs in the scheme, the minimum investment threshold has been kept at ₹10 crore, while for others it is ₹100 crore. For MSMEs, a 1% higher incentive is also proposed in the first three years.

WHY ARE PETROL, DIESEL RISING?

Diesel and petrol prices have hit record highs across the country, with petrol touching Rs 89 per litre in Delhi on Monday, and diesel reaching a new high of Rs 86.30 per litre in Mumbai. The government reasons that global crude oil prices have risen by more than 50 per cent to over \$63.3 per barrel since October, forcing oil retailers to increase pump prices. That, however, is only partly true. Indian consumers are already paying much higher than what they were paying last January, even though crude prices are yet to reach levels of early last year. Pump prices of both fuels in other countries are just reaching pre-pandemic levels, while Indian consumers are shelling out a lot more.

Why are consumers in India paying more for petrol and diesel?

Retail petrol and diesel prices are in theory decontrolled — or linked to global crude oil prices. Which means that if crude prices fall, as has largely been the trend since February, retail prices should come down too, and vice versa. But this does not happen in practice, largely because *oil price decontrol is a one-way street in India.* So, when global prices go up, the resultant increase is passed on to the consumer, who has to cough up more for every litre of fuel consumed — but when the reverse happens and prices slide, the government, almost by default, slaps fresh taxes and



levies to ensure that it rakes in extra revenues, even as the consumer, who should have ideally benefited by way of lower pump prices, is forced to either shell out what she's already paying, or spend even more for every litre of fuel. *The main beneficiary in this subversion of price decontrol is the government.* The consumer is a clear loser, as are the fuel retailing companies. Early into the novel coronavirus pandemic last year, when crude prices crashed, the state-owned oil retailers stopped price revisions for a record 82 days. The consumer was subsequently hit by a double whammy of sorts — not benefitting from the fall in crude prices in the first half of this fiscal, and then facing record high prices in the second half even as crude prices partially recovered, with the government using the opportunity to raise taxes on petrol and diesel.

Why are crude oil prices rising now?

Prices collapsed in April 2020 after the pandemic spread around the world, and demand fell away. But as economies have reduced travel restrictions and factory output has picked up, global demand has improved, and prices have been recovering. Brent crude, which was trading at about \$40 per barrel between June and October, started rising in November, and has gone past the \$60 per barrel mark as the global rollout of Covid-19 vaccines gathers pace. The controlled production of crude amid rising demand has been another key factor in boosting oil prices, with Saudi Arabia voluntarily cutting its daily output by 1 million barrels per day to 8.125 million barrels per day through February and March.

What is the impact of taxes on retail prices of auto fuels?

The central government hiked the central excise duty on petrol to ₹32.98 per litre during the course of last year from ₹19.98 per litre at the beginning of 2020, and increased the excise duty on diesel to ₹31.83 per litre from ₹15.83 over the same period to boost revenues as economic activity fell due to the pandemic. A number of states have also hiked sales tax on petrol and diesel to shore up their revenues. The government of Delhi raised the Value Added Tax on petrol from 27 per cent to 30 per cent. It had hiked the VAT on diesel sharply from 16.75 per cent to 30 per cent in May, but had reverted to 16.75 per cent in July. Currently, state and central taxes amount to around 180 per cent of the base price of petrol and 141 per cent of the base price of diesel in Delhi. Industry analysts had projected cuts in the central excise duty as prices hit record levels, but Minister for Petroleum and Natural Gas Dharmendra Pradhan recently told Parliament that the government was not currently considering any proposal to cut excise duty rates. In comparison, taxes on fuels as a percentage of pump prices was around 65 per cent of the retail price in Germany and Italy, 62 per cent in the United Kingdom, 45 per cent in Japan, and around 20 per cent in the United States. *By sharply hiking excise duty as global oil prices fell, the government has practically controlled the price of the auto fuels, mopping up any savings that may have accrued to consumers owing to low global prices.* Even though the price of India's crude basket fell from \$64.3 per barrel in January 2020 to \$19 in April 2020, the price of auto fuels fell only marginally from ₹75.14 to ₹69.59 in the case of petrol and ₹68 to ₹62.3 in the case of diesel, with the government holding on to most of the gains from lower crude oil prices rather than passing them to consumers. Besides, *the oil marketing companies had halted daily revisions of petrol and diesel prices for 82 days starting March 16, 2020 when the international price of crude oil was at its lowest. Executives of oil marketing companies later explained that lowering prices in line with international prices would have led to negative margins for oil marketing companies. But the consumer was left high and dry.* On the other hand, as the average price of India's crude basket has increased to \$54.8 per barrel in January



2021 from about \$40 per barrel in June 2020, the government has kept central levies high, leading to Delhi prices rising from ₹71 per litre for petrol and about ₹70 per litre for diesel to Rs 89 and ₹79.35 respectively, despite the reversal of a 13.25 per cent sales tax hike on the latter. While the oil marketing companies are notionally free to set prices for petrol and diesel based on international prices, hikes in central levies have meant that the consumer hasn't benefited from low international prices and has ended up bearing the downside of rising crude oil prices.

How will these hikes impact inflation?

Experts note that the impact of rising fuel inflation has been counterbalanced by declining food inflation, but that consumers with greater expenditure on travel are feeling the pinch of higher prices despite overall inflation being down to 4.06 per cent in January. "Rising fuel inflation may pinch consumers who have to travel further for work and have access to affordable cereals etc," said Sunil Kumar Sinha, principal economist at India Ratings and Research. He noted that the urban population would be more impacted by rising fuel prices than the rural population — however, a weak monsoon may lead to rural India being hit as farmers are forced to rely more on diesel-powered irrigation.

A BET ON INTEREST RATES

What is a carry trade?

Carry trade refers to the trade where an investor borrows funds in a market where the interest rate is relatively low and then invests the borrowed money in a market where the interest rate is higher.

Why are investors attracted to the trade?

It helps investors realise better returns by arbitraging on the interest rate differentials. For example, *a foreign portfolio investor may borrow in the U.S. (the U.S. Federal Funds Rate is currently 0.00% to 0.25%) and invest the funds in an emerging market such as India (where the RBI's benchmark repo rate is 4%)*. The investor could convert the dollar loan to rupees and could invest in a relatively secure debt instrument in India that would fetch him a higher rate of interest. For instance, an investor could borrow \$1,000 in the U.S. at 0.25%, convert it into Indian rupees at ₹73 to a dollar, and invest the resultant ₹73,000 in a bond that offers 4%. A year later, his investment would yield him ₹75,920. On redeeming his investment and assuming the rupee-dollar rate remains unchanged, the conversion into dollars should yield him about \$1,040 (75,920/73). Thus, after repaying his U.S. loan with interest, or paying back \$1002.50, he would be left with a gain of \$37.50.

What is the biggest risk involved?

The main risk is the exchange rate risk. If the conditions under which he borrowed funds to make his carry trade remained unchanged till he redeemed his investment and repaid his borrowing, he would be on velvet. However, if for example, the rupee weakens against the dollar so much so that he now needs ₹75 to buy each dollar, then on conversion he would net only \$1,012.27 (75,920/75). After paying back his U.S. loan, he would be left with a meagre gain of \$9.77. Worse, if the rupee slides to ₹77 or ₹78 to a dollar, the investor will end up losing money!

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



How do carry trades impact a nation's economy?

Any change in the global economic environment including actual changes or expectations of changes in interest rates in different markets could influence investors to pull their money out of a country and move it to another. This in turn could cause a sudden outflow of the lower yield bearing currency, impacting the exchange rate of the country into which these funds were invested and thus potentially pushing up the cost of imports in that economy.

A NEW CLASS, OF RAIL TRAVEL, AC AND AFFORDABLE

Earlier this week, the prototype of *a new rail travel class, AC-III Economy*, was finalised for oscillation trials at the Indian Railways' Research Designs and Standards Organisation in Lucknow.

