

# CURRENT AFFAIRS FOR UPSC

17TH TO 23RD JANUAR, 2021

DreamIAS

**INTERNATIONAL****WHY HAS THE US NATIONAL RIFLE ASSOCIATION FILED FOR BANKRUPTCY?**

*The US National Rifle Association (NRA), the most powerful gun lobbyist in the country, filed for bankruptcy in an effort to avoid being investigated by New York's Attorney General. The association, which will now reincorporate in Texas, voluntarily filed for bankruptcy under Chapter 11 of the bankruptcy code along with a subsidiary in the US Bankruptcy Court for the Northern District of Texas, Dallas Division. A bankruptcy filed under Chapter 11 is often referred to as "reorganisation" bankruptcy and allows businesses to stay alive and pay their creditors over time, as per a US government website.*

**What is the NRA?**

*The NRA is a non-profit organisation that was formed by two civil war veterans Col. William C. Church and Gen. George Wingate in 1871 in order to "promote and encourage rifle shooting on a scientific basis", the NRA website mentions. It is the largest and most influential pro-gun organisation in the US and is considered by critics as an enabler of gun violence in the country.* According to the association's magazine American Rifleman, the state is home to more than 400,000 NRA members and is also the site of NRA's 150th annual meeting. In a statement, NRA's Executive Vice President Wayne LaPierre said, "The plan aims to streamline costs and expenses, proceed with pending litigation in a coordinated and structured manner, and realize many financial and strategic advantages." "We are leaving the state of an attorney general who, just a few months ago, vowed to put us out of business through an abuse of legal and regulatory power," he added.

**Why is New York's attorney general investigating the NRA?**

In August 2020, New York Attorney General Letitia James, a Democrat, sued the NRA based on allegations that the association's top executives diverted millions of dollars for their personal trips. James opened an investigation into the NRA in 2019 in an attempt to dissolve the association. The NRA, which has been operational for over 149 years, has operated as a New York not-for-profit, charitable membership corporation. As a New York charity, it is legally required to serve the interests of its members and advance its charitable mission, and is subject to New York law in the governance of its internal affairs. *This means that the attorney general of the state is responsible for overseeing the activities of New York not-for-profit corporations and the conduct of their offices and directors.* Before this, the NRA sued the state of New York in April 2020 over its decision to deem gun retailers as non-essential businesses that were subject to closure during the Covid-19 induced lockdown. What is the lawsuit against the NRA about? With the lawsuit, James sought that it be dissolved over charges of illegal conduct and diversion of millions of dollars for personal use by its senior leadership. The lawsuit charges the whole of NRA, including LaPierre, former Treasurer and Chief Financial Officer Wilson "Woody" Phillips, former Chief of Staff and the Executive Director of General Operations Joshua Powell and Corporate Secretary and General Counsel John Frazer, for failing to manage the body's funds and failing to follow numerous state and federal laws, which has contributed to the loss of more than \$63 million in three years for the organisation.



## WHY BIDEN'S PELOTON EXERCISE BIKE MAY NOT BE ALLOWED INTO THE WHITE HOUSE

In the weeks leading up to US President Joe Biden's swearing-in ceremony, cyber security experts questioned whether one of his personal belongings, a seemingly innocent piece of exercise equipment, would be permitted inside the White House. The device in question is the Peloton, a high tech stationary bike worth \$2,000, which some experts say could make Biden vulnerable to hackers. In a recent episode of his podcast 'Here's the Deal', Biden spoke about his stationary bike and how he purchased it during the coronavirus pandemic to stay fit. "I try to get out of bed by eight o'clock in the morning and I have a gym in my house upstairs. I have a treadmill and a Peloton bike and some weights. And I try to work out every morning for me. That sort of gets me going," he said.

### **So, what is the Peloton bike?**

A Peloton is not your average piece of gym machinery. It is an internet-connected, indoor cycling bike that comes complete with cameras, microphones and 22" tablets attached, so its riders can livestream fitness classes and communicate with one another. Priced at upward of \$2,500 (around INR 1.8 lakh), the bike is made of carbon steel and aluminium and weighs around 135 pounds. Users are also required to pay \$39 (around INR 2,895) per month for Peloton's live and on-demand classes. Peloton, the company behind the bike, was founded in 2012 and launched with the help of a Kickstarter funding campaign the next year. The American company also sells treadmills and other pieces of exercise equipment. The firm grew rapidly over the next few years as it started to roll out a series of aspirational infomercials and its products became popular amongst celebrities. Apart from Biden, the Obamas and actress Kate Hudson are also fans of the bike. Within its first five years, Peloton was able to sell 577,000 of its bikes and treadmills, the New York Times reported. Today, the company, and its exercise bike in particular, have a cult following across the United States.

### **But what does the bike have to do with security?**

After Joe Biden head revealed on his podcast that he was an active user of the Peloton bike and had purchased one during the lockdown to stay active, people started to wonder whether the bike was a safe option now that Biden was entering the White House. Since the Peloton tablet is connected to the internet and comes fitted with built-in cameras and microphones that allow riders to hear and see each other if they so choose, the device could potentially pose a threat to the president's privacy and safety. To be sure, there have been no incidents of security breaches reported by customers as yet. A debate about whether the Peloton bike will make it to the White House gymnasium was first sparked after a report by technology and science magazine, Popular Mechanics, warned that the bike could be seen by the Secret Service as a security threat. Officials fear hackers could potentially access both Biden and the White House through the bike. While it is unlikely for an incident like this to occur, security experts say that the possibility should not be ruled out. A disclaimer on the Peloton site reads: "At Peloton, we consider the security of our systems and the best interest of our members a top priority. However, no matter how much effort we put into system security, there can still be vulnerabilities present. Because of this we are looking to the security community to help us meet this top priority through programs like responsible disclosure."



### **So is there no way the Peloton bike will be permitted in the White House?**

Cybersecurity experts have said that if Biden really wants to bring his Peloton bike to the White House, he can. But it will have to be massively stripped down by the Secret Service and National Security Agency (NSA) first. Once the cameras, microphone and internet capabilities are removed, the bike should be safe enough for the White House.

### **Were former presidents banned from using any devices?**

Yes, most former presidents are not permitted to use technology — such as smartphones and even email — because it is not secure enough. Obama was famously the first president in US History to use email and also had to fight a great deal with the NSA to keep a BlackBerry. However, the phone was stripped of almost every built-in feature and had an upper limit of 10 numbers. He later even went on to use an iPad. Even, former President Trump flouted security protocol by calling his personal friends on his iPhone.

## **THE ROLE AND RESPONSIBILITIES OF KAMALA HARRIS, THE NEW US VICE PRESIDENT**

Kamala Harris made history when she was sworn in as the 49th Vice President of the US. She is the first woman to hold the country's second-highest office. In her inaugural address, Harris referred to "American aspiration" and called on people to "do what is good, to unite, to believe in ourselves, believe in our country, believe in what we can do together." The transition period is now over, which means that Harris and the 46th President of the US, Joe Biden can resume their responsibilities in what is being called the tensest moments in American history.

### **Where will Kamala Harris stay as Vice President?**

As per media reports, Harris will not be moving into her official residence immediately since the house is in need of some repairs. But once the residence is ready, she will move into Number One Observatory Circle in northwestern Washington DC, a white 19th-century house that was built in 1893 and where Vice Presidents since Walter Mondale's time (Mondale was Vice President from 1977-1981 in the administration of President Jimmy Carter) have stayed. The house, which overlooks Massachusetts Avenue is located on the grounds of the US Naval Observatory and was originally intended for the superintendent of the USNO. Before Mondale however, Vice Presidents and their families stayed in their homes but because the cost of acquiring these private residences grew over time, in 1974, Congress agreed to refurbish the house at the Naval Observatory as a home for the Vice President. Even so, it took three years after this for the first occupant of the house to move in since Vice President Gerald Ford acceded to the Presidency before he could use the home and Vice President Nelson Rockefeller used it only for entertaining. Since then, the house has been occupied by the families of George Bush, Al Gore, Dan Quayle, Dick Cheney, Biden and most recently, Mike Pence.

### **What are the responsibilities of a US Vice President?**

The Vice President is the president of the Senate and takes over the role of the President in case he dies, resigns, or is temporarily incapacitated. The office of the Vice President is often touted as the "least understood" and most often "ignored constitutional office" in the federal government. According to a report in The New York Times, while Harris has not been assigned a specific

**3<sup>RD</sup> FLOOR AND 4<sup>TH</sup> FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR**



portfolio as of now, she will serve as a governing partner to Biden on his top priorities. If she is able to fulfill these responsibilities, it could make her one of “the most influential vice presidents in history”, the report says. The youngest Vice President till date is John Breckinridge who was 36 when he took over the post in 1857 and the oldest was Alben Barkley who was 71 when he took office in 1949. Overall, there have been five Vice Presidents who were later elected President, eight became President because the incumbent died and one became President because the incumbent resigned. Three Vice Presidents have also won Nobel Peace Prizes including Theodore Roosevelt (1906), Charles Dawes (1925) and Al Gore (2007). Significantly, there was one Vice President who ran against the President he served, this was Thomas Jefferson who defeated President John Adams in 1800.

### The relationship between Vice Presidents and Presidents

In the e-book “Picking the Vice President”, Elaine C Kamarck writes that historically Vice Presidents have been disliked by the Presidents they served and have only served the role of understudies. She mentions that while the 20th century had two models for the vice presidency—the balancing model and the partnership model, there may be an emergence of a new model based on competence, “which is the sign of a fundamental change in an office that has long been the butt of jokes.” An article on a US government website says that while the role of the American Vice President was the “butt of jokes” in earlier times, the job has evolved to include more responsibilities and carry more importance. According to the Council on Foreign Relations (CFR), throughout most of American history, the Vice President’s office was of little power and prestige. But this changed under Carter’s administration, who was the first to grant his Vice President (Mondale) several privileges “including unfettered access to intelligence briefings, regular meetings, a private weekly lunch, and an office in the West Wing. He also invited Mondale to his Friday foreign policy breakfasts along with the national security advisor and the secretaries of state and defense,” CFR says. This meant that Mondale could play a greater role in the Carter administration’s foreign policy decisions. The dynamic that formed between Biden and Barack Obama’s two terms as President is often referred to as a “bromance” because of the close bond that the two had formed. A Washington Post analysis said that Biden and Obama “adored each other” even though their aspirations and political hopes for America “have not always aligned”.

### FROM CLIMATE TO MASKS, JOE BIDEN’S DAY-1 AGENDA

US President-elect Joe Biden will take oath of office. On its very first day, the Biden-Harris Administration is set to roll out a series of executive orders as part of its agenda for its first 10 days. In a memo sent to the incoming senior staff at the White House, Biden’s Chief of Staff Rob Klain said the administration faces “*four overlapping and compounding crises*”: *the Covid-19, crisis the resulting economic crisis, climate change, and racial inequity. Some of the actions on Biden’s agenda will change the direction of policies undertaken by the Trump Administration, such as the ban on immigrants from some Muslim-majority countries and re-joining the Paris climate accord. Subsequent executive orders that are being planned include expanding access to healthcare and reforming the criminal justice system.*



So, what is an executive order?