What's this class

It is meant to be an affordable, air-conditioned version of the non-AC Sleeper class. The job of creating this was given last year to state-owned Rail Coach Factory (RCF), Kapurthala, the maker of the Linke Hoffmann Busche coaches in India. As reported in The Indian Express in September, the design philosophy was to take a non-AC Sleeper coach as reference and try and turn that into an AC coach. *AC-III tier is the only travel class that makes a clear profit for Railways, and is also said to be the most popular. AC-III Economy is expected to maintain that — and provide AC travel to the masses while keeping it affordable.*

First look

Rather than an upgraded version of the non-AC Sleeper, the prototype looks like an upgrade from the existing AC-III tier. To start with, the design imprint of the existing Sleeper class coach is absent. In fact, officials said, the whole coach has been reimaged from scratch. "We will start the series production by the end of February. I think we have inched closer to our dream of producing 'aircraft like' experience for common people," Ravinder Gupta, General Manager, RCF, Kapurthala, told The Indian Express. RCF plans to manufacture 248 coaches. The cost is currently estimated at between Rs 2.8-3 crore per coach, which is around 10% more than existing AC-III tier coach. For Railways, the earning potential of these coaches is also higher, owing to more capacity. The next target is to redesign the General unreserved compartment and turn that, too, into AC class.

Features

Instead of the standard 72 passengers, the new AC coach has a capacity of 83. This was achieved by shifting the high-voltage electric switchgear, now installed on board all coaches, to the underframe—a first for Indian Railways. Like in luxury cars, every berth will have its own, individual AC vent. This was done by redesigning the whole AC ducting (pipes that transport the air from the AC unit) in the coach. Each coach is provided with a wider, and one disabled-friendly, toilet entry door, which is a new initiative. The berths themselves are a product of new, modular design. The ladder for climbing to upper berths has a new design. This one, designers say, is non-intrusive. There is increased headroom in the middle and upper berths. There are foldable snack tables in both longitudinal and transverse bays, and holders for water bottles, phones etc. As in aircraft, the interior of the coach has luminescent aisle markers, and illuminated berth indicators

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



integrated with night lights with luminescent berth numbers. In existing trains, passengers are often disturbed at night when new passengers have to switch on the lights to check their berth numbers. The western and eastern-style toilets have a new design. Adjustable window curtains are a new addition. Fire safety complies to the world benchmark of EN45545-2 HL3 for materials.

ISSUES IN THE CAIRN ENERGY-GOVT DISPUTE

The Indian government is learnt to have decided to file an appeal against the arbitration award in the retrospective tax demand case involving Cairn Energy. The government has welcomed Cairn's move to reach out for a resolution, however, it is of the view that any dispute resolution to be sought by Cairn will have to be "within the already existing laws", the official said.

Cairn Energy CEO meets Finance Secretary

Cairn Energy Chief Executive Officer Simon Thomson met Finance Secretary Ajay Bhushan Pandey on Thursday to discuss the way forward with respect to the *\$1.2 billion (roughly Rs 8,000 crore)* arbitration award by the Permanent Court of Arbitration (PCA) at The Hague in December 2020. *The court had ruled that the Indian government's retrospective tax demand on Cairn Energy was "in breach of the guarantee of fair and equitable treatment", and against the India-UK bilateral treaty.* Thursday's meeting, government officials and company executives said, was to find an amicable and "positive" solution to the retrospective taxation issue. Pandey was joined at the meeting by senior Finance Ministry officials such as Central Board of Direct Taxes chairman P C Mody. While Thomson said before the meeting that Cairn Energy shareholders wanted a quick resolution, government officials have not yet decided whether to go for an out-of-court settlement or to challenge the arbitral award. *The government has 90 days — until March — to challenge the award in a higher court in Singapore.* The government has hinted that the only possible solution for both parties to avoid further litigation was for Cairn Energy to agree to the government's Vivad se Vishwas tax amnesty and dispute resolution mechanism.

What is the Cairn Energy-Indian government dispute all about?

The dispute stems from the much debated retrospective taxation issue. *Fifteen years ago, in 2006-2007, Cairn UK had, as part of an internal rearrangement process, transferred shares of Cairn India Holdings to Cairn India. Income-Tax authorities then decided that since Cairn UK had made capital gains, it ought to pay capital gains tax up to ₹24,500 crore.* The company interpreted Indian laws on capital gains differently, and refused to pay. Several rounds of litigation at the Income-Tax Appellate Tribunal (ITAT) and the High Court followed. Cairn lost the case at ITAT; a case on the valuation of capital gains is pending before Delhi High Court. While Cairn Energy sold the majority of its India business, Cairn India, to mining giant Vedanta in 2011, income-tax authorities barred it from selling about 10 per cent, citing pending taxation issues. The payment of dividend by Cairn India to Cairn Energy was also frozen.

What had the Permanent Court of arbitration court say in its ruling?

In its judgment, the PCA at The Hague said the issue was not just related to tax, but was an investment-related dispute — and was therefore under the jurisdiction of the international arbitration court. "Tax demand against the claimants (Cairn Energy Plc and Cairn UK Holdings



Limited) in respect of AY (assessment year) 2007-08 is inconsistent with the treaty and the claimants are relieved from any obligation to pay it and orders the respondent (Indian government) to neutralise the continuing effect of the demand by permanently withdrawing the demand,” the three-member arbitration panel said in its judgment. The arbitration tribunal also said that India must not make any more attempts to recover “the alleged tax liability or any interest and or penalties arising from this alleged liability through any other means”.

NCLAT SUSPENDS GYMKHANA’S BOARD, HALTS NEW MEMBERSHIP

The National Company Law Appellate Tribunal (NCLAT) on Monday ordered the appointment of a Central government-nominated administrator to manage the affairs of the Delhi Gymkhana Club after prima facie finding several irregularities. The tribunal also ordered the suspension of the General Committee of the 107-year-old club, along with a halt on acceptance of new membership till further orders.

‘Perpetrating apartheid’

In a strongly-worded judgment, the tribunal said the club, which was granted government land on perpetual lease primarily for sports related activity, has been “converted into a recreational club for a chosen few with doors virtually shut for an aspirant belonging to the common stock”. “Under the garb of distinctive character of the club which is a relic of the Imperial past, the doors for membership are virtually limited to people having blue blood thereby perpetrating apartheid and shattering the most cherished Constitutional goal of securing social justice and equality of status and opportunity,” the tribunal said. The number of permanent members of the club is 5,600. However, the users are stated to be double the number of permanent members. The club is spread across 27 acres of land near the Prime Minister’s residence. *The Ministry of Corporate Affairs had claimed that new applicants seeking membership, and having paid registration fee, are on a waiting list for more than 37 years in the non-government category and more than 15 years in the government category. The Ministry said the club virtually barred entry of people who applied for membership as the children of permanent members managed to sneak in as green card holders and finally as UCP (use of club premises) holders.*

Public interest

The Ministry further alleged that the money taken from the waitlisted applicants was being utilised by the club by persons coming through various channels, a practice which it claimed was unfair and prejudicial to public interest. It stressed that barely 3% of the total expenditure was being incurred by the club towards sports activity and over 60% was being spent on maintaining the recreational club. *The club argued that it was entitled to decide membership issue in accordance with the Articles of Association and its action cannot be called into question by the government on the grounds of being prejudicial to public interest. It pleaded that the land was allotted to the club after its incorporation in July 1913 for sports and pastimes along with other objectives, which have neither been altered nor is the club pursuing any other objective.* The tribunal opined that there was a “prima facie case demonstrating that the affairs of the club are being conducted in a manner prejudicial to public interest”. “It is abundantly clear that misuse of the club meant for pastime and sports activities and denying access of membership even after accepting the enhanced membership fee... involved public interest,” the tribunal said.

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



RUNNING CARS ON HYDROGEN: A LOOK AT INDIA'S NATIONAL HYDROGEN MISSION

Traditionally a slow mover in frontier electric vehicle (EV) technologies, India has made an uncharacteristically early entry in the race to tap the energy potential of the most abundant element in the universe, hydrogen. Less than four months after the United States Department of Energy announced an investment up to \$100 million in hydrogen production and fuel cell technologies research and development, India has announced a National Hydrogen Mission. The proposal in the Budget will be followed up with a mission draft over the next couple of months — a roadmap for using hydrogen as an energy source, with specific focus on green hydrogen, dovetailing India's growing renewable capacity with the hydrogen economy, government officials indicated. And while proposed end-use sectors include steel and chemicals, the major industry that hydrogen has the potential of transforming is transportation — which contributes a third of all greenhouse gas emissions, and where hydrogen is being seen as a direct replacement of fossil fuels, with specific advantages over traditional EVs. A handful of mobility-linked pilots are already under way. In October, Delhi became the first Indian city to operate buses running on hydrogen spiked compressed natural gas (H-CNG) in a six-month pilot project. The buses will run on a new technology patented by Indian Oil Corp for producing H-CNG — 18 per cent hydrogen in CNG — directly from natural gas, without resorting to conventional blending. Power major NTPC Ltd is operating a pilot to run 10 hydrogen fuel cell-based electric buses and fuel cell electric cars in Leh and Delhi, and is considering setting up a green hydrogen production facility in Andhra Pradesh. IOC is also planning to set up a dedicated unit to produce hydrogen to run buses at its R&D centre in Faridabad. As a supporting regulatory framework, the Ministry of Road Transport and Highways late last year issued a notification proposing amendments to the Central Motor Vehicles Rules, 1989, to include safety evaluation standards for hydrogen fuel cell-based vehicles.

Why hydrogen — and its types

*Hydrogen's potential as a clean fuel source has a history spanning nearly 150 years. In 1874, science fiction writer Jules Verne set out a prescient vision in *The Mysterious Island* — of a world where "water will one day be employed as fuel, that hydrogen and oxygen which constitute it, used singly or together, will furnish an inexhaustible source of heat and light, of an intensity of which coal is not capable". In 1937, the German passenger airship LZ129 Hindenburg used hydrogen fuel to fly across the Atlantic, only to explode while docking at Naval Air Station Lakehurst in New Jersey, killing 36 people. In the late 1960s, hydrogen fuel cells helped power NASA's Apollo missions to the moon. After the oil price shocks of the 1970s, the possibility of hydrogen replacing fossil fuels came to be considered seriously. Three carmakers — Japan's Honda and Toyota, and South Korea's Hyundai — have since moved decisively in the direction of commercialising the technology, albeit on a limited scale. The most common element in nature is not found freely. Hydrogen exists only combined with other elements, and has to be extracted from naturally occurring compounds like water (which is a combination of two hydrogen atoms and one oxygen atom). Although hydrogen is a clean molecule, the process of extracting it is energy-intensive. The sources and processes by which hydrogen is derived, are categorised by colour tabs. Hydrogen produced from fossil fuels is called grey hydrogen; this constitutes the bulk of the hydrogen produced today. Hydrogen generated from fossil fuels with carbon capture and storage options is called blue hydrogen; hydrogen generated entirely from renewable power sources is called green hydrogen. In the last process, electricity generated from renewable energy is used to split water into hydrogen and oxygen.*



The case for green hydrogen

Green hydrogen has specific advantages. One, it is a clean burning molecule, which can decarbonise a range of sectors including iron and steel, chemicals, and transportation. Two, renewable energy that cannot be stored or used by the grid can be channelled to produce hydrogen. This is what the government's Hydrogen Energy Mission, to be launched in 2021-22, aims for. India's electricity grid is predominantly coal-based and will continue to be so, thus negating collateral benefits from a large-scale EV push — as coal will have to be burnt to generate the electricity that will power these vehicles. In several countries that have gone in for an EV push, much of the electricity is generated from renewables — in Norway for example, it is 99 per cent from hydroelectric power. Experts believe hydrogen vehicles can be especially effective in long-haul trucking and other hard-to-electrify sectors such as shipping and long-haul air travel. Using heavy batteries in these applications would be counterproductive, especially for countries such as India, where the electricity grid is predominantly coal-fired.

How hydrogen fuel cells work

South Korea and Japan especially, are focussed on moving their automotive markets to hydrogen, and the potential of the fuel cell. What is a fuel cell? *Hydrogen is an energy carrier, not a source of energy. Hydrogen fuel must be transformed into electricity by a device called a fuel cell stack before it can be used to power a car or truck. A fuel cell converts chemical energy into electrical energy using oxidising agents through an oxidation-reduction reaction. Fuel cell-based vehicles most commonly combine hydrogen and oxygen to produce electricity to power the electric motor on board.* Since fuel cell vehicles use electricity to run, they are considered electric vehicles. Inside each individual fuel cell, hydrogen is drawn from an onboard pressurised tank and made to react with a catalyst, usually made from platinum. *As the hydrogen passes through the catalyst, it is stripped of its electrons, which are forced to move along an external circuit, producing an electrical current. This current is used by the electric motor to power the vehicle, with the only by-product being water vapour.* Hydrogen fuel cell cars have a near zero carbon footprint. Hydrogen is about two to three times as efficient as burning petrol, because an electric chemical reaction is much more efficient than combustion.

DreamIAS

**LIFE & SCIENCE****WHY IS MARS SO INTERESTING TO SCIENTISTS – AND TO THE ADVENTURER THAT LIVES IN US ALL?**

Perseverance is not just another Rover Mission. Perseverance is the most advanced, most expensive and most sophisticated mobile laboratory sent to Mars. The results of the experiments on Perseverance will likely define the next couple of decades of Mars exploration – it will determine the course of search for life and a future manned mission to Mars.

Mars Science in the past 30 years

We have come a very long way in understanding Mars from the time of the first generation missions in the 1960s. The Viking missions in the mid-seventies carried out the first chemical analysis of Martian soil, as well as four biology experiments to detect biological activity. The experiments did not yield any conclusive evidence of life. In the early 1980s, scientists hypothesised, based on mineralogical composition and rock texture, that certain meteorites might have a source region in Mars, in contrast to the asteroid belt. In 1984, a study showed that the isotopic composition of rare gases (Xenon, Krypton, Neon and Argon) matched the isotopic ratios of the Martian atmosphere measured by the Viking spacecraft. This discovery provided a way for geochemists to study Martian samples – and provided a huge boost to our understanding of the geochemical evolution of Mars. *Mars was considered to be a dry planet in the 20th century. This changed in 2001, when the Gamma Ray Spectrometer on board the Mars Odyssey spacecraft detected a fascinating hydrogen signature that seemed to indicate the presence of water ice.* But there was ambiguity – this was because hydrogen can be part of many other compounds as well, including organic compounds. *To test for the presence of water, NASA sent a spacecraft to land near the Martian South Pole in 2007. The spacecraft studied the soil around the lander with its robotic arm and was able to establish, without any ambiguity, the presence of water on Mars for the first time.* The Curiosity rover carries an instrument called SAM (or Sample Analysis at Mars), which contains a suite of spectrometers with the goal of detecting organic compounds on Mars. *SAM has a mass spectrometer that can measure not just the elements, but the isotopes as well. This instrument has made the fascinating discovery of large chain organic compounds on Mars. It is not known how these organics form on Mars: the process would likely be inanimate, but there is a fascinating possibility that such complex molecules were formed by processes associated with life. Mars Insight is creating history right now, by monitoring seismic activity and heat flow on Mars – this will help understand the composition of the Martian interior.*

The enduring fascination with Mars

Why is Mars so interesting to scientists? And to the explorer-adventurer in all of us? There are two primary reasons.

First, *Mars is a planet where life may have evolved in the past. Life evolved on Earth 3.8 billion years ago. Conditions on early Mars roughly around 4 billion years ago were very similar to that of Earth. It had a thick atmosphere, which enabled the stability of water on the surface of Mars. If indeed conditions on Mars were similar to those on Earth, there is a real possibility that microscopic life evolved on Mars.*

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



Second, *Mars is the only planet that humans can visit or inhabit in the long term. Venus and Mercury have extreme temperatures – the average temperature is greater than 400 degree C, or hotter than a cooking oven. All planets in the outer solar system starting with Jupiter are made of gas – not silicates or rocks – and are very cold. Mars is comparatively hospitable in terms of temperature, with an approximate range between 20 degrees C at the Equator to minus 125 degrees C at the poles.*

The mission of Perseverance on Mars

Perseverance addresses both the critical themes around Mars – the search for life, and a human mission to that planet.

Sample Return Mission: Is there life on Mars?

Perseverance is the first step in a multi-step project to bring samples back from Mars. The study of the returned rock samples in sophisticated laboratories all over the world will hopefully provide a decisive answer on whether life existed on Mars in the past.