*An executive order is a written directive issued by the President. Such orders are not legislation and don't require the approval of Congress, which also means Congress cannot overturn them. According to the American Bar Association (ABA), Congress may pass legislation that makes it difficult or impossible to carry out an executive order, such as removing funding. However, only the President can overturn an executive order by issuing another one. According to the ABA, US Presidents have issued nearly 14,000 presidential orders since George Washington took office in 1789. President Donald Trump issued 209 executive orders between 2017 and 2021, and former President Barack Obama issued 291 during his eight-year tenure from 2009-2017.*

**What are the executive orders being planned by the Biden Administration?**

**PARIS PACT:** *Under the Trump Administration, the US left the Paris climate agreement on November 4, 2020, and Biden said the same day that the US would re-join it in 77 days under his administration. To do so, the US will have to inform the UN Framework Convention on Climate Change. Thirty days after applying, the US will become a member of the climate deal again.*

**IMMIGRATION:** *In 2017, Trump announced a ban restricting travel from seven Muslim-majority countries. Countries have been added to and removed from this list since; as of now, the travel ban covers 13 countries including Iran, Libya, Syria, Yemen, Somalia, Venezuela, North Korea, Myanmar and Nigeria. Trump's 2017 executive order said the ban was being imposed to prevent the entry of "a national of one of these countries who intends to commit terrorist acts..." Biden has called this ban unconstitutional and plans to repeal it on Wednesday. According to Bloomberg, since the ban was imposed by a presidential proclamation, Biden will be able to rescind it. However, allowing more refugees requires consultation with Congress every September.*

**COVID-19:** *The US is the worst-hit country by Covid-19, with the most cases, the most deaths, and one of the worst death rates. During most part of the pandemic, Trump has been sceptical of the effectiveness of masks in helping curb the spread. Biden, on the other hand, has likened wearing a mask to a "patriotic act", and has said that on the day he is sworn in, he will sign an executive order mandating that people wear masks on federal properties and on buses and trains while on interstate travel, as part of a "100 Day Masking Challenge". Biden has also promised 100 million vaccine shots for Americans within the first 100 days of taking office, and expanding testing.*

**STUDENT LOANS:** *Last November, Trump issued a memorandum extending a student loan payment relief offered in March 2020. Under this, federal student loan payments could be deferred without interest until December 2020. Biden is set to extend the interest-free moratorium.*

## WHY PRESIDENT JOE BIDEN COULD CAP THE KEYSTONE XL PIPELINE PROJECT

After US President-elect Joe Biden takes office on Wednesday, one of the first actions the Democrat might take is cancelling the permit for the \$9 billion Keystone XL pipeline project, a Canadian Broadcasting Corp (CBC) report said. The controversial XL pipeline, if built, will become part of a larger pipeline network that is already in existence. *This functioning network, which is also called Keystone, connects oil sands in Canada's Alberta province to refineries in the US states of Illinois and Texas.*



### What is the Keystone XL proposal?

*Keystone XL is the proposed fourth phase of the Keystone Pipeline network between Canada and the US, which aims to cut short the distance between Alberta's oil sands and the Texas Gulf Coast, where most of North America's refineries are situated. The first three phases of Keystone are complete, and are currently carrying 5.5 lakh barrels of oil every day to the US from Canada via a longer route. The planned 1,897 km XL pipeline's more direct route, as well as larger diameter, would boost the oil supply from Canada, potentially carrying 8.3 lakh barrels of oil per day. It would be privately financed, with costs of building shared by Canada-based TC Energy and other oil companies. The XL pipeline would carry both Canadian and American oil to refineries in Texas, from where it can be exported.*

### So, why build a shorter route?

*A key reason is that the oil sands in Canada are landlocked, and a direct connection to international markets through the Texas refineries and ports would mean that they can be further developed. This would benefit the energy industry in both Canada and the US. Another important reason stated is that if North America increases its own supply of oil, it can further reduce its reliance on imports from the Middle East, thus providing fuel at lower prices for domestic consumers. President Donald Trump has claimed that 28,000 jobs would be created for the pipeline's construction.*

### Then, why is there opposition to the project?

*There are a number of groups that have a problem with the XL proposal. Environmentalists claim that building the pipeline would signify a commitment to developing the Alberta oil sands, where oil production is set to double by 2030. They argue that if the pipeline is built, it would increase North America's reliance on fossil fuel. This would not only take away the focus from developing renewable sources, but also end up exacerbating climate change. There are complaints about the carbon footprint of extracting Canadian oil, too. The fuel extracted from Alberta's oil sands is bitumen, an inferior quality of petroleum. Its extraction process is more akin to mining than conventional oil drilling, and generates 15 per cent more greenhouse emissions compared to the production of one average barrel of oil used in the US, as per The Washington Post. There is also opposition in the US state of Nebraska, where leaks from the pipeline could threaten the Ogallala Aquifer, among the world's largest fresh water reserves which provides drinking water to 20 lakh people in eight US states. Experts say the Canadian bitumen could be especially harmful to the waterway, because unlike conventional crude, which floats on top of water in case of a spill, some of bitumen's heavy elements settle to the ground, rendering conventional cleanup technologies redundant. Native American groups have also opposed the project, saying the pipeline construction would affect water supplies upstream of many of their reservations.*

### And, how did this issue play out politically?

Because the proposed pipeline crosses the international border, it requires the approval of both national governments. Although Canada approved the XL project in 2010, former US President Barack Obama, a Democrat, axed it in 2015, saying it would increase greenhouse emissions, and that Canada would reap most of the project's benefits. *Then in 2017, Republican President Trump, who openly questions the veracity of climate change, reversed Obama's decision soon after taking office, allowing the pipeline to move forward.* According to a Reuters report, the XL pipeline's



construction is currently underway in Canada, and the border crossing with the US is complete. In all of the US states that the pipeline passes through, construction is taking place on pump stations, the report said. Now, as the White House again returns to Democratic hands, the project could again get in jeopardy. In the past, Biden has already declared that he would cancel the XL pipeline's permit if elected.

#### WHAT IS THE 1776 COMMISSION REPORT RELEASED BY THE WHITE HOUSE?

*The White House on Monday released the 1776 Commission report, just days before president-elect Joe Biden would take his oath in office. In September last year, US President Donald Trump signed an executive order to set up a "national commission to promote patriotic education" in the country. The move was aimed at pleasing his conservative voter base in the run-up to the November 3 elections. The initiative, dubbed the '1776 Commission', is an apparent counter to The 1619 Project, a Pulitzer Prize-winning collection of essays on African American history of the past four centuries, which explores the Black community's contribution in nation-building since the era of slavery to modern times. Trump announced the move at a history conference celebrating the 233rd anniversary of the signing of the US Constitution (on September 17, 1787); the document being written in the decade after the original 13 colonies declared independence from the British Empire in 1776. In September, Trump said that he wanted \$5 billion from companies that were building the US version of TikTok for setting up the "very large fund" that would teach American children "the real history, not the fake history."*

#### **What is The 1619 Project?**

The Project is a special initiative of The New York Times Magazine, launched in 2019 to mark the completion of 400 years since the first enslaved Africans arrived in colonial Virginia's Jamestown in August 1619. The project was initiated by Nikole Hannah-Jones, a MacArthur Grant-winning journalist. The collection aims "to reframe US history by considering what it would mean to regard 1619 as our nation's birth year," according to Jake Silverstein, the publication's editor-in-chief.

#### **What is Trump's 1776 Commission?**

*When he set it up, Trump was lagging behind president-elect Biden in polls for the presidential race. With this move Trump sought to activate his right-wing supporters by doubling down on what he described as "cancel culture", "critical race theory" and "revisionist history". In remarks delivered at the National Archives Museum, where original copies of the Declaration of Independence, the US Constitution and the Bill of Rights are kept, Trump said at the time, "Students in our universities are inundated with critical race theory. This is a Marxist doctrine holding that America is a wicked and racist nation, that even young children are complicit in oppression, and that our entire society must be radically transformed." A new "1776 Commission", Trump said, would "encourage our educators to teach our children about the miracle of American history and make plans to honor the 250th anniversary of our founding," and teach the youth to "love America." "The Left has warped, distorted, and defiled the American story. We want our sons and daughters to know they are the citizens of the most exceptional nation in the history of the world," he added.*





### What does the report say?

According to a report in The New York Times, the 18-member commission formed by Trump “includes no professional historians but a number of conservative activists, politicians and intellectuals — in the heat of his re-election campaign in September, as he cast himself as a defender of traditional American heritage against “radical” liberals.” “The declared purpose of the President’s Advisory 1776 Commission is to “enable a rising generation to understand the history and principles of the founding of the United States in 1776 and to strive to form a more perfect Union.” This requires a restoration of American education, which can only be grounded on a history of those principles that is “accurate, honest, unifying, inspiring, and ennobling.” And a rediscovery of our shared identity rooted in our founding principles is the path to a renewed American unity and a confident American future,” the report says.

### What have critics said about this commission?

Critics have lambasted Trump for making false claims during the speech in September and accused him of infringing on constitutional liberties. During his address, Trump said that the USA’s founding “set in motion the unstoppable chain of events that abolished slavery”, while many pointed out that the institution continued unabated for almost two-and-a-half centuries, including 89 years after American independence. Hannah-Jones, the 1619 Project’s founder, said at the time, “These are hard days we’re in but I take great satisfaction from knowing that now even Trump’s supporters know the date 1619 and mark it as the beginning of American slavery. 1619 is part of the national lexicon. That cannot be undone, no matter how hard they try.” Hannah-Jones has also previously criticised Trump’s opposition to teaching the 1619 Project in schools as a government attempt to infringe on the First Amendment right to free speech and press in the country. She said, “The efforts by the president of the United States to use his powers to censor a work of American journalism by dictating what schools can and cannot teach and what American children should and should not learn should be deeply alarming to all Americans who value free speech.”

### Interpreting the move

By attacking The 1619 Project, Trump hoped to win the support of conservatives who oppose its central idea that US history should be reframed around the date of August 1619, and who insist that the nation’s story should be told the way it has been over the years— beginning with the year 1776, when the Declaration of Independence was signed, or from 1788, when the US Constitution was ratified. Last year, Trump threatened to withhold federal funding from public schools that used school syllabi based on the 1619 Project— which he said “warped” American history, adding that it claimed the US was “founded on the principle of oppression, not freedom”.

## AMERICAN HEALING

After one of the most contentious elections and presidential transitions in recent history, it was a relatively scaled-back inauguration ceremony that finally placed *46th President of the U.S. Joe Biden* in the Oval Office. The devastating human and economic toll of the COVID-19 pandemic, combined with deep partisan rancour and the bitter aftertaste of the Capitol building attack earlier this month, meant that *Inauguration Day* was less a flamboyant extravaganza than a quiet celebration of multicultural America reasserting itself. There could have been no greater symbol



of that assertion than the swearing-in of *Kamala Harris, his running mate of Indian and African descent, as Vice-President — the first woman ever to hold that position*. Mr. Biden's predecessor, *Donald Trump, chose to not attend the event, making him only the fourth President to do so*. Nevertheless, bipartisan goodwill was present on the dais before the Capitol building, as *Supreme Court Chief Justice John Roberts administered the oath of office to Mr. Biden*, including former Vice-President Mike Pence, Senate Minority Leader Mitch McConnell, and former President George W. Bush. It was bipartisanship and societal healing that appeared to be the theme of Mr. Biden's speech, as he vowed to unite all Americans to fight the foes they faced, of "Anger, resentment, hatred. Extremism, lawlessness, violence. Disease, joblessness, hopelessness". To the world, he committed to lead "by the power of our example".

It was a demonstration of not only power but political intent when, on his first day in office, *Mr. Biden expediently reversed a range of Trump-era actions by issuing 17 executive orders and directives to cancel the U.S.'s exit from the Paris Climate Agreement and WHO, include non-citizens in the census count, protect immigrants under the Deferred Action for Childhood Arrivals programme from heightened risk of deportation, revoke the "Remain in Mexico" policy, halt construction of the infamous southern border wall and end the egregious "Muslim ban"*. While these decisive actions may have felt like a balm to Democrats, he would do well to remember, as he goes about dismantling the Trump legacy, that 74 million people voted for his opponent, and Mr. Trump has encouraged them to believe that the election was stolen. If the Capitol building attack was an indication of the unhinged rage seething below the ostensibly peaceful transfer of power, it may not be long before the America of economically disenfranchised white privilege again rears its head in a manner that today's political victors find unsavoury. *The fact that the White House, Senate and House of Representatives are now firmly in the grip of Democrats should not be cause for giving up on bipartisan moderation*. Or else Mr. Biden's search for a more perfect Union may take longer.