Producing oxygen on Mars: A critical requirement

For a human mission to Mars to materialise, the cost needs to be reasonable. For costs to be reasonable, there needs to be a technology and infrastructure in place to manufacture oxygen on Mars using raw materials available on Mars. Without a robust way to manufacture oxygen on Mars, human missions to Mars will be very expensive, and unrealistic. Without a reliable oxygen production plan on Mars, Elon Musk's plan to provide commercial transportation to Mars will be at risk of failure. *Perseverance will have an instrument – MOXIE, or Mars Oxygen In-Situ Resource Utilisation Experiment – that will use 300 watts of power to produce about 10 grams of oxygen using atmospheric carbon dioxide.* Should this experiment be successful, MOXIE can be scaled up by a factor of 100 to provide the two very critical needs of humans: *oxygen for breathing, and rocket fuel for the trip back to Earth.*

Looking for underground water on Mars

Perseverance will carry the Radar Imager for Mars' Subsurface Experiment (RIMFAX). RIMFAX will provide high resolution mapping of the subsurface structure at the landing site. The instrument will also look for subsurface water on Mars – which, if found, will greatly help the case for a human mission or the cause of a human settlement on Mars.

Testing a helicopter to fly on Mars

The Mars Helicopter is really a small drone. It is a technology demonstration experiment: to test whether the helicopter can fly in the sparse atmosphere on Mars. The low density of the Martian atmosphere makes the odds of actually flying a helicopter or an aircraft on Mars very low. Long-distance transportation on Mars has to rely on vehicles that rely on rocket engines for powered ascent and powered descent. *We are perhaps a decade from two milestones in the exploration of Mars: a human mission to Mars, and a decisive answer to the question of whether Mars harboured – or still harbours – microscopic life. Perseverance is expected to provide significant insight on both questions.*



INDIAN-AMERICAN BEHIND NASA ROVER'S MARS LANDING

Indian-American scientist Swati Mohan, who leads the guidance, navigation, and control operations of NASA's Mars 2020 mission, played a pivotal role in landing the U.S. space agency's historic Perseverance rover on the Martian surface on Friday. Ms. Mohan was also the first to confirm that the rover had successfully touched down on the Martian surface after surviving a particularly tricky plunge through the atmosphere of the Red Planet. Raised in the Northern Virginia-Washington DC metro area, she completed her bachelor's degree from Cornell University in Mechanical & Aerospace Engineering, and her M.S. and Ph.D from Massachusetts Institute of Technology (MIT) in Aeronautics/Astronautics. Ms. Mohan says she got interested in space after watching the popular TV show Star Trek when she was 9.

UAE'S HOPE PROBE SENDS HOME FIRST IMAGE OF MARS

The UAE's Hope Probe sent back its first image of Mars, the national space agency said Sunday, days after the spacecraft successfully entered the Red Planet's orbit. The picture "captured the largest volcano in the solar system, Olympus Mons, emerging into the early morning sunlight", it said in a statement. The image was taken from an altitude of 24,700 km above the Martian surface on Wednesday, a day after the probe entered Mars' orbit, it said in a statement.

THE SIGNIFICANCE AND HISTORY OF WORLD RADIO DAY

World Radio Day is observed on February 13 every year to celebrate one of the oldest and most widely consumed mediums of communication. In a post shared to mark the occasion, the United Nations noted the important role that radio played during the Covid-19 pandemic. The medium made it possible to "ensure continuity of learning, to fight against misinformation, and to promote barrier gestures," the organisation wrote. It paid tribute to the medium and the way in which it has adapted to "societal transformations and listener's new needs" for over a century.

What is the history of World Radio Day?

First proclaimed by the member states of UNESCO in 2011 and later adopted internationally by the UN General Assembly in 2012, the objective of World Radio Day is to promote the medium, increase accessibility, and encourage more people to use it. *In India, the history of radio broadcasting traces back to August, 1920 when one of the first radio broadcasts was transmitted from the roof of a building. Three years later, the first radio programme was aired by the Radio Club of Bombay.*

What is the theme of World Radio Day this year?

This year, UNESCO is celebrating the tenth anniversary of the global event and more than 110 years of radio. The 2021 edition of WRD is divided into three main sub-themes.

— **Evolution: The world changes, radio evolves.**

This sub-theme refers to the resilience of the radio, and its sustainability;



— **Innovation: The world changes, radio adapts and innovates.**

Radio has had to adapt to new technologies to remain the go-to medium of mobility, accessible everywhere and to everyone;

— **Connection: The world changes, radio connects.**

This sub-theme highlights radio's services to our society during times of trouble, such as natural disasters, socio-economic crises, and epidemics.

World Radio Day: What have leaders said to mark the occasion?

In a tweet shared to mark the occasion, Prime Minister Narendra Modi said that he had personally experienced the positive impact of the radio as a medium thanks to his monthly radio programme 'Mann Ki Baat'. Information and Broadcasting Minister Prakash Javadekar, too, extended his greetings to radio listeners on the occasion of World Radio Day. In a video shared on Twitter, Javadekar said that the medium is constantly evolving with time. "Radio has become an integral part of life. Now you can listen to the radio on the phone too," he said.

NANOPHOTONICS: HYDERABAD SCIENTISTS MANIPULATE TINY CRYSTALS

Crystals are normally rigid, stiff structures, but researchers from University of Hyderabad have shown how crystals can be sliced and even bent using atomic force microscopy. Manipulating them with precision and control comes in very useful in the field of nanophotonics, a qualitative, emerging field where the aim is to go beyond electronics and build up circuits driven entirely by photons (light).

If the technique can be successfully developed, this can achieve an unprecedented level of miniaturisation and pave the way to all-optical-technology such as pliable, wearable devices operated by light entirely.

Bending light path

Light, when left to itself moves along straight paths, so it is crucial to develop materials and technology that can cause its path to bend along what is required in the circuits. This is like using fibre optics, but at the nanoscale level using organic crystals. The Hyderabad group has demonstrated how such crystals can be lifted, bent, moved, transferred and sliced using atomic force microscopy. They add a crucial piece to the jigsaw puzzle of building an "organic photonic integrated circuit" or OPIC. Generally, millimetre- to centimetre-long crystals were bent using hand-held tweezers. This method lacks precision and control. Also, the crystals used were larger than what was required for miniaturisation. In 2014, for the first time, the group led by Rajadurai Chandrasekar of the Functional Molecular Nano/Micro Solids Laboratory in the School of Chemistry of University of Hyderabad, demonstrated that tiny crystals could be lifted and moved with precision and control using atomic force microscopy. They published the results in *Angewandte Chemie*. "We figured out that the atomic force microscopy (AFM) cantilever tip could be used to lift a crystal, as crystals tend to stick to the tip due to tip-crystal attractive forces. Subsequently, we demonstrated the real waveguiding character of the crystal lifted with a cantilever tip," explains Prof. Chandrasekar in an email to *The Hindu*.



Microresonators

Recently, the group has extended the atomic force microscopy technique to deliberately move, bend, slice or cleave and transfer (from one substrate to another) micro-sized waveguiding crystals, and the results were published in *Angewandte Chemie*. Not stopping with this, they have also shown how other crucial elements needed for nanophotonics can be developed using this technique. “*Not only crystals but also polymer microcavities or microresonators (light-trapping elements) can be precisely manipulated to create photonic structures,*” says Prof. Chandrasekar. The researchers have named this technique “*mechanophotonics*” as this method can be used to generate the basic elements needed to build up a photonic integrated circuit. Usually photonic integrated circuits are made using silicon, silicon-based and metallic materials using electron beam lithography. This group on the other hand uses organic materials and atomic force microscopy to manipulate them. The research collaboration extends to several countries: Germany, UAE, Spain and India. As Prof. Chandrasekar explains: “We receive the macro-sized samples from our collaborators, we grow microcrystals suitable for mechanical manipulation with atomic force microscopy, and investigate the photonic properties in our Hyderabad lab. We have also been making these crystals in our labs.” The field is in its infancy and the results are qualitative. The group next plans to fabricate high-density photonic circuits using organic passive, active and energy-transfer mechanisms. “We believe that this futuristic area will gain momentum with the arrival of new molecular materials with exciting mechanical and optical attributes and improvement of the micro-spectroscopy techniques,” he says.

DETAILED GENOME MAP OF MALARIA VECTOR

Scientists have unveiled the detailed *genome of the malaria mosquito vector, revealing thousands of new genes vital for the development of genetic control strategies of disease transmission. The researchers included those from Tata Institute for Genetics and Society (TIGS), and Institute of Bioinformatics and Applied Biotechnology, both in Bengaluru.* In order to engineer advanced forms of defence against malaria transmission, including targeted *CRISPR and gene drive-based strategies, scientists require intricate knowledge of the genomes of vector mosquitoes. CRISPR technology is a gene-editing tool which allows researchers to easily alter DNA sequences and modify gene function. Mahul Chakraborty, a project scientist at the University of California, Irvine (UCI) in the U.S. and colleagues produced a new reference genome for the Asian malaria vector mosquito Anopheles stephensi.* With the newly upgraded *Anopheles stephensi* genome, the team unearthed more than 3,000 genes that previously evaded scrutiny and *which offer fresh gene-drive targets, play key roles in blood feeding and the metabolism of ingested blood meal, reproduction and immunity against microbial parasites. The research was published in BMC Biology. “This reference genome and its excellent quality should help malaria biologists in India and the rest of the world, particularly in view of the national goal of malaria elimination in India by 2030,”* said TIGS Global Director Suresh Subramani, a distinguished professor in the Division of Biological Sciences at UC San Diego. *The discoveries include 29 formerly undetected genes that play crucial roles in resistance to chemical insecticides, a development that can help address the growing Asian and African An. stephensi populations with insecticide-resistant mutations, the researchers said. The findings also offer clues suggesting that the molecular basis of insecticide resistance may differ between sexes, they said.*



MONEY VS. HAPPINESS

The question whether the rich are more satisfied with their lives is often taken for granted, even though surveys, like the Gallup World Poll, show that *the relationship between subjective well-being and income is often weak, except in low-income countries in Africa and South Asia*. Researcher Daniel Kahneman and his collaborators, for example, report that *the correlation between household income and reported life satisfaction or happiness with life typically ranges from 0.15 to 0.30*. There are a few plausible reasons. First, *growth in income mostly has a transitory effect on individuals' reported life satisfaction, as they adapt to material goods*. Second, *relative income, rather than the level of income, affects well-being — earning more or less than others looms larger than how much one earns*. Third, *though average life satisfaction in countries tends to rise with GDP per capita at low levels of income, there is little increase in life satisfaction once GDP per capita exceeds \$10,000 (in purchasing power parity)*.

WHAT ARE HUMAN CHALLENGE TRIALS, WHICH UK IS ABOUT TO CONDUCT FOR COVID-19?

The UK is set to conduct the first COVID-19 human challenge trials (HCT) within a month from now. The UK government is spending £33.6 million for the trials, being conducted jointly by the government's Vaccines Taskforce, Imperial College London, the Royal Free London NHS Foundation Trust and the clinical company called hVIVO. The trial was first announced in October 2020.

What will happen through this trial?

In this study, over 90 healthy volunteers between the ages of 18-30 will be deliberately exposed to small amounts of the virus in controlled settings, in order to test treatments and vaccines. In this way, the participants are “challenged” by the virus. This is not the same as standard vaccine clinical trials, where the vaccine is given to participants who have acquired the infection naturally. Researchers are looking for healthy young adults since they are at relatively low risk of facing complications from COVID-19. Importantly, the researchers will use the strain of the virus that has been circulating in the UK since March 2020 and is known to be of low risk in healthy young adults. *One of the key things that researchers want to determine through the challenge is to identify the smallest amount of virus required to infect a person*. Researchers are also hopeful that the results of the initial study will help doctors understand how the immune system reacts to SARS-CoV-2, and to identify factors that influence how the virus is transmitted, including how an infected person transmits the virus into the environment. While we know that infection from the virus triggers the body's immune response, which prompts neutralising antibodies to fight off the disease, there are still several unknowns about the virus and how vaccines act against it. For instance, *there is little clarity about why some people have no symptoms at all and while others develop mild or severe illnesses. One of the biggest unknowns about COVID-19 is for how long natural immunity against it lasts*. While there are some estimates that suggest that immunity may last for a few months, there is no consensus in the scientific community yet. Last week, France's health agency announced that it will give only one shot of the vaccine to people who have already had COVID-19, assuming that immunity from natural infections lasts for at least 3-6 months. Researchers also hope to find out how different vaccines work against the virus, considering that



the virus is evolving. A new variant called B.1.525, which appears to be similar to the variant found in South Africa, was identified in the UK this week. It cannot be said for certain if vaccines significantly impact transmission of the virus and how effective they will be against the new variants. Further, the duration of vaccine-induced immunity also needs to be determined.

What is the purpose of such a trial?

While HCTs are not a necessary part of vaccine development, some developers request that such a trial be conducted with humans rather than animals. This is because not all conclusions drawn from studying animal models of diseases can be accurately applied to humans. *HCTs are able to give more precise information about the disease and its effects on humans, and also give results about the efficacy of vaccines on infected humans.* Even so, there are certain limitations of HCTs, since they cannot be conducted for diseases *that have a high case fatality rate or for diseases for which no course of treatment is available.*

The case for and against HCTs

Human challenge trials have been conducted over hundreds of years and have contributed towards vaccine and drug development. For instance, *in the 1900s, HCTs conducted for yellow fever by physician Walter Reed helped to prove that the disease was transmitted by mosquitoes.* A paper published in 2019 in the journal *Trials* notes that over the last few decades, HCTs for malaria have enrolled over 2,000 participants with no serious adverse events or hospitalisations. Yet, there is a case against conducting such trials, since some trials from the past will not meet the ethical guidelines of today. *While HCTs have helped give important information about diseases such as cholera, dengue, influenza and typhoid, some trials have been surrounded with controversy. One such trial was conducted in Guatemala in the middle of the 20th century, when participants were exposed to STDs with the goal of finding a suitable prophylaxis (prevention) method for them.* Between 1946 and 1948, American researchers deliberately infected vulnerable groups that included sex workers, prisoners, soldiers, mentally disabled and institutionalised people with STDs such as syphilis, gonorrhoea, and chancroid without their consent and knowledge. *What makes HCTs "ethically complex" for emerging infectious diseases (which COVID-19 is) is the fact that not everything is known about them, and therefore, there is a significant risk of complications.* However, those who support HCTs argue that the potential benefits of such trials outweigh risks associated with them.

PROBING THE ORIGINS OF THE COVID-19 PANDEMIC

After several months of delay, concerns over access, and bickering between China and the U.S., a 17-member team from the *World Health Organization began a field visit on January 29, 2021, to unearth the origin of the SARS-CoV-2 virus that has so far spread to over 108 million people and killed nearly 2.4 million people across the globe. According to the WHO, the field visits included the Wuhan Institute of Virology, the Huanan market, and the Wuhan CDC (Center for Disease Control and Prevention) laboratory. It said the team was "limited to visits organised by Chinese hosts and had no contact with community members, because of health restrictions",* Reuters reported.



What are the four scenarios of virus origin that were investigated?

The WHO team undertook scientific investigations to look at four main scenarios for the origin of the virus. *The first possibility is that a single individual had got infected with the virus through direct contact with bats and then spread it to others before the virus made its way to Wuhan. The second scenario is of the virus crossing the species barrier from bats to humans through an intermediary species, which has still not been found. The third possibility is that the virus originated outside China and spread to Wuhan through imported frozen food, and the last scenario is that the virus leaked from the Wuhan Institute of Virology, which has been studying coronaviruses.*

When and where did the outbreak begin in China?

Though the first cluster of cases was reported from Wuhan in December, early data suggest that the virus could have been circulating in the Chinese city for several weeks before it was identified. According to the WHO, there have not been any large-scale outbreaks in the Chinese city or outside before December 2019. But the team has not ruled out the possibility of the virus circulating in other regions well before December 2019.

What role did the Huanan wet market play?

Though the first cluster of cases reported in Wuhan had links to the wet market, it soon became apparent that several infected people did not have any link to it. There is not enough evidence to determine how the virus entered the wet market, but there are two likely possibilities — the virus was introduced into the market either through one or more infected people or through frozen food.

Has the possibility of a lab-leak been ruled out?

The WHO fact-finding team had initially rejected the possibility of a lab-leak saying it is “extremely unlikely” and that further investigation into it was not required. However, at a press briefing on February 12, WHO Chief Tedros A. Ghebreyesus appeared to backpedal, saying that upon discussing with a few team members “all hypotheses [including the lab-leak] remain open and require further analysis and studies”.

Did the virus directly jump from bats to humans?