#### BIDEN ROPES IN 20 INDIAN-AMERICANS, 17 IN KEY WHITE HOUSE POSITIONS

*U.S. President-elect Joe Biden has nominated at least 20 Indian-Americans, including 13 women, to key positions in his incoming administration, a record for the small ethnic community that constitutes one per cent of America's population*. As many as 17 of them would be part of the Biden administration in the powerful White House complex. The January 20th inauguration, where Mr. Biden, 78, would be sworn in as the 46<sup>th</sup> President of the U.S., is already historic as it is *for the first time ever that a woman, Kamala Harris, would be sworn as the Vice-President of the country*. *Ms. Harris, 56, is also the first ever Indian-origin and African-American to be sworn in as the Vice-President of the U.S. It is also for the first time ever that so many Indian-Americans have been roped into a presidential administration ever before the inauguration*. Mr. Biden, a Democrat, is still quite far away from filling all the positions in his administration. Topping the list is Neera Tanden, who has been nominated as Director of the White House Office of Management and Budget and Dr. Vivek Murthy, who has been nominated as the U.S. Surgeon General. Vanita Gupta has been nominated as Associate Attorney General Department of Justice, and on Saturday, Mr. Biden nominated former foreign service official Uzra Zeya as the Under Secretary of State for Civilian Security, Democracy and Human Rights. Mala Adiga has been appointed as Policy Director to the future First Lady Dr. Jill Biden and Garima Verma would be the Digital Director of the Office of the First Lady, while Sabrina Singh has been named as the White House Deputy Press Secretary.



### Kashmir connect

For the first time, the Indian-Americans nominated for Biden administration include two who trace their roots to Kashmir: Aisha Shah, who has been named as Partnership Manager at the White House Office of Digital Strategy and Sameera Fazili, who would occupy the key position of Deputy Director at the US National Economic Council (NEC) in the White House. White House National Economic Council also has another Indian-American, Bharat Ramamurti, as Deputy Director. Gautam Raghavan, who served at the White House in the previous Obama administration returns to the White House as Deputy Director in Office of Presidential Personnel. Among Mr. Biden's inner circle is his top confidant for years Vinay Reddy, who has been named as Director Speechwriting. Young Vedant Patel is all set to occupy a seat in the White House lower press, behind the briefing room, as Assistant Press Secretary to the President. He is only the third-ever Indian American to be part of the White House press shop. Three Indian-Americans have made their way to the crucial National Security Council of the White House, thus leaving a permanent imprint on the country's foreign policy and national security. They are Tarun Chhabra: Senior Director for Technology and National Security, Sumona Guha, Senior Director for South Asia, Shanthi Kalathil: Coordinator for Democracy and Human Rights. Sonia Aggarwal has been named Senior Adviser for Climate Policy and Innovation in the Office of the Domestic Climate Policy at the White House and Vidur Sharma has been appointed as Policy Adviser for Testing for the White House COVID-19 Response Team. Two Indian-American women have been appointed to the Office of the White House Counsel: Neha Gupta as Associate Counsel and Reema Shah as Deputy Associate Counsel. Also, for the first time in any administration, the White House would have three other South Asians in key positions — Pakistani-American Ali Zaidi as Deputy National Climate Adviser at White House; Sri Lankan American Rohini Kosoglu as Domestic Policy Advisor to the Vice-President and Bangladeshi-American Zayn Siddique as Senior Adviser to the White House Deputy Chief of Staff. During the campaign, Mr. Biden had indicated that he would rope in a large number of Indian-Americans.

### Biden's promise

"As President, I'll also continue to rely on Indian-American diaspora that keeps our two nations together, as I have throughout my career," Mr. Biden said in an address during an Independence Day event on August 15, 2020. "My constituents in Delaware, my staff in the Senate... which had more Indian-Americans than any other administration in the history of this country and this campaign with Indian Americans at senior levels, which of course includes the top of the heap, our dear friend (Harris) who will be the first Indian-American Vice-President in the history of America," Mr. Biden had said in his address.

### U.S. TO REVIEW HOUTHİ TERRORİST LABEL, SAYS BLINKEN

*U.S. President Joe Biden's administration will quickly revisit the designation of Yemen's Houthi rebels as terrorists and end support to the devastating Saudi offensive on the country, his pick for Secretary of State, Antony Blinken, said on Tuesday. At his confirmation hearing, Mr. Blinken said he would "immediately" review the outgoing Trump administration's labelling of the Iran-linked insurgents, fearing the move was worsening a humanitarian crisis.*



*President Donald Trump's administration announced the move on January 11. Mr. Trump has been a staunch ally of Saudi Arabia, offering U.S. logistical help and military sales for its six-year campaign to dislodge the rebels who have taken over much of the neighbouring country. Mr. Blinken said that the Saudis have "contributed to what is by most accounts the worst humanitarian situation anywhere in the world". "The Houthis bear significant responsibility for what's happened in Yemen, but the way the campaign has been conducted has also contributed significantly to that situation. And so our support should end," Mr. Blinken said. The United Nations and aid groups have warned the terrorist designation risks worsening the plight of a country where millions depend on aid to survive. The designation took effect on Tuesday, with the Houthis warning that they would respond to any action against them. "We are ready to take all necessary measures against any hostile act," they said in a statement. **On Wednesday, hundreds of supporters of the Houthi rebels took to the streets of the capital Sanaa to protest against the terror designation.***

## HOW CHANGES TO SAT COULD IMPACT INDIANS ASPIRING TO STUDY IN US

On January 19, the College Board, a New York City-based organisation that runs the Scholastic Assessment Test (SAT) and Advanced Placement (AP) tests, released a statement with three updates. In order "to reduce and simplify demands on students", the statement said, they would discontinue the optional SAT essay, discontinue the SAT subject tests, and invest in "a streamlined, digitally delivered test that meets the evolving needs of students and higher education". How has SAT worked so far, and how can these changes impact students from India?

### The history of SAT

*SAT as an entrance exam has existed for almost a century. It was originally derived from an aptitude test developed by Princeton University psychology professor Carl Brigham, which was administered to US Army recruits during World War I. The College Board later asked Brigham to develop a similar test for high school students applying for admission. The first Scholarship Aptitude Test, as it was then called, was administered to 8,000 students in 1926. Today, around 2 million students around the world, usually in their junior or senior year of high school (11th or 12th grade), annually take the SAT to secure a place at an American university.* The three-hour-long test includes multiple-choice sections for math, evidence-based reading, and evidence-based writing, along with an optional 50-minute essay.

### The optional essay

The optional SAT essay, now being discontinued by the College Board, was introduced in 2005, ostensibly to "make writing more of a priority across the United States", and give colleges access to original student writing. While some welcomed the addition, saying it would "lead to real reform, particularly in high schools", others criticised the "cosmetic repackaging" of a test that they said was inherently flawed, in that it tended to favour high-income students. Questions have persisted over the SAT essay's objective of rewarding formulaic rather than creative writing, and its alleged handicapping of immigrants and international students. Several Ivy Leagues, liberal arts colleges, and state universities have not required the essay for years. In its statement on the discontinuation of the essay, the College Board recognised "there are other ways for students to demonstrate their mastery of essay writing". It has been pointed out that the decision to scrap the essay section could be financial. Forbes estimated that as of September 2020, the organisation had



lost \$200 million from cancelled SAT tests – and doing away with the already unpopular essay section might be a cost-cutting measure.

In 2019, the number of Indian students studying in the US surpassed 200,000, accounting for 18 per cent of all international students. Undergraduate students numbered 24,813, according to the 2019 Open Doors Report on International Educational Exchange (IIE). While international student enrolment in the US is estimated to have decreased significantly due to the Covid-19 pandemic, enrolment is expected to bounce back, as students have deferred rather than declined university offers. The changes announced by the College Board could impact test-taking trends among students seeking to travel to the US in the coming years. “The pandemic has changed the way American universities process admissions for international students. For admissions in 2021, universities waived the SAT and SAT subject test requirements completely and instead focused on the student’s past academic history and extracurricular activities.

For Indian students in rigorous curriculum programmes, the AP is actually a less rigorous course. For example, International Baccalaureate Higher Level subjects require 240 hours of instruction, whereas the AP typically involves 100.

This is important in India when many domestic institutes are also accepting SAT now.” There are currently 53 SAT test centres across India. With the possibility of AP exams becoming more popular among Indian students, the number of AP test centres in India is expected to rise from the current 16. AP tutoring and coaching classes can also be expected to become more widespread. The AP tests offer 38 subjects to choose from, as opposed to 20 SAT subject tests.

## WHAT RUSSIA’S EXIT MEANS FOR THE OPEN SKIES TREATY

*In what experts fear could lead to growing mistrust between global powers, Russia on Friday announced that it was leaving the Open Skies Treaty (OST), an accord between over 30 countries that allows participants to fly unarmed reconnaissance flights over any part of their fellow member states. In November, the United States left the OST first after accusing Russia of violating the pact—allegations that Russia denied. Moscow has now blamed Washington for its own decision of leaving the treaty.*

### **What is the Open Skies Treaty?**

*First proposed in 1955 by former US President Dwight Eisenhower as a means to deescalate tensions during the Cold War, the landmark treaty was eventually signed in 1992 between NATO members and former Warsaw Pact countries following the demise of the Soviet Union. It went into effect in 2002 and had 35 signatories, including key players US and Russia, along with one non-ratifying member (Kyrgyzstan). The OST aims at building confidence among members through mutual openness, thus reducing the chances of accidental war. Under the treaty, a member state can “spy” on any part of the host nation, with the latter’s consent. A country can undertake aerial imaging over the host state after giving notice 72 hours before, and sharing its exact flight path 24 hours before. The information gathered, such as on troop movements, military exercises and missile deployments, has to be shared with all member states. Only approved imaging equipment is permitted on the surveillance flights, and officials from the host state can also stay on board throughout the planned journey.*



### So, why did the US leave the Open Skies Treaty?

While it was envisaged as a key arms control agreement, many in Washington had for over a decade *accused Russia of non-compliance with OST protocols, blaming Moscow of obstructing surveillance flights on its territory, while misusing its own missions for gathering key tactical data.* As per a report in The New York Times, US President Donald Trump was also unhappy that a Russian reconnaissance flew over his golf course in New Jersey state in 2017. In May 2020, the Trump administration announced its intention of withdrawing from the OST, accusing Russia of “flagrantly and continuously violating the Treaty in various ways for years”, and left it in November that year.

### Why did Russia leave after the US?

*A contentious issue regarding Russia’s compliance with the OST was its alleged reluctance to allow flights over Kaliningrad, its exclave in Eastern Europe that sits between NATO allies Lithuania and Poland. Russia defended its position by saying that the restrictions were permissible under treaty rules, and gave the example of the US imposing similar limits on flights over Alaska. After the US left the OST, Russia sought assurances from NATO allies who continued to remain on the treaty that they would not transfer data collected by their flights over Russia to Washington. In its statement, Russia said that these requests were not backed by the NATO members, prompting it to leave the treaty.*

### Significance of the Open Skies Treaty

The OST was signed in 1992, much before the advent of advanced satellite imaging technology which is currently the preferred mode for intelligence gathering. Yet, as per a report in The Economist, surveillance aircraft provide key information that still cannot be gathered by satellite sensors, such as thermal imaging data. Notably, the Economist report also mentions the *OST’s utility for Washington, which since 2002 flew over 200 surveillance missions over Russia and its ally Belarus.* A former Trump official had also hailed OST data gathered during the 2014 Russia-Ukraine conflict. *Overall, more than 1,500 flights have been conducted under the OST, as per the Associated Press.*

### What happens now that both the US and Russia are out?

*The failure of the Open Skies Treaty follows the demise of another significant arms control accord, the Intermediate-Range Nuclear Forces (INF) Treaty, after both the US and Russia left it in 2019. The INF Treaty was signed between the United States and the Soviet Union in 1987, in which both powers agreed to destroy two categories of lethal missile systems from their own stocks as a means to decelerate the nuclear arms race. Experts now worry about the fate of the much larger US-Russia ‘New START’ nuclear arms control agreement, which is slated to expire on February 5, 2021. US president-elect Joe Biden, who takes office on January 20, has spoken in favour of preserving the treaty, as opposed to outgoing President Trump, who did not want to renew it unless China too was made part. Despite Biden’s willingness, however, there are apprehensions that negotiations with Russia would not be completed before the February deadline.*



## WHY HAS RUSSIA DETAINED OPPOSITION LEADER ALEXEI NAVALNY AFTER LANDING IN MOSCOW?

Russian authorities detained opposition leader Alexei Navalny at a Moscow airport on Sunday after he returned from Germany for the first time since his poisoning in August last year. Following this, the US and European countries have demanded that Navalny be released from detention. *On August 20 last year, Navalny fell ill on a flight back to Moscow from Siberia. After the plane made an emergency landing, he was first taken to a hospital in the city of Omsk, from where he was later transferred to Berlin's Charite Hospital while still in a coma. Tests performed at the German hospital showed the presence of the Soviet-era nerve agent Novichok.* Navalny has maintained that the poisoning was carried out by the Russian authorities, who have denied any involvement in the attack.