The investigation by the WHO team strongly suggests that though bats were the reservoirs of the virus, it is unlikely that the virus jumped directly from bats to humans. The virus may have crossed from bats to another animal species and finally to humans. The direct spillover of the virus from bats to humans is unlikely as Wuhan is miles away from any natural bat habitat. The team has not been able to find the intermediary host. The role of an intermediary host gains currency as previous coronavirus outbreaks — SARS (severe acute respiratory syndrome) and MERS (Middle East respiratory syndrome) — have occurred through civets and camels, respectively. The SARS-CoV-2 virus, with its distinctive spike protein that allows it to bind to human receptors and enter cells, may have either evolved in the intermediate host itself, making the virus spread readily from one person to another, or it may have gained the ability for human-to-human transmission in humans after jumping from an intermediate host. In the latter case, the virus may have evolved certain characteristics in the intermediate host and then gained other features within a human host. The



virus may have been silently spreading among humans in a limited fashion before gaining the ability to cause a large outbreak, and then the pandemic.

What do the genome sequence data reveal about the virus origin?

Based on the analysis *of public genome sequence data from SARS-CoV-2 and related viruses, scientists have not found any evidence that the virus was made in a laboratory or engineered by humans.* Dr. David Robertson, Professor, Viral Genomics and Bioinformatics at MRC-University of Glasgow Centre for Virus Research, in an email to The Hindu says based on genome sequence data, *there are no signatures of the virus being altered or manipulated in a lab. "Although showing differences in sequence similarity, SARS-CoV-2 looks very much like a natural virus transferred from the same horseshoe bat species as the first SARS virus, and is now evolving as would be expected in the human population,"* Dr. Robertson writes. According to him, there is substantial proof that the virus has not been engineered in a lab. "First, if one was to engineer a SARS-like virus, you would copy SARS-CoV-1 more closely. This new virus is highly divergent to SARS-CoV-1. There are lots of these viruses in bats and evidence that some could use human cells. So, the emergence of this new virus isn't all that surprising," says Dr. Robertson. He also says genome sequencing would detect any genetic changes made to the virus. Dr. Koen Van Rompay from the California National Primate Research Center, University of California, told The Hindu: "Our understanding of how to manipulate certain gene sequences to change in vivo virulence and pathogenesis is still very limited, and would be mostly trial and error. It would be very difficult to predict the outcome especially when introducing multiple mutations that can interact with each other." Dr. Rompay adds: "When viruses replicate in vivo and transmit, that is the most efficient way to get selection for more replication-competent mutants that can continue to evolve."

IS DISCOVERY OF SOUTH AFRICAN STRAIN OF COVID-19 IN INDIA A MATTER OF CONCERN?

The government on Tuesday said that four cases of the South African variant of Covid-19 have been detected in the country. What is this variant and what does this mean for the country's efforts to vaccinate the population against Covid-19?

What is the South African variant?

This is a mutation of the Covid-19 virus that was discovered in South Africa and announced in December. *Similar to the UK mutation that India has been dealing with this year, the South African strain (501Y.V2) is more transmissible. However, it also affects the younger population more.* "Clinicians have been providing anecdotal evidence of a shift in the clinical epidemiological picture- in particular noting that they are seeing a larger proportion of younger patients with no comorbidities presenting with critical illness," said South Africa's Minister of Health, Dr Zweli Mkhize, on December 18. *Unlike the UK variant, there is no evidence to suggest that the South African variant is potentially deadlier.*

Are the Covid-19 vaccines currently in use in India effective against this variant?

So far, the government has rolled out two vaccines as part of its campaign against the novel coronavirus — Covishield by Serum Institute of India and Covaxin by Bharat Biotech. While Bharat



Biotech released a pre-print study suggesting that Covaxin was capable of eliciting an immune response against the UK variant, it did not test the vaccine's effectiveness against the South African variant. Meanwhile, *the South African government has said that the vaccine developed by AstraZeneca-University of Oxford (on which Covishield is based) has "limited" efficacy against this variant. The government has since halted the use of this vaccine, supplied by India. It is switching over to the use of the single dose vaccine candidate developed by Johnson & Johnson, which said in January that the shot provided a level of protection of 57 percent against the South African variant.*

Is this a cause for concern?

Right now, this isn't a major cause for concern in India, as only four cases have been reported by the government. However, *if the spread of the South African strain in the country is not contained and this variant becomes dominant, it might make it tougher to protect the population with the vaccines currently available.* At the same time, several Covid-19 vaccine candidates are currently in the pipeline in India and, depending on the results from their trials, they may offer respite against this strain.

WITH TWO VACCINES ALREADY APPROVED, CAN PLACEBOS BE USED IN TRIALS?

On February 3, 2021, the Subject Expert Committee of the Indian drug regulator approved Pune-based Serum Institute to conduct a phase-2/3 trial of CovoVax COVID-19 vaccine that was originally developed by Novavax Inc. headquartered in the U.S. Novavax's vaccine was found to have over 89% efficacy in a phase-3 trial carried out in the U.K. In mid-January Dr. Reddy's lab was allowed to carry out a phase-3 trial of Sputnik V vaccine. There are other vaccines which too will begin human clinical trials in India. In both cases, the SEC allowed the vaccine manufacturers to use a placebo in the control arm even as two vaccines – Covishield and Covaxin – have been granted restricted use approval. Though the two vaccines have only a restricted use approval, is it correct to test the efficacy of new COVID-19 vaccines by comparing them with a placebo and not use either Covishield or Covaxin in the control arm? "There are two ways to think about this," Dr. Gagandeep Kang, Professor of Microbiology at CMC Vellore says in an email to The Hindu. "Usually, 'restricted use' or 'emergency use' is not considered as equivalent to licensure. Taking a regulatory point of view, if a product is not licensed and available for use, then the availability of a product for 'restricted use' does not preclude any standard study design, including the use of placebo." Dr. Kang then adds: "We can also think about this from an ethical perspective. All persons in a control arm should receive, at a minimum, the standard of care. If the vaccine under 'restricted use' is considered the standard of care, then all controls will need to be given the 'restricted use' vaccine." Dr. Anant Bhan, a Bhopal-based researcher in global health and bioethics, says in an email: "The regulator should have specified their criteria for allowing placebo-controlled trials to still be given permissions, and whether a revised standard of care will only apply when full licensure is given (and not just approved for restricted use). It circles back to the need for more transparency and clear detailed justifications with regards to regulatory decisions in the country."

No clear guidance

But at the moment, we do not have any written guidance on the path that will be taken by the regulatory authorities, says Dr. Kang. But in the case of CovoVax, the drug regulator has allowed Serum Institute to use a placebo under the condition that the participants randomised to the

3RD FLOOR AND 4TH FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



placebo arm could be unblinded 60 days after the second dose upon request of the participant and offered the candidate vaccine. “Ethically, all clinical trial participants, both in the current trials and future studies have to be informed about the availability of vaccines for priority populations in the country after restricted use approval from the regulator,” emphasises Dr. Bhan. “What would be the ethical obligation to minimise risk in those receiving a placebo? What kind of information would be provided to them so that they make an informed decision about participation?” Dr. Kang sees one more reason why the drug regulator might not be wrong in allowing companies to use a placebo in the control group. “When the standard of care is available only to a section of the population, the ‘priority groups’ at the moment, then it is not standard of care for the rest of the population. Therefore, it is ethical to continue with a placebo in the population outside the priority groups, as long as that non-priority status is maintained,” she explains. Dr. Kang highlights further subtleties in this: “If the regulators had insisted on using any of the restricted use vaccines, that would create another complication — how would the company with the new vaccine get access to the ‘restricted use’ vaccine since it is not approved for sale in the open market?” she wonders.

Difficult to recruit

While the U.S., with less than one-fourth of India’s population, conducted at least six clinical trials with more than 30,000 participants each, Bharat Biotech faced difficulty in recruiting nearly 26,000 participants for the phase-3 trial of Covaxin. The use of a placebo in the control arm might make volunteer recruitment even more difficult especially when vaccination of the remaining priority groups — those older than 50 years, and younger people with comorbidities — begins soon. Given the larger sample size requirements when an approved vaccine is used in the control arm, and also because the concerns around seriousness of COVID-19 seems to have gone down in public perception given the falling number of COVID-19 cases in India, recruitment of the numbers required could be challenging. These trials could also take longer and be costlier, Dr. Bhan says. “I think volunteer recruitment might become more difficult unless younger people, who stand no chance of getting a vaccine in the near future, opt in,” says virologist Dr. Shahid Jameel Director of the Trivedi School of Biosciences at Ashoka University. “But that would raise the issue of the vaccine trial population skewed towards a younger population. Since younger people predominantly get asymptomatic infection, they may also not volunteer.”