### Who is Alexei Navalny?

Navalny, a lawyer-turned-activist, came to prominence in 2008 after he started exposing corruption in Russian politics through a blog. In 2018, he was barred from standing against Putin in the presidential elections. He has also been arrested on multiple occasions and since he started political campaigning, Navalny has spearheaded many anti-corruption rallies in Russia and is considered to be the face of the opposition in Russia, a country that has long been known to eliminate dissidents and spies by poisoning them.

### What happened to him?

In August, Kremlin critic Navalny was put on ventilator support in a Siberian hospital after he consumed a cup of tea that is suspected to be poisoned. Navalny's spokesperson Kira Yarmysh said on Twitter that while Navalny was returning to Moscow by air, he felt unwell as a result of which the plane made an emergency landing in Omsk. She added that Navalny has toxic poisoning. According to a report by Bellingcat and The Insider, Russian intelligence operatives trained in poisons, who had been trailing Navalny for years, were nearby him around this time. "We assume that Alexei was poisoned with something mixed into the tea. It was the only thing that he drank in the morning. Doctors say the toxin was absorbed faster through the hot liquid. Alexey is now unconscious," Yarmysh wrote on the social media platform in August. But this was not the first time that Navalny was faced with such a situation. Last year, Navalny was hospitalised after he suffered an allergic reaction in jail, possibly from an unknown chemical substance. Two years before this, Navalny was doused with a bright green liquid in the Siberian city of Barnaul by an assailant who pretended to shake his hand. Last month, Navalny said that he had tricked a Russian intelligence operative into confessing to the botched attempt to kill him in August and divulging that the poison meant to do the job was placed on the inside of Navalny's underwear. In a YouTube video titled "I called my killer. He confessed", Navalny is seen speaking over the phone at length with the intelligence officer, who Navalny and the investigative research group Bellingcat have said is a chemical weapons specialist with Russia's Federal Security Service (FSB). In the video, Navalny is seen speaking in a no-nonsense tone, and tells the man on the other side of the phone that he was preparing an urgent report about "what went wrong" with the alleged poisoning plot, and why Navalny survived. A few minutes into the call, the man alleged to be Konstantin Kudryavtsev confessed that the motive of the mission was to kill Navalny, and that the dissident



could survive the attempt thanks to the emergency landing that the pilot made at Omsk, and because of the “prompt work of the ambulance medics on the runway”.

#### **What has been Russia’s reaction?**

Russian authorities have denied playing a role in Navalny’s poisoning. As per a TASS news agency report, the FSB has called the video clip “fake”, and said that Navalny’s investigation was a “planned provocation aimed at discrediting the FSB which could not have been carried out without the organizational and technical support of international intelligence agencies.” Last month, Russian president Vladimir Putin alleged that Navalny “relies on the support of US special services.” He said, “It’s curious, and in that case, special services indeed need to keep an eye on him. But that doesn’t mean that there is a need to poison him. Who would need that?” The Russian leader, who is entering his 22nd year in power, has even told journalists with a laugh that if Russian operatives wanted to kill Navalny, “they would have probably finished the job.” In an opinion article in the New York Times in August last year, Russian journalist Oleg Kashin wrote, “If the Russian government has now decided to get rid of Mr. Navalny, that suggests it is constructing some new political configuration in which there is no longer a need for any kind of an opposition.” “...Navalny has truly held an important place in the political system for many years with his unique monopoly over the segment of the opposition that refuses to compromise with the Kremlin,” he added.

#### **Other alleged poisonings by Russia**

**Sergei Skripal:** On March 4, 2018, former Russian spy Skripal and his daughter Yulia Skripal were found unconscious on a bench in the British city Salisbury after they were poisoned by a military-grade nerve agent Novichok. Both of them have since recovered, including police officer Nick Bailey, one of the first responders who fell seriously ill after being exposed to the nerve agent. The only person who died from the exposure was a 44-year-old woman who died a few months later when she came into contact with the nerve agent. The woman was exposed to it after she came in contact with a counterfeit perfume bottle that had been discarded in Salisbury. In 2006, Skripal was sentenced to 13 years in prison after he was accused of spying for Britain. At the time, Russia claimed that Britain’s intelligence service MI6 had paid him \$100,000 for revealing the identities of Russian secret agents in Europe. After his conviction, Skripal was pardoned in 2010 by then Russian president Dmitry Medvedev. After the poisoning, all Russian intelligence officers working under diplomatic cover in the UK and many other countries were expelled. The US expelled over 60 such officers. The investigation led by the UK government later revealed that the poisonings were an assassination attempt carried out by agents of the Russian intelligence service called the GRU. Skripals’ poisonings are also the subject of the BBC One drama titled, “The Salisbury Poisonings”. According to some news reports, Skripal and his daughter are now staying in New Zealand under new identities.

**Pyotr Verzilov:** A few months after Skripal, an anti-Kremlin activist and Putin critic who is a member of the Russian protest group called Pussy Riot was taken ill after a poisoning attempt that Verzilov alleged was carried out by Russian intelligence services. After he fell ill in September 2018, he was evacuated to Berlin from Moscow where doctors confirmed that his symptoms were consistent with poisoning. He told the BBC in 2018 that the reasons why they might have tried to poison him could be his participation in a pitch invasion during the 2018 FIFA World Cup final,





after which Verzilov and three other members of Pussy Riot were jailed briefly. The other reason cited by Verzilov was for investigating the case of three Russian journalists who were “murdered” in the Central African Republic (CAR).

Vladimir Kara-Murza: In 2017, Putin critic and journalist Kara-Murza fell into a coma after a suspected poisoning attempt. In 2015, Kara-murza nearly died and suffered sudden kidney failure after another alleged poisoning attempt. According to a report in The New York Times, after the 2015 attempt, a French lab found elevated levels of heavy metals in his blood. Kara-Murza has recovered since then and resides in Moscow.

Alexander Litvinenko: Former spy Litvinenko, who was being paid by the MI6 and was investigating Spanish links to Russia, was killed in November 2006 after he ingested a fatal dose of polonium 210 while drinking tea at Millenium Hotel in London. At the time he was meeting with Russian politician Andrei Lugovoy and his associate Dmitri Kovtun. Lugovoy is considered to be one of the main suspects. Litvinenko did not survive, while Russia continues to deny any involvement in the incident. Litvinenko was an officer in the FSB, the successor of the KGB and was dismissed in 1998 after he made public allegations of illegal activity within the FSB. He left Russia in 2000 and in 2001 was given asylum in Britain. An inquiry report into his death released in 2016 by the British inquiry concluded, “Taking full account of all the evidence and analysis available to me, I find that the FSB operation to kill Mr. Litvinenko was probably approved by Mr. Patrushev and also by President Putin.”

Viktor Yushchenko: In 2004, Yushchenko was poisoned in the midst of an election campaign, in which he was expected to defeat the Russia-backed candidate. Yushchenko ingested dioxin, a chemical found in Agent Orange while he was eating dinner with the head of Ukraine’s security service. The poisoning severely disfigured his face and his test results showed that he suffered from chloracne, which is caused by exposure to toxic chemicals. Yushchenko eventually recovered and went on to win the presidential elections that year. He accused the Ukrainian authorities of trying to poison him. Russia has long been known to use poison as a way of eliminating political dissidents and spies. An article published by the Atlantic Council, a think tank, says many victims of Putin’s assassins, “serve as useful symbols of what happens to anyone accused of betraying or otherwise cheating the Kremlin.” Significantly, not all assassination attempts have been successful recently, suggesting declining professionalism, “as Russia seeks to deploy greater numbers of assassins abroad.” Add to this that since the Cold War, the Soviet Union heavily invested in the development of poisons as a way of targetting enemies, an article in Foreign Policy says. In 1921, Laboratory 12 was established on the outskirts of Moscow and researched poisons, drugs and psychotropic substances, thereby giving the Kremlin an array of tools to choose from.

#### WHAT IS KNOWN ABOUT THE POST-VACCINATION DEATHS IN NORWAY

Twenty-nine people have died in Norway after being administered Pfizer’s vaccine against the novel coronavirus, Norwegian authorities have said. They added six deaths on Saturday to the number of those previously reported dead following inoculation. The new deaths lowered the age of those thought to have been affected to 75, from 80, multiple news reports said. Until Friday, the vaccine manufactured by Pfizer-BioNTech was the only one being administered in Norway, and “all deaths are thus linked to this vaccine,” the Norwegian Medicines Agency said, according to a



Bloomberg report. Thirteen deaths have been assessed so far, and all the reported deaths are in “elderly people with serious basic disorders”, the report said, quoting the agency.

#### **Is this a serious concern?**

*The Norwegian authorities are saying they are not worried as yet. “We are not alarmed by this. It is quite clear that these vaccines have very little risk, with a small exception for the frailest patients,”* Steinar Madsen, medical director with the agency, told Norwegian broadcaster NRK, the AP reported. That said, the Norwegian authorities have adjusted their advice on who should be administered the vaccine by giving individual doctors discretion to make this decision. The suggestion is that the vaccines may be risky for very old or terminally ill people. This, the Bloomberg report said, is “the most cautious statement yet from a European health authority”. The report said that in the judgment of the Norwegian Institute of Public Health now, “for those with the most severe frailty, even relatively mild vaccine side effects can have serious consequences”. Thus, *“for those who have a very short remaining life span anyway, the benefit of the vaccine may be marginal or irrelevant”*. Madsen, quoted in the AP report, said: “Doctors must now carefully consider who should be vaccinated. Those who are very frail and at the very end of life can be vaccinated after an individual assessment.”

#### **Were these problems unexpected?**

No. A mass vaccination campaign by definition involves a very large number of people — and as a general principle, some adverse events, which could include serious side effects and deaths, should be expected. *What is critical is to determine whether the vaccine was responsible for the death. This can be complicated, and can take time to establish — doctors have to go through every case individually, and strike out all other potential causes first.* Bloomberg quoted the Norwegian Medicines Agency: “The Norwegian Medicines Agency has communicated, prior to the vaccination, that when vaccinating the oldest and sickest, it is expected that deaths will occur in a time-related context with vaccination. This does not mean that there is a causal link between vaccination and death. We have also, in connection with the reported deaths, conveyed that it is possible that common and known side effects of the vaccines may have been a contributing factor to a serious course or fatal outcome.” Norway isn’t an outlier either. Side effects and fatalities have been reported in the United Kingdom and the United States as well. In India at the end of the second day of vaccinations on Sunday, the Union Health Ministry said adverse events following immunisation (AEFI) had been reported in 447 cases — less than 0.2% of the 2,24,301 beneficiaries from the priority group who had received first doses of the vaccine. Only three of these cases required hospitalisation, and two had been discharged already, the Ministry said.