Role of communication

Acknowledging the challenges faced by vaccine companies in recruiting volunteers even before restricted use approval was granted to the two vaccines, Dr. Kang is optimistic that volunteer recruitment is not insurmountable. “I think recruitment of volunteers is always about clear communication. With the right kind of communication, a lot of people are willing to participate in advancing science, as long as they understand the study process, risk and benefit and know that the study staff are always available to them,” she says. Testing the efficacy of a new vaccine by comparing it with an already approved vaccine in the control arm is called a non-inferiority trial. “If a comparator is to be used among vaccines with restricted use approval, it should be ideally the vaccine for which safety, immunogenicity and efficacy data is available, at least globally, if not in India,” says Dr. Bhan.



WHAT SPUTNIK V'S EMERGENCY USE APPLICATION MAY MEAN FOR INDIA

Dr Reddy's Laboratories has approached India's apex drug regulatory body for emergency approval of Sputnik V, the company said Friday. The Indian Express looks at what this would mean for the country and its vaccination campaign against Covid-19.

What is Sputnik V?

This is a vaccine that uses two different human common cold viruses (adenovirus) that have been modified so that the gene causing the cold infection is removed and instead replaced with a code to make SARS-CoV-2's 'spike protein' (the spikes seen on the surface of the virus, which allows it to penetrate the cells and replicate). The human adenoviruses then act as a vehicle to transport this code to the cells when a person is vaccinated, so that the body can develop an immune response in the form of antibodies to protect it in the event the real virus tries to infect. *The vaccine, named after the first Soviet space satellite, was developed by Moscow's Gamaleya National Research Institute of Epidemiology and Microbiology.* Dr Reddy's Laboratories has been testing the vaccine's safety and ability to provide protection to the Indian population in phase 2/3 clinical trials on around 1,500 participants in the country. While phase 3 trials are still underway, they are expected to get over by February 21, according to the company.

What would an emergency approval of Sputnik V here mean for India?

If cleared by the regulator, Sputnik V would not only become the third Covid-19 vaccine to be approved here, but also a potentially more promising vaccine in terms of its ability to prevent symptomatic Covid-19 cases in those vaccinated. This is because interim results published in The Lancet from ongoing phase 3 trials of Sputnik V in Russia showed the vaccine demonstrated an efficacy rate of 91.6 per cent. The efficacy of a vaccine shows its ability to prevent symptomatic cases of Covid-19 in the population being inoculated. While this two-dose vaccine seems to be slightly less efficacious than the vaccines developed by Pfizer-BioNTech and Moderna-NIAID (which have an efficacy of around 95 and 94 per cent), it is so far the only candidate in India with a higher known efficacy than the vaccines currently in use. India has approved the use of Bharat Biotech's Covaxin and Serum Institute of India's Covishield. *While the efficacy of Covaxin, which is currently being administered in clinical trial mode, is not known, the efficacy of Covishield, according to its product insert, ranges between 53 to 79 per cent, depending on the duration between the first and the second dose.* Based on a recent pre-print study of the AstraZeneca-University of Oxford vaccine (on which Covishield is based), this efficacy could be higher than 82 per cent if the second dose is given after over 12 weeks.

What happens now?

Once the application to the *Central Drugs Standard Control Organisation* is submitted, the request will be studied by a *Subject Expert Committee*. As part of the review process, the Hyderabad-headquartered firm said it will present the safety profile of the phase 2 study conducted with the vaccine as well as interim data of its ongoing phase 3 study. The SEC will make recommendations about whether a restricted approval should be given to Sputnik V on an emergency basis in India. Based on these recommendations, the Drug Controller General of India will take a call on whether Sputnik V will be allowed for use in India at this stage of the pandemic.



THE INTRICACIES OF VACCINE SCIENCE (GAGANDEEP KANG - PROFESSOR AT CHRISTIAN MEDICAL COLLEGE, VELLORE)

Vaccine science is crucial for effective decision-making. For COVID-19, there are questions about different vaccines and platforms, their advantages, disadvantages, safety and efficacy, and the only way to address these questions is to consider the data and then make a call, while knowing that more data may lead to a change of practice. Several news reports on February 13 stated that the government planned to stick to the "28-day gap" plan for the two doses of vaccines in India. This came just days after the World Health Organization (WHO) published its recommendations that for the AstraZeneca product, the gap between doses should be extended for as long as possible within an eight-to-12-week window. Why did the WHO's Strategic Advisory Group of Experts (SAGE) on immunisation make this recommendation? SAGE is generally conservative, relies on data and uses specific criteria for the strength of evidence to make its decision. So, what was the evidence and what should India do? On the other hand, why did Germany and other European countries decide not to use the AstraZeneca vaccine for older adults? And yet again, why are countries like France advising a single dose of vaccine for those who have had the SARS-CoV-2 infection? These are just a few questions where the data and the science behind decision-making need to be understood. The information on AZD1222 vaccine (known as Covishield in India) provided to the WHO had a cut-off date of December 7, 2020. Based on data from 14,380 individuals from the U.K., Brazil and South Africa, who were at least two weeks beyond the second standard dose of vaccine, the vaccine had an efficacy of 63.1% against symptomatic COVID-19 infection (74 cases in the vaccinated group and 197 cases among controls). Two weeks after the second dose, there were eight cases of hospitalisation and three cases of severe infection, and all were in the unvaccinated group. So, we know that the vaccine works.

WHO's recommendation

However, because of delays in availability of the second dose of the vaccine (and here the data included do not count the individuals who received a half dose of the vaccine), 59% of the people got their second dose between four and eight weeks after the first dose, 22% got the second dose between nine and 12 weeks, and 16% got it more than 12 weeks after the first dose. In these individuals, the vaccine efficacy was 56%, 70% and 78% respectively. The numbers are in the low thousands, but there is a clear trend of increasing efficacy with longer intervals between doses. In addition, when the immune response was measured, it was found that the longer the intervals between the two doses, the better was the immune response. These are the data based on which the WHO made the recommendation of an interval of eight to 12 weeks between two doses of the AstraZeneca vaccine. What about use in older adults? Immunogenicity data from the AstraZeneca vaccine show that older individuals had an immune response comparable to other age groups. However, among the efficacy trial participants for whom data were available till December 7, 2020, only one in ten were older than 65 years. Among them, there were only 12 cases of symptomatic infection — four among the vaccinated and eight in the unvaccinated, which is a vaccine efficacy of 52%, but with a large range. Of the 12 cases, two needed hospitalisation, and both were unvaccinated. However, again, the numbers are too small for firm conclusions. Based on these data, first Germany, and then other European countries decided not to use the vaccine for older individuals. But these countries also have supplies of the Pfizer-BioNTech mRNA vaccine, for which data on a larger number of older individuals are available. Thus, the countries can prioritise that vaccine to protect their elderly. More



data from ongoing efficacy vaccine studies will become available to allow for a change of recommendations, if needed, in countries that have decided not to use the vaccine. But the WHO has taken both immunogenicity and available efficacy data into account and recommended the use of vaccines for older individuals. Why have French experts recommended a single dose for those who have been previously infected with SARS-CoV-2? There are data from people who have been infected before which show that they make more antibodies with the first dose of vaccine (known as boosting), but not with the second dose. Based on this, immunologists think that an infection and one vaccination dose are together equivalent to two doses of the vaccine and will give equal or better protection. While this is a rational and evidence-based approach, there are nuanced aspects that need to be addressed. Is vaccination required at all for people who have been infected? We have data to show that natural infection provides 83% protection for at least five months, and the WHO guidance states that individuals who have been infected can wait six months before getting vaccinated. This is an area that needs research to determine the level and duration of protection from infection, or infection and vaccination. If we had a way of measuring who was protected and who was not without waiting for them to be exposed to the virus and get sick, then answering these questions would be easier. But there is no such correlate of protection as yet.

The way forward

What should India do? We need to build platforms to study vaccine performance and not just rely on data that emerges from other countries. The number of vaccines is going to increase, and comparisons will become more important to gain clarity about which vaccines can be used for whom and how. We have global data at this time that support a longer interval (at least for the Covishield vaccine) to improve efficacy, and we also have the current luxury of a declining trend in cases, which makes it easier for us to consider the longer-interval idea. This also brings the additional benefit of reaching more people in India with the first dose, while we wait for supplies with the ramping up of manufacturing of vaccines in India. There is another benefit of sharing vaccines with the world — the more we distribute vaccines to the rest of the world, the greater the chance that we decrease the import of variant viruses to India.

WHAT IS THE FUTURE OF SARS-COV-2?

A recent modeling study published in Science magazine suggests that in a few years, SARS-CoV-2 may be no more virulent than the common cold, much like other benign human coronaviruses that are currently circulating in the population and do not cause severe illness. So, what does the future hold for SARS-CoV-2, will it become endemic or can it be eradicated?

What happened to other coronaviruses?

Out of the seven coronaviruses known to infect humans, the ones that have emerged since the last two decades, including SARS (fatality rate of 10 percent), MERS (fatality rate between 35-36 percent) and now SARS-CoV-2, are the ones that are a cause for worry since they are capable of causing severe illness and even death. Out of these three, while humans are still dealing with SARS-CoV-2 and are likely to continue doing so in the coming few years, SARS (emerged in China) and MERS (emerged in Saudi Arabia) were locally contained. The last case of SARS was detected in 2003, however, MERS is still circulating. Even so, while attempts have been made to develop a vaccine for these two coronaviruses, none of them have been approved by the US Food and Drug Administration (FDA)



as of now. In the case of SARS-CoV-2, it was not easily contained and spread rapidly around the world. One reason for this is the spike protein of the virus, which makes it easier for the virus to enter human cells and infect the individual. *While other coronaviruses also have a spike protein, this protein is slightly different in the COVID-19 causing virus compared to its close relatives. One analysis published in Nature nearly a year ago suggested that the spike protein in SARS-CoV-2 has a site on it that is activated by an enzyme in host-cells called furin. Furin is found in lots of human tissues including the lungs, liver and small intestines.* This leaves four other coronaviruses known to infect humans which include *229E, OC43, NL63 and HKU1*. The first of these was identified in the mid-1960s. But *since these four human coronaviruses were mostly associated with the common cold, a need for developing vaccines for them was not felt. These four have now become endemic, which means that they keep circulating in the human population, some of them, seasonally.*

What does it take to eradicate a disease?

According to a paper published in 2016 in the Annual Review of Virology, *because coronaviruses, in general, are capable of adapting to new environments through mutation and recombination with relative ease, health threats from them are constant and long term.* Therefore, it is important to control their spread. Significantly, *since coronaviruses are RNA viruses, they have much higher rates of mutations when compared with DNA viruses. Only two diseases in the world are known to have been eradicated—smallpox and rinderpest. Smallpox existed for nearly 3000 years, causing millions of deaths before it was eradicated by the use of a vaccine. The vaccine was created by Edward Jenner in 1796 and was the first successful vaccine to be developed. The last known case of the disease was detected in Somalia in 1977. But an editorial published in Lancet notes that the last cases of smallpox were recorded in Birmingham, UK in 1978. Rinderpest, a viral disease of cattle, on the other hand, was eradicated in 2011, with its last known case occurring in Kenya in 2001. But there are more than one definition of eradication.* According to the American Society for Microbiology, *some believe that eradication of a disease means the extinction of the pathogen, by which definition rinderpest and smallpox are not eradicated since samples of both viruses still exist in the world. In June 2019, The Pirbright Institute in the UK announced that it destroyed its final archived stock of rinderpest. Other definitions of eradication could mean the elimination of the occurrence of a disease in the absence of preventive measures, controlling an infection to the point at which transmission ceases within a specific area or the reduction in the worldwide incidence of infection to zero as a result of deliberate efforts.* Some of the factors that influence the eradication of a disease are: if the disease is easily diagnosable, if the disease is geographically restricted, the existence of a vaccine for the disease and if there are other hosts for a pathogen.

So, what is the future of SARS-CoV-2?

Even with the vaccine rollout across the world, it will likely take a few more years for the entire population of the world to either attain natural immunity through the disease itself or to be immune by means of a vaccine. Till then, the virus will keep circulating as it will find new hosts that are vulnerable. This means that it is likely that the disease will become endemic in the years to come. In the study published in Science magazine, authors note that while at the beginning of an outbreak, the age distribution of cases mirrors the age of the population, once the demographics of infections reach a steady-state, the model predicts that cases will occur almost entirely in babies and young children, who have a low case fatality ratio and infection fatality ratio. This means that once SARS-CoV-2 becomes endemic, reinfections among older individuals will happen and contribute to



transmission, but because these older individuals would have already built immunity through infection acquired during childhood, they are likely to not develop severe disease and die. But for the disease to reach this stage, it could take anywhere from a few years to a few decades. Significantly, authors note that their model recognises that in contrast with infections that are severe in childhood, *in the long run, SARS-CoV-2 could join the ranks of infections that are mild and cold-causing like some other endemic human coronaviruses.* Since the “severity of emergent HCoVs once they reach endemicity depends only on the severity of infection in children”, it could mean that getting infected during childhood will give enough immunity to individuals from reinfection during adulthood.

MAKE PEACE WITH NATURE NOW (INGER ANDERSEN - EXECUTIVE DIRECTOR OF THE UN ENVIRONMENT PROGRAMME)

As COVID-19 upends our lives, a more persistent crisis demands urgent action on a global scale. Three environmental crises — climate change; nature loss; and the pollution of air, soil and water — add up to a planetary emergency that will cause far more pain than COVID-19 in the long-term. For years, scientists have detailed how humanity is degrading nature. Yet the actions governments, financial institutions, businesses and individuals are taking fall short of what is needed to protect current and future generations from a hothouse Earth, beset by mass species extinctions and poisonous air and water. *In 2020, the UN Environment Programme (UNEP) announced that, despite a dip in greenhouse gas emissions caused by the pandemic, the world is still headed for global warming of more than 3°C this century. This month, the Dasgupta Review reminded us of what UNEP has long warned: the per capita stock of natural capital (the resources and services nature provides to humanity) has fallen by 40% in just over two decades. We already know that a staggering nine out of 10 people worldwide breathe polluted air.*

Towards a sustainable future

Finding answers to such daunting problems is complex. But experts have developed solutions. To guide decision-makers towards the action required, the UN has released the Making Peace with Nature report. *The report pulls together all the evidence of environmental decline from major global scientific assessments, with the most advanced ideas on how to reverse it. The result is a blueprint for a sustainable future that can secure human well-being on a healthy planet. Our environmental, social and economic challenges are interlinked. They must be tackled together. For example, we cannot achieve the Sustainable Development Goals by 2030 if climate change and ecosystem collapse are undermining food and water supplies in the world's poorest countries. We have no choice but to transform our economies and societies by valuing nature and putting its health at the heart of all our decisions. If we did this, banks and investors would stop financing fossil fuels. Governments would shift trillions of dollars in subsidies to nature-positive farming and clean energy and water. People would prioritise health and well-being over consumption and shrink their environmental footprint.*

What must be done?

There are signs of progress, but the problems are escalating faster than our responses. The number of countries promising to work towards net-zero emissions stands at 126. The ask is for all countries to deliver stretched nationally determined contributions ahead of the climate Conference of the Parties (COP) and immediately kickstart the transitions to net-zero. At the climate COP, governments



must also finally agree on the rules for a global carbon trading market. The \$100 billion that developed countries promised to provide every year to help developing nations cope with the impacts of climate change must finally flow. The ask is for us to feed the world without destroying nature, felling forests and emptying our oceans. We can create an amazing economy by moving to circular economic systems that reuse resources, reduce emissions and weed out the chemicals and toxins that are causing millions of premature deaths – all while creating jobs. Addressing our planetary emergency is a whole-of-society effort. But governments must take the lead, starting with a smart and sustainable recovery from the pandemic that invests in the right places. They must create opportunities for future industries that generate prosperity. They must ensure that transitions are fair and equitable, creating jobs for those who lose out. They must give citizens a voice in these far-reaching decisions. This year, we must make peace with nature and, in every subsequent year, we must make sure that this peace lasts.



DreamIAS