#### **What is being done about this situation now?**

*Pfizer and BioNTech are working with the Norwegian regulator to investigate the deaths. Bloomberg quoted Pfizer as saying that the Norwegian authorities have found that “the number of incidents so far is not alarming, and in line with expectations”*. Earlier this week, Pfizer said it was also “actively investigating”, along with federal health officials in the United States, the death of a 56-year-old physician in Florida, who died a little over two weeks after receiving the vaccine. “[But] we don’t believe at this time that there is any direct connection to the vaccine,” The New York Times, which first reported the death, quoted Pfizer as saying in a statement. The European Medicines Agency,



which assesses and supervises medicinal products in the European Union, has said that it would examine safety reports submitted by all companies authorised to supply vaccines to the EU every month, and that Pfizer's report would be taken up later this month.

## WHO IS ARMIN LASCHET, NEW LEADER OF ANGELA MERKEL'S PARTY AND HER POSSIBLE SUCCESSOR

*German Chancellor Angela Merkel's Christian Democratic Union (CDU) party, which has been ruling the country in coalitions since 2005, has elected Armin Laschet as its new leader. Laschet, who is currently the premier of North Rhine-Westphalia, Germany's most populous state, emerged victorious over two rivals at the CDU's virtual conference on Saturday.* The win is said to place him in a good position to replace Merkel as Chancellor if their ruling coalition retains power in September this year, when the country goes to polls. Merkel would be stepping down that month, after completing 16 years in office. As party chief, Laschet now takes the place of Annegret Kramp-Karrenbauer, Merkel's once-designated successor.

### Who is Armin Laschet?

*Laschet is a loyal supporter of Merkel, and is seen as a continuity candidate of her course at Germany's helm. The 59-year-old leader stood behind Merkel during the 2015 refugee crisis, at a time when she faced strong opposition from within the centre-right party.* A political moderate, Laschet has a pro-EU stance, and is seen as friendly to immigrants. A Catholic who hails from the Rhine region, Laschet is a former lawyer and journalist who served in the German parliament from 1994 to 1998, and then in the European parliament from 1999 and 2005. In 2010, he joined the state parliament of North Rhine-Westphalia, and became its premier in 2017. The 2017 victory was notable, as Laschet was able to dislodge from power the centre-left Social Democrats, who had ruled the state for most of the previous five decades. Since 2012, he has served as one of the CDU's five deputy chairpersons. During his campaign to become CDU chief, Laschet warned against changing the direction of the party, saying that "a break with Angela Merkel would send exactly the wrong signal". He has supported a "a level-headed approach and avoiding extremes," at a time when the party is losing voters to the alt-right. As per a DW report, *Laschet favours stronger relations with France, and has been Germany's representative for Franco-German relations for two years. The report also said that he would push for closer ties with the US under the incoming Biden administration; he called Biden's win a "victory for democracy".* Although Laschet has taken over the reins of the party, this does not mean that his path to chancellorship is guaranteed, as other leaders from the ruling coalition are expected to challenge him for the top post. Interestingly, Laschet's political heft took a hit last year, after reports said that he pressed for an early relaxation of Covid-19 restrictions, angering Merkel. To become the CDU's chancellor candidate, Laschet may have to fend off challenges from Germany's health minister Jens Spahn and Bavarian leader Markus Söder, both popular figures, reports said.

## WHAT WAS THE CHILD SUBSIDIES SCANDAL THAT LED TO COLLAPSE OF THE DUTCH GOVT?

*The government of Netherlands collectively resigned Friday amid an escalating scandal over the mismanagement of childcare subsidies, due to which thousands of Dutch families — particularly*



*ethnic minorities — are still facing insurmountable debt. Speaking on behalf of the centre-right four-party coalition, Dutch Prime Minister Mark Rutte announced that his government had accepted responsibility for the scandal and would only stay on in a caretaker capacity until a new government is formed following the upcoming general election. “The government was not up to standard throughout this whole affair,” he said in a press conference. “Mistakes were made at every level of the state, with the result that terrible injustice was done to thousands of parents.”*

#### **What was the scandal that led to the Dutch government’s resignation?**

A parliamentary inquiry found that the country’s tax service had wrongly accused over 26,000 Dutch parents of fraud since 2012, and ordered as many as 10,000 of these families to repay tens of thousands of euros worth of child subsidies. The inquiry report, published last month, concluded that “unprecedented injustice” had been done to these innocent families, as a result of which many faced unemployment, bankruptcy and divorce, Reuters reported. According to the report, “fundamental principles of the rule of law were violated” by the Dutch tax authority and fraud investigations into the families were often triggered by something as simple as an administrative error, such as a missing signature. Chris van Dam, the chairman of the parliamentary inquiry committee, said that the system to identify fraud was a “a mass process in which there was no room for nuance.” Last year, the Dutch tax office admitted to singling out at least 11,000 dual national families for more stringent checks, sparking a renewed debate about systemic racism within the Dutch bureaucracy. This also points at why a majority of the families caught up in the scandal are ethnic minorities.

#### **Have the families taken legal action against the government?**

This week, *twenty of the families involved took legal action against several ministers from the outgoing coalition, accusing them of criminal negligence by failing to adhere to the principles of good governance, discrimination and violating children’s rights, the Guardian reported.* Dutch Health Minister Tamara Van Ark, Finance Minister Wopke Hoekstra, Economic Affairs Minister Eric Wiebes, former Tax Minister Menno Snel and opposition Labour Party leader Lodewijk Asscher were all named in the court documents. In fact, Asscher, who was Social Affairs Minister between 2012 and 2017 — the period when the scandal was playing out, unbeknown to most — stepped down from his job on Thursday, after facing widespread criticism. But he insisted that he was unaware that the tax authority was “wrongly hunting down thousands of families”.

#### **How has the government responded to the parliamentary enquiry report?**

Soon after the report was published last month, the *Dutch government announced a compensation of at least 30,000 euros for each of the families falsely accused of fraud. On Friday, Dutch PM Rutte handed in his resignation to King Willem-Alexander, stating that the political responsibility of the scandal lay with his cabinet.* “Things cannot ever be allowed to go so terribly wrong again,” he said. Earlier, Rutte — who has been serving as Prime Minister of the country since 2010 — said that his government would not resign as it would get in the way of the national response to the coronavirus pandemic. However, public pressure to resign started to build after Asscher stepped down from his post, observers say.



### What next for Rutte and his cabinet?

For now Rutte and his cabinet will remain in power in a caretaker capacity until the country's general election scheduled for March 17. But polls suggest that his People's Party for Freedom and Democracy is likely to win a fourth term. According to the Guardian, the party is predicted to come back to power with 30 per cent of the vote, which is more than twice the vote share forecast for the Geert Wilders' anti-Islam Freedom party — the second most popular party in the country. Since 2010, when he first came to power, Rutte has been reelected twice.

## WHY JACK MA'S 'RETURN' HAS SPREAD CHEER AND RELIEF

*After months away from public view — which fuelled speculation — Chinese billionaire Jack Ma resurfaced on Wednesday, and was seen addressing rural educators at an event that was streamed live.*

### Jack Ma goes out of sight

Ma was not seen in public after he delivered a speech at a conference in Shanghai in October 2020, in which he took a jab at Chinese authorities. *The absence was first noticed earlier this month, after the outspoken billionaire failed to appear in the final episode of Africa's Business Heroes, a TV show in which he was to be a judge. The Alibaba Group, which Ma co-founded more than two decades ago, cited a scheduling conflict as reason for his absence.*

### China's crackdown

*At the conference in Shanghai, Ma called for reform in China's regulatory system, described the country's financial watchdog as a "pawnshop" regulator, and suggested that the system "stifled business innovation". Following this, the Chinese government reportedly started a "coordinated regulatory crackdown" on the Alibaba Group — most significantly halting at the last moment in November, the \$34.5-billion public offering of Alibaba's financial services arm, Ant Group Co. This, in addition to an antitrust investigation that China launched against Alibaba, led to a \$140-billion decline in the group's market value. The antitrust probe led the Chinese regulators to order Ant to separate its lending business from its online payments division. Ant Financial is an investor in India's digital payments firm Paytm and online food delivery platform Zomato.*

### Jack Ma's empire

*Ma co-founded Alibaba in 1999 with a group of 18 friends as a business-to-business marketplace. In 2003, he launched the retail platform TaoBao, and payments app Alipay, to compete with eBay and Paypal in China. In 2014, Alibaba was listed on the New York Stock Exchange in a \$25-billion IPO that lifted Ma's net worth to \$19.5 billion and put him on the top of the Forbes China Rich List. In 2016, he became the richest person in Asia, with a net worth of \$33.3 billion. In 2019, he stepped down from the board of Alibaba. The company has been one of the most prominent poster boys of China's digital prowess. For the 12-month period ending September 2020, Alibaba Group's China retail marketplace had 757 million annual active consumers. As of March 2020, Alipay had over 1.3 billion annual active users across the globe in segments such as payments, insurance, and wealth management.*



### Cheer at Jack Ma's return

Alibaba's Hong Kong-listed shares jumping over 6% on Wednesday, Reuters reported. The Alibaba Group plans to raise at least \$5 billion through sale of US dollar-denominated bonds this month.

## CHINA SANCTIONS 28 TRUMP ADMINISTRATION OFFICIALS

*China on Wednesday announced sanctions on 28 officials connected to the outgoing Donald Trump administration, including Secretary of State Mike Pompeo, just as the new United States President, Joe Biden, was taking his oath of office.* The Foreign Ministry in Beijing said in a statement it had "decided to sanction 28 persons who have seriously violated China's sovereignty and who have been mainly responsible for such U.S. moves on China-related issues". The list includes Mr. Trump's trade adviser Peter K. Navarro, who was a key figure behind many of the China-related trade moves; outgoing National Security Adviser Robert C. O'Brien; Assistant Secretary of State for the Bureau of East Asian and Pacific Affairs David Stilwell, who is the top diplomat for the region; and the recently resigned Deputy National Security Adviser Matthew Pottinger, another key figure in Mr. Trump's China policy.

The Ministry said "these individuals and their immediate family members are prohibited from entering the mainland, Hong Kong and Macao of China" and "they and the companies and institutions associated with them are also restricted from doing business with China". It described them as "anti-China politicians in the United States" who "out of their selfish political interests and prejudice and hatred against China and showing no regard for the interests of the Chinese and American people, have planned, promoted and executed a series of crazy moves which have gravely interfered in China's internal affairs, undermined China's interests, offended the Chinese people, and seriously disrupted China-U.S. relations".

*The announcement came as China and the U.S. clashed over the Trump administration, on its last day, accusing China of committing "genocide" and "crimes against humanity" against its minority Uighur Muslims in Xinjiang. This followed a number of recent measures that have brought relations with China to a low, with both sides clashing over Taiwan, Hong Kong as well as sanctions on Chinese firms.* Mr. Biden, during the election campaign, had also described what China was doing in Xinjiang, where around a million people have been forced to "re-education" centres, as "genocide". The declaration by the U.S. will likely mean a continuation of sanctions, including *a ban on imports of cotton and tomatoes from Xinjiang* as well as designations of Chinese officials seen to be involved in the Xinjiang policy.

## U.K. URGES CHINA TO GRANT UN ACCESS TO XINJIANG

*Britain's government on Sunday pressed China to allow UN rights inspectors to visit Xinjiang after raising a new allegations of "appalling" human rights abuses against the Uighur minority people.* Foreign Secretary Dominic Raab last week introduced import controls on firms that may have sourced goods from the region in northwest China using forced labour from the mainly Muslim Uighur community. Speaking on the BBC, he decried reports of "slave labour effectively, forced sterilisation, appalling human rights abuses". "Whether or not it amounts to genocide has to be determined by a court. The bar has been set incredibly high," Mr. Raab said. "And frankly *we*

**3<sup>RD</sup> FLOOR AND 4<sup>TH</sup> FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR**



*shouldn't be engaged in free-trade negotiations with countries abusing human rights well below the limit of genocide," he added, implicitly attacking the European Union for securing an investment pact with China last month.* Mr. Raab's government opposes efforts underway in Parliament to give U.K. courts the power to declare a genocide in Xinjiang, which would bar the government from proceeding with any free-trade agreement with China.

## WHY ARE YOUTH PROTESTS SWEEPING TUNISIA?

A growing groundswell of youth unrest, tapping into a well of economic frustration, is sweeping Tunisia and worrying its leadership all the way to the top. It is, after all, the country that triggered the 2011 Arab Spring revolutions. A third of the North African nation's young people are unemployed — and many are angry about their stagnant fortunes. For the fourth consecutive day, they have taken to the streets in violent demonstrations across the country of 11.7 million — from the capital of Tunis, to the cities of Kasserine, Gafsa, Sousse and Monastir. The protests have led to a muscular response from authorities who fear a repeat of the protests that led to the ousting of strongman President Zine al-Abidine Ben Ali 10 years ago. The army has been deployed in four hot spots. Here's a look at what is going on:

### Tunisia's protest movement is growing

Since Friday, protest groups that are growing in size by the day have been out in force every night. They are staging simultaneous, often-violent demonstrations in cities around Tunisia. The groups have been pelting municipal buildings with stones, throwing Molotov cocktails, looting, vandalizing and clashing with police. The unrest is concentrated in poor, densely populated districts where trust with law enforcement is already lacking. The army was called in by the government on Sunday night to quell tensions and protect the country's institutions. Police said many hundreds of protesters have been arrested.

### What are they protesting?

The precise causes are unclear, but the dire economic outlook of the stagnant North African country is at the heart of the dissatisfaction. Carrying placards such as "Employment is a right, not a favor," the protesters are angry over the broken promises of democratically elected President Kais Saied and his government, which hasn't been able to turn around an economy on the verge of bankruptcy. Ten years after the history-making revolution, whose slogan was "employment, freedom and dignity," Tunisians feel they have anything but that. A third of Tunisia's youth are unemployed and a fifth of the country lives under the poverty line, according to the National Institute of Statistics. Young people don't remember the repression under Ben Ali, and want job opportunities. They're communicating this common frustration via social media, like in neighboring Algeria, where a youth-led protest movement forced its longtime leader out of power in 2019.

### Why has the pandemic made things worse?

The country's disparate lockdown restrictions and a nightly curfew since October to contain the spread of COVID-19 has exacerbated tensions. The pandemic has especially hurt Tunisia's key tourism sector, once powered by its beautiful historic cities and white sandy beaches. Flights have



been grounded and potential tourists face lockdowns at home and a general reluctance to travel when contagious virus variants are racing through nations and continents.

#### How are authorities responding?

Amnesty International has implored Tunisian authorities to use restraint in calming tensions and uphold the rights of the many hundreds who have been detained, but authorities have been increasingly reliant on the army for help and have used tear gas against protesters. The Interior Ministry has justified the robust police response as necessary “to protect the physical integrity of citizens and public and private goods.” Others disagree. The president of the Tunisian Forum for Economic and Social Rights, Abderrahman Lahdhili, said this approach “is not the most appropriate,” and authorities should instead be looking at the underlying “deep reasons.” Each year, Lahdhili said, 100,000 students drop out of school and 12,000 of them turn to illegal migration, taking to overcrowded smugglers’ boats in a risky attempt to reach Europe. Others, he said, fall prey to being recruited by extremist organizations.

#### Are Islamist forces behind the protests?

Saied, the conservative president, tried to speak directly to the protesters by making an unexpected visit on Monday evening to see them in popular district of M’nihla, near Tunis. He warned the protesters against extremist Islamist forces “acting in the shadows” who he claimed are trying to ferment chaos and destabilize the democratically elected government. It’s unclear if this is simply a way to shift blame away from his government for the unrest, or if Islamist forces are really behind the movement. Saied himself is an outsider who won with support from moderate Islamists. The leader of Tunisia’s influential Islamist-inspired Ennahda party, Rached Ghannouchi, has condemned the recent “acts of looting and vandalism.”

## UGANDA POLLS

*Yoweri Museveni, Uganda’s 76-year-old leader who has been in power since 1986, won another five-year term in the January 14 presidential election, but the contested result has pushed the country into its worst political crisis in decades.* According to Uganda’s Electoral Commission, *he won nearly 59% of the vote, while his main rival, Robert Kyagulanyi, a pop musician better known by his stage name Bobi Wine, secured 34%. Mr. Wine has alleged voter fraud,* which the government was quick to dismiss, while putting him and several other leaders of his National Unity Platform under house arrest. The government cracking down on the opposition is not new, but this time, there were widespread reports of state repression of Mr. Wine’s movement in the run-up to the election. He was detained several times, his rallies broken up by security personnel, and the Internet shut down and social networks blocked before the election. *Mr. Museveni’s government refused to accredit election monitors from the West, saying the U.S., after its election crisis, did not have the authority to monitor the elections. Observers from Africa have documented irregularities, including illegal opening of ballot boxes and arrests of members of civil society groups observing elections. According to Ugandan law, Mr. Wine has 15 days to prove election irregularities, which is unlikely to happen as he is under house arrest and party offices have been raided by security personnel.* The Internet was restored almost a week after the shutdown, but social media platforms, which his campaign used to connect with the public, are still blocked. It appears that Mr. Museveni, whose National Resistance Movement came to power by waging a guerrilla war in the 1980s, seems





determined to prevent Mr. Wine even coming close to power. Uganda has long been torn by coups and violence before Mr. Museveni's rise. *Even after Idi Amin, the infamous dictator, was overthrown in 1979, politics remained volatile and violent. Mr. Museveni, when he captured power, promised reforms and stability. Consolidating power rather quickly, he offered a stable government and made Uganda an ally of the West in the fight against radicalism in East Africa. But his grip on power tightened and he forcefully kept the opposition below the radar. In 2005, Mr. Museveni amended the Constitution to remove the presidential term limits and in 2017, signed a law scrapping the age limit of 75 for presidential candidates.* He might continue in office, but his greed for power and disregard for a fair electoral process and rights, coupled with economic woes, have already left cracks in his support base. Mr. Wine, in a short span, has emerged as the President's most potent political rival. Mr. Museveni must realise that short-circuiting the democratic process might force Uganda to repeat its history of violent transfer of power.

## POISON AND PRISON

Russian authorities have repeatedly tried to play down the political importance of Alexei Navalny, the opposition politician who was poisoned in Siberia five months ago, saying he is unpopular. President Vladimir Putin, while answering questions from reporters in December on the poison attack, said, 'who needs him anyway'. But the arrest of the 44-year-old Kremlin critic upon his return to Moscow on Sunday — he left the country in a coma from the near-fatal chemical attack — only belies such claims. The authorities diverted his plane to a different airport on the outskirts and detained him before he could get past the passport control, while riot police were deployed to stop his supporters from entering the arrival zone of another airport. Russian authorities had warned that he would be arrested if he returned from Germany, where he was recovering from the poison attack, as he had been wanted since late December for violations of his suspended sentence from an embezzlement case. But Mr. Navalny, who has accused Mr. Putin of ordering the poison attack, still chose to travel to Russia, in an open defiance of Mr. Putin's power, and courted arrest. On Monday, a judge remanded him in custody for 30 days. In Mr. Navalny, Mr. Putin has found his strongest political opponent in his two-decade-long rule. Once known for his extreme nationalist and anti-immigrant views, Mr. Navalny has turned himself into the embodiment of the anti-Kremlin politics in Russia, which remains tightly controlled by Mr. Putin. And it is no secret that the Kremlin has tried its best to suppress his political movement. He has been detained several times and criminal cases launched against him. He was barred from contesting the 2018 Presidential election. And in August, he collapsed while on a domestic flight from Siberia. German doctors who treated him later confirmed that he was poisoned with a Novichok nerve agent. Western media investigations had implicated Russian agents, an allegation the government has denied. Even if Russian agents were not involved, Mr. Putin cannot escape questions about his most prominent political opponent being poisoned within Russia. His government has the responsibility to investigate what happened in Siberia and bring the perpetrators to justice. That is what any government that believes in the rule of law should be doing. But instead of finding and punishing those who attacked him, Mr. Putin's government, like any dictatorial regime, is going after the victim. It is ironic that Mr. Putin, who recently got the Constitution amended so that he could stay in power beyond two consecutive terms, is still perturbed by the presence of a leader who he says nobody wants. If the long years of attempts to suppress Mr. Navalny's political activism have achieved anything, it is that he is now a stronger opposition figure with international standing.

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## BETWEEN PUBLIC HEALTH AND GLOBAL POLITICS

It is common knowledge that any international agency is only as powerful or important as its funding members want/allow it to be. The World Health Organization (WHO), catapulted to centre stage by the COVID-19 pandemic, is no different. Its funding comes from countries or member states paying their assessed contributions (countries' membership dues), and voluntary contributions from member states and other partners. In its 72 years of existence, the WHO has seen a lot of ups and downs, and faced a lot of criticism, more so in the past year, but it has always been called on to anchor and guide member nations in times of a global health crisis. With its army of specialists and access to information and best practices across the world, it remains the world's best bet — not only to write out prescriptions, but also maintain a vigil over inequities and access to health care services. Its avowed aim is “to promote health, keep the world safe, and serve the vulnerable. Our goal is to ensure that a billion more people have universal health coverage, to protect a billion more people from health emergencies, and provide a further billion people with better health and well-being.” Universal health coverage and health emergencies continue to be its two-pronged focus areas. It was on April 7, 1948, that the WHO came into being with 61 members on board. Its precursor was the Office of International Public Health that was formed in 1907 conceived with the idea of creating a pan-national outfit that would coordinate nations' responses to public health crises. The WHO works through its country offices that report to six regional offices.

### Immunisation drive

The seeds for the organisation's arguably biggest success — the elimination of small pox — might have been sown with its efforts to intensify the immunisation campaign globally. Small pox, also caused by a virus, was one of the most devastating diseases known to humanity before it was eradicated. Edward Jenner had developed a vaccine way back in 1796, but vaccination received a boost with the WHO prioritising immunisation. It was in 1980 that the WHO declared that the disease had been eliminated from the world, through sheer human effort. If one is looking at reasons for the pre-eminent, compelling need for an organisation such as the WHO, technically one need look no further than small pox. Its work on malaria, and neglected tropical diseases, among others, also are recognised. It was as a result of the criticism that it failed to pick up rampaging Ebola in the 1990s, and delayed picking up HIV/AIDS early enough, that the WHO rolled out the Global Public Health Intelligence Network in 1997, to predict potential epidemics using information on the Internet, and function as an early warning alert. With the growing use of the Internet, such a system gains better traction, and in 2000, it was supplemented with the Global Outbreak Alert Response Network (GOARN). And yet, criticism was laid at the door of the WHO, because of its initial measured response to the COVID-19 pandemic. On January 23, 2020, Tedros Adhanom Ghebreyesus, the WHO's Director General, said it was early to declare “a public health emergency of international concern”. And yet, a week later, the WHO declared a public health emergency of international concern, the highest level of alarm. At that time, there were 98 cases and no deaths in 18 countries outside China. Four countries had evidence (eight cases) of human-to-human transmission outside China. “For the moment,” Dr. Tedros said, “the WHO does not recommend any broader restrictions on travel or trade. We recommend exit screening at airports as part of a comprehensive set of containment measures.” The Director General's lavish praise for China in handling the crisis also came in for criticism. “We would have seen many more cases



outside China by now — and probably deaths — if it were not for the government’s efforts, and the progress they have made to protect their own people and the people of the world.” “The speed with which China detected the outbreak, isolated the virus, sequenced the genome and shared it with WHO and the world are very impressive, and beyond words. So is China’s commitment to transparency and to supporting other countries.” Clearly, he had spoken too soon. Outgoing American President Donald Trump tore into the WHO with being a China acolyte, cut funding and pulled the U.S. out of the organisation.

### Changing statements

Later, changing statements on the use of masks, hydroxychloroquine and even the mode of transmission, by the WHO, have raised eyebrows. But it is also necessary to understand the nature of the functioning of the WHO and the nature of the beast, or the virus, in this case. The WHO works with information shared with it by nations, China, in this case. It is bound by these limitations, as also its innate inability to police nations, or have them conform with recommendations. Representatives of the WHO also repeatedly mentioned, in their defence, that they were guided by scientific principles, backed by solid evidence, and in an evolving epidemic, instructions must necessarily be dynamic. Subsequently in March, the WHO issued a consolidated package of existing guidance covering the preparedness, readiness and response actions for four different transmission scenarios: no cases, sporadic cases, clusters of cases and community transmission. It unleashed its armamentarium to help the world handle its most unprecedented health crises of all time.

### SOLIDARITY trial

The WHO and its partners launched the SOLIDARITY trial, an international clinical trial that aims to generate robust data from around the world to find the most effective treatments for COVID-19. It was designed to accelerate the process of conducting randomised clinical trials which normally take years to design, conduct, and see the results of. The organisation also worked with the European Commission and multiple partners to launch the ACT Accelerator, to ensure that once a vaccine is available, it’s available to everyone — especially those who are at the greatest risk. The battle against COVID-19 is far from over. While vaccines are now available, and the administration of the vaccine has begun, challenges continue in monitoring this massive immunisation exercise, and ensuring that every one has access to the recommended doses. The WHO also has a duty to counter the fatigue that has set in after prolonged efforts to test, quarantine and treat COVID-19. “This is a defining moment in the pandemic, health workers are stretched and we are seeing supplies of oxygen run dangerously low in some countries. We must act together as common humanity and roll out vaccines to health workers and those highest at risk,” Dr. Tedros said recently. The COVID-19 pandemic that has over 93 million cases and over 2 million deaths so far might just have sealed the WHO’s place in the UN firmament, it’s place in a world that lives in fear of pathogens, cemented its *raison d’être* and possibly, secured its funding component.

## SRI LANKA’S TAMIL PARTIES SEEK MECHANISM TO PROBE ‘WAR CRIMES’

Sri Lanka’s main Tamil political parties have sought an international probe, including at the International Criminal Court (ICC), into allegations of human rights abuses during the civil war,

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deeming there is “no scope” for a domestic process that can “genuinely” deal with accountability. In a joint letter — dated January 15, 2021 — addressed to members of the UN Human Rights Council they observed, “Leaders across the political spectrum in Sri Lanka including from both the major political parties have categorically and without exception stated that they will protect the Sri Lankan armed forces from prosecutions. It is now time for Member States to acknowledge that there is no scope for a domestic process that can genuinely deal with accountability in Sri Lanka.”

#### Consensus reached

Significantly, different Tamil political parties that were until now fiercely critical of each other’s strategies — political or regarding accountability — appear to have reached a consensus ahead of the 46th session of the Council (February 22 to March 19), going by the signatories to the letter, including Tamil National Alliance Leader R. Sampanthan, Tamil National People’s Front Leader G.G. Ponnambalam, and Tamil Makkal Tesiya Kootani Leader and former Chief Minister of the Northern Province C.V. Wigneswaran, apart from civil society organisations in the north and east. UN Human Rights Council sessions in Geneva usually evoke sharp and opposing views within Sri Lanka, with much of the Tamil polity pinning hopes on the Council for war-time accountability, while the southern Sinhala polity and its core electorate vehemently oppose any international interference in its affairs. In February last year, months after President Gotabaya Rajapaksa was elected to office, Sri Lanka formally notified the Human Right Council that it was withdrawing from the 2019 UN resolution on post-war accountability and reconciliation, scheduled to be taken up in the upcoming session. Citing Sri Lanka’s unfulfilled commitments to promote accountability and reconciliation, the Tamil leaders urged that UN organs, including the UN Security Council and General Assembly, to take “suitable action by reference to the International Criminal Court and any other appropriate and effective international accountability mechanisms to inquire into the crime of genocide, war crimes and crimes against humanity.” They also sought an international evidence gathering mechanism such as the one set up for Syria.

#### Burial rights

Further, the Tamil parties said the persisting “militarisation and surveillance” in war-affected areas, and the denial of burial rights to Muslims — during Covid-19 pandemic — and the right to memory, underscored the urgency of addressing the “deteriorating situation.” Tamil people’s right to commemorate came under sharp focus recently, when authorities at the University of Jaffna demolished a memorial on campus, built to remember those who died in the final phase of the war in 2009. Following student protests and wide condemnation from within and outside Sri Lanka, the University Vice-Chancellor assured students that a new “peace memorial” would be built.

### MYANMAR, MAURITIUS AND SEYCHELLES RECEIVE COVISHIELD

Large consignments of Covishield vaccine doses were flown in special Indian aircraft to Seychelles, Mauritius and Myanmar on Friday. The shipments of the vaccine, manufactured by the Serum Institute of India (SII) in Pune, is part of the Vaccine Maitri diplomacy that the Ministry of External Affairs said will also cover Africa, which is in need of affordable COVID-19 vaccine doses. “Today, consignments of 15 lakh doses for Myanmar, 1 lakh doses to Mauritius and 50,000 doses to Seychelles are being airlifted,” said official spokesperson Anurag Srivastava, who reiterated that

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there is “interest in many countries in accessing vaccines from India”. “Supplies as grant assistance to Sri Lanka and Afghanistan will be undertaken after receiving confirmation of regulatory clearances from these two countries. Contractual supplies are also being undertaken to Saudi Arabia, Africa, Brazil, Morocco...,” said Mr. Srivastava. In the first round of supplies, special flights have already carried large consignments of Covishield vaccine doses to Bhutan, the Maldives, Bangladesh and Nepal during January 20-21.



# DreamIAS



## NATIONAL

### THE THREAT OF DEEPAKES

The protesters who created chaos in Capitol Hill on January 6 believe that the 2020 U.S. election was stolen by the Democrats. This is largely due to misinformation and disinformation of which deepfakes are a part. Deepfakes — synthetic media, meaning media (including images, audio and video) that are either manipulated or wholly generated by Artificial Intelligence — even have the power to threaten the electoral outcome of the world’s oldest democracy. Several social media platforms blocked President Donald Trump’s accounts after the attack.

#### Fabricating content

The cyberworld has been facing the challenge of deepfakes for a while now. *AI is used for fabricating audios, videos and texts to show real people saying and doing things they never did, or creating new images and videos.* These are done so convincingly that it is hard to detect what is fake and what is real. *Detection can often be done only by AI-generated tools.* Several books caution us against the threats of AI-generated content comprising non-existent personalities, synthetic datasets, unreal activities of real people, and content manipulation. Deepfakes can target anyone, anywhere. They are used to tarnish reputations, create mistrust, question facts, and spread propaganda. In October 2020, the U.S. Senate summoned Facebook’s Mark Zuckerberg, Twitter’s Jack Dorsey and Google’s Sundar Pichai to find out what they are doing to tackle online misinformation, disinformation and fabricated content. Senators said they were worried about both censorship and the spread of misinformation. According to Section 230 of the Communications Decency Act of 1996, a law which protects freedom of expression and innovation on the Internet, “No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.” This means that the companies are not responsible for the posts on their platforms. The chief executives said they need the law to moderate content, but industry watchers and some politicians feel that the law is outdated and needs to be revisited. India also faces the same problem. So far, it has not enacted any specific legislation to deal with deepfakes, though there are some provisions in the Indian Penal Code that criminalise certain forms of online/social media content manipulation. The Information Technology Act, 2000 covers certain cybercrimes. But this law and the Information Technology Intermediary Guidelines (Amendment) Rules, 2018 are inadequate to deal with content manipulation on digital platforms. (The guidelines stipulate that due diligence must be observed by the intermediate companies for removal of illegal content.) In 2018, the government proposed rules to curtail the misuse of social networks. Social media companies voluntarily agreed to take action to prevent violations during the 2019 general election. The Election Commission issued instructions on social media use during election campaigns. But reports show that social media platforms like WhatsApp were used as “vehicles for misinformation and propaganda” by major political parties during the election.

#### New tools

This is worrying. Existing laws are clearly inadequate to safeguard individuals and entities against deepfakes. Only AI-generated tools can be effective in detection. As innovation in deepfakes gets



better, AI-based automated tools must be invented accordingly. Blockchains are robust against many security threats and can be used to digitally sign and affirm the validity of a video or document. Educating media users about the capabilities of AI algorithms could help.

#### U.K. INVITES PM MODI TO G7 SUMMIT IN JUNE

The United Kingdom has invited Prime Minister Narendra Modi to attend the G7 summit that is scheduled to be held in June. Apart from India, Australia and South Korea are also invited to participate in the proceedings of the summit as “guest countries”. “U.K. Prime Minister Boris Johnson will use the first in-person G7 summit in almost two years to ask leaders, including Indian Prime Minister Narendra Modi, to seize the opportunity to build back better from coronavirus, uniting to make the future fairer, greener and more prosperous,” a statement issued by the British High Commission announced on Sunday. The summit will be held in Cornwall from June 11 to 13. The invitation came days after Mr. Johnson cancelled his visit to India in the last week of January because of a new wave of COVID-19 in Britain. He said he will visit India “ahead” of the G7 summit. Cooperation between the U.K. and India is significant this year as India is a non-permanent member at the UN Security Council, where the United Kingdom will take over the presidency in February.

#### NEPAL RAISES KALAPANI BOUNDARY ISSUE WITH INDIA

*Nepal has raised the Kalapani boundary dispute with India during the Joint Commission meeting, visiting Foreign Minister Pradeep Kumar Gyawali said here on Friday.* The Minister said that the Indo-Nepal boundary dispute existed in “two segments” and Kathmandu wished to find a solution to the matter urgently. Mr. Gyawali also took up Nepal’s requirement for vaccines to fight the COVID-19 pandemic as Kathmandu has approved Serum Institute of India’s (SII) Covishield vaccine.

This is the first time that the Foreign Minister of Nepal has presented the dispute on the boundary front from the Indian capital since the issue erupted in November 2019 prompting Nepal to unveil a new political map that showed the Kalapani-Lipulekh-Limpiyadhura region of Pithoragarh district as part of the country’s sovereign territory. The Hindu had reported earlier citing sources that the Indian side was aware the Nepalese delegation would raise the boundary issue in Friday’s interaction but said that India would not discuss the matter at the Joint Commission level as the boundary dispute has a dedicated Foreign Secretary-level mechanism that is yet to meet. A statement issued by the Ministry of Foreign Affairs of Nepal said “boundary and border management” was part of the discussion. In contrast, a statement issued by the Ministry of External Affairs said “border management” was part of the discussion. The statement from Nepal said that both the teams “discussed the review of the Peace and Friendship Treaty of 1950”. It is understood that the review has been recommended by the Eminent Persons Group (EPG) constituted by Mr. Modi and Mr. Oli in 2016. The EPG report, which has been completed, is yet to be submitted to the Indian Prime Minister. The Nepalese statement said the issue of “submission” of the report was also raised during the meeting.



## INDIA PROPOSES TO EXPAND RESEARCH, TOURISM IN THE ARCTIC

India has unveiled a new draft 'Arctic' policy that, among other things, commits to expanding scientific research, "sustainable tourism" and mineral oil and gas exploration in the Arctic region. The draft policy is open to public comments until January 26 and has been prepared after deliberations among several Ministries. India expects the Goa-based National Centre for Polar and Ocean Research to lead scientific research and act as a nodal body to coordinate among various scientific bodies to promote domestic scientific research capacities by expanding "earth sciences, biological sciences, geosciences, climate change and space related programmes, dove-tailed with Arctic imperatives in Indian universities." Other objectives of the policy include "...putting in place Arctic related programmes for mineral/oil and gas exploration in petroleum research institutes and encouraging tourism and hospitality sectors in building specialised capacities and awareness to engage with Arctic enterprises," according to the says the document available online at [www.arcticpolicy.nic.in](http://www.arcticpolicy.nic.in). "Arctic research will help India's scientific community to study melting rates of the third pole — the Himalayan glaciers, which are endowed with the largest freshwater reserves in the world outside the geographic poles," the document notes. India launched its first scientific expedition to the Arctic in 2007.

## CBI BOOKS CAMBRIDGE ANALYTICA, ANOTHER FIRM IN DATA THEFT CASE

The Central Bureau of Investigation has booked Cambridge Analytica (U.K.) Limited and Global Science Research Limited (U.K.) for alleged illegal harvesting of personal data of about 5.62 lakh Indian users on Facebook through an application. The FIR names Global Science Research Limited (GSRL), represented by Dr. Aleksandr Kogan, and Cambridge Analytica, represented by Alexander Nix, as accused. It stems from a preliminary enquiry launched by the agency in July 2018 on a complaint from the Ministry of Electronics and Information Technology (MeitY) following media reports alleging the illegal harvesting of personal data. MeitY had earlier sought details from Facebook and Cambridge Analytica about the alleged violations, the extent of leak of personal data of Indian users and their possible misuse by Cambridge Analytica for profiling and influencing elections in India. "Facebook reported that the data of potentially 5.62 lakh Indian users might have been illegally harvested," said the FIR. Cambridge Analytica replied that it had received data from GSRL pertaining to U.S. citizens only. It did not respond to MeitY's further correspondences. The Ministry then sought a legal opinion, based on which it referred the matter to the CBI. The CBI found that Dr. Kogan, founder and director of GSRL, had created an application that was named "thisisyourdigitallife." As per Facebook's platform policy, the app was authorised to collect certain specific data of users for academic and research purposes. It, however, illegally collected unauthorised data of users as well as their friends' network on Facebook, as alleged in the FIR. The data was collected without the knowledge and consent of users.

## INDIA ASKS WHATSAPP TO REVOKE CHANGES IN ITS PRIVACY POLICY

The Union government has asked WhatsApp to withdraw the proposed changes to its privacy policy, stating that it raised "grave concerns" over the implications of the choice and autonomy of Indian citizens. In a letter to WhatsApp chief executive officer Will Cathcart, the government pointed out that *by not giving the option to opt out of data-sharing with Facebook companies, Indian users were being treated differently from those in Europe.* "Whether this [the new policy] will

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enable better provision of service to users or not is beside the point, the issue is the impact it has on informational privacy, data security and user choice,” the letter said, adding that sovereign independence of India’s distinct identity and its people must be properly respected and any unilateral changes to WhatsApp terms of service and privacy would not be fair and acceptable. *The government also asked the Facebook-owned platform to reconsider its approach to respect the informational privacy, freedom of choice and data security of Indian citizens.*

WhatsApp’s decision to delay the update of its privacy policy, following a backlash from its users, is an implicit acknowledgement of the increasing role played by perceptions about privacy in the continued well-being of a popular service. Problems for the Facebook-owned app started earlier this month when it announced an update to its terms of service and privacy policy, according to which users would no longer be able to opt out of sharing data with Facebook. February 8 was kept as the deadline for the new terms to be accepted. This triggered a mass exodus from WhatsApp, the likes of which it has never encountered, not even in the aftermath of the Cambridge Analytica scandal, which did bring a lot of bad press to its parent, or when the messaging app’s co-founders called it quits a few years ago. The WhatsApp policy update has clearly spooked many users, who, concerned about their privacy getting compromised, have shifted to alternative platforms such as Signal and Telegram. In recent weeks, according to media reports, messaging app Signal has topped the app store charts in India and many other countries. Interestingly, WhatsApp uses the same end-to-end encryption protocol as Signal. An under-fire WhatsApp, on its part, has tried to allay fears about privacy being compromised because of the updates. It has put out numerous messages and taken out advertisements to convey that the changes are “related to optional business features on WhatsApp, and provides further transparency about how we collect and use data”. Millions of business interactions take place every day on WhatsApp, and the new privacy updates are supposedly to make these easier while also enabling personalised ads on Facebook. After all this, WhatsApp has pushed the update to May 15. The change will ultimately be inevitable, given that WhatsApp, bought by Facebook for a whopping \$19 billion and having subsequently given up plans to charge its users, would be betting on its handling of business interactions to make its big monies. Even then, it cannot force these changes on its users in Europe. For, *Europe’s stringent General Data Protection Regulation, more popularly called GDPR, prevents such sharing between apps. Users there are in control of their data much more than anywhere else in the world.* India could do with such a law. All it has is a draft version of a law, and it has been so for a few years now. Privacy of a billion citizens is too important a thing to be left just to the practices of a commercial enterprise. It will be reassuring if it is guaranteed by a strong law.

#### FB OFFICIAL SAYS HE HAS RIGHT TO REMAIN SILENT

Senior Facebook official Ajit Mohan told the Supreme Court on Thursday that he is well within his rights to remain silent and not be compelled by the Peace and Harmony Committee of the Delhi Legislative Assembly to be part of a “politically polarised debate” on the Delhi riots last year. Appearing before a three-judge Bench led by Justice Sanjay Kishan Kaul, senior advocate Harish Salve, for Mr. Mohan, submitted his client heads the commercial office of an American company in India. “I don’t want to get in the middle of a politically polarised debate,” he submitted for Mr. Mohan. Mr. Salve clarified to the court that he cannot be compelled to appear before the committee even if he is exempted from taking oath.



### 'Conscientious decision'

"It is a conscientious decision. You may criticise me for it. You give oath when you are testifying on facts... I do not wish to appear before the committee. It is a highly polarised political debate. I do not wish to be part of it. I am well within my right to remain silent," Mr. Salve emphasised. Mr. Salve flagged his concerns about the mandate of the Committee, which includes recommending action against persons against whom incriminating evidence for incitement of violence was prima facie found. Mr. Salve said the Information Technology Act already deals with hate content on the Internet. Mr. Mohan has accused the Assembly of threatening him with "breach of privilege" if he did not appear before the Committee to testify. Mr. Salve said the case highlighted several pertinent questions of law, which includes whether the privileges of the Legislative Assembly of the NCT of Delhi would comprise the power to compel the appearance of non-members. He said there was no such privilege to summon third parties. "If they have the power to compel appearance, how will it be reconciled with the right to privacy, free speech and expression, which include the right to silence," Mr. Salve submitted. He said cooperative federalism did not include the power to do anything.

### MILITARY SPECIALISTS TO GET S-400 TRAINING IN MOSCOW

As India prepares to receive the first batch of S-400 long-range air defence system by year-end, the first group of Indian military specialists are scheduled to depart for Moscow soon to undergo training courses on the S-400, the Russian Embassy here said in a statement. "S-400 supplies initiative is one of the flagship projects in the Russian-Indian military and military-technical cooperation, which historically constitutes the main pillar of the special and privileged strategic partnership between our two friendly countries," said Russian Ambassador Nikolay R. Kudashev, hosting the Indian team at an event in the embassy. He further stated, "Currently Russia and India are deeply involved in joint development and production of military equipment, components and spare parts as well as technologies sharing, improving after-sales service system. We have developed an advanced legal base for this purpose." In October 2018, India signed a \$5.43-billion deal with Russia for five S-400 Triumf regiments despite objections from the U.S. and the threat of sanctions under Countering America's Adversaries Through Sanctions Act (CAATSA).

#### U.S.' concern

In the farewell address early this month, outgoing U.S. Ambassador Kenneth Juster declined to comment on whether the U.S. would proceed with CAATSA sanctions against India over the S-400 purchase, but said India should consider the impact of such purchases that constrain "technology transfers" and other defence cooperation between India and the US. On defence cooperation, Mr. Kudashev said along with the S-400, the two sides successfully were moving towards the implementation of a AK-203 rifle contract and 200 Ka-226T utility helicopters supplies among others. They are looking forward to an early implementation of the spare parts joint production agreement. "Work also is going on the mutual logistics support agreement, strengthening maritime cooperation, including in the Indian Ocean," he said.



## LAND UNDER PLA CONTROL SINCE 1959

The Ministry of External Affairs (MEA) on Monday said it was aware of infrastructure construction by China in the past several years “along the Line of Actual Control (LAC)” and that India has also stepped up its construction. The statement came after a report by NDTV showed satellite images of a new Chinese settlement in Arunachal Pradesh. This is the first time the government has acknowledged Chinese construction, although official sources say the land has been under the Chinese People’s Liberation Army’s (PLA) control since 1959. “The Chinese have been holding the area since 1959 and it is not a new development. Prior to that, there was an Assam Rifles post there which was overrun. They have been doing construction there on and off. There were some temporary constructions few years back. They have now done permanent construction there,” an official source said. A second official source said, “They are doing it [the construction] on their side and we are doing it on our side.” Satellite images show the construction of a big village on the banks of Tsari Chu river in Upper Subansiri district between November 2019 and November 2020. Stating that the government remains committed to the objective of creating infrastructure along the border areas for the improvement of the livelihood of its citizens, including in Arunachal Pradesh, the MEA said in a statement, “Government keeps a constant watch on all developments having a bearing on India’s security and takes all the necessary measures to safeguard its sovereignty and territorial integrity.” It said that India, too, has stepped up border infrastructure, including the construction of roads and bridges among others, which it added has provided “much needed connectivity to the local population along the border.”

## BUDGET SESSION TO HAVE QUESTION HOUR

The Question Hour, which had been suspended by the government during the monsoon session, will resume when Parliament meets for the Budget session from January 29. The government had claimed that the suspension of the Question Hour, which gives the Opposition an opportunity to hold the government accountable, was an additional precautionary measure to tackle the COVID-19 pandemic. The suspension had been strongly criticised by the Opposition. As during the monsoon session, the Rajya Sabha and the Lok Sabha will meet at alternate sessions to ensure that all the three chambers — Rajya Sabha hall, Lok Sabha hall and the Central Hall — were available for both Houses to seat members in keeping with the physical distancing norms.

### Between sessions

The Rajya Sabha will meet from 9 a.m. to 2 p.m. and the Lok Sabha in the second half from 4 p.m. to 8 p.m. The two hours between the sessions will be used to sanitise the area. At a press conference on Tuesday, Lok Sabha Speaker Om Birla said, “Question Hour will be allowed during Parliament session for an already fixed time of one hour.” Parliamentarians will sit in all the three chambers when President Ram Nath Kovind addresses the joint session of Parliament at the start of the session. Mr. Birla said all MPs will be requested to undergo a COVID-19 test before the start of the Budget session. The Lok Sabha Speaker said all the arrangements had been made for RT-PCR tests to be done near their residences too. Mr. Birla said food served in Parliament canteens for MPs and visitors will cost more as the subsidy allotted for it has been withdrawn, though he did not clarify the financial implications of the move. The subsidy on food supplied at the canteen cost nearly ₹8 crore, senior Lok Sabha officials said.



**BEING TETHERED TO BARS DURING A PANDEMIC (GOPALKRISHNA GANDHI - FORMER ADMINISTRATOR, DIPLOMAT AND GOVERNOR)**

A distance of two yards — do ghazh ki duri — we are enjoined to maintain between oneself and anyone else. The ‘pandemic’ message is relayed on recorded caller messages in all our official languages. But there is a category of persons by which the injunction cannot be observed — prisoners. By the very nature of their situation, the physical limits of their confinement, they are obliged to stay in poorly ventilated and over-crowded cells. Being holed up in that condition almost seems to form part of the punishment. A jail and a dungeon are almost interchangeable terms.

**Data from the U.S., the U.K.**

Criminal justice has ‘activists’ in the United States observing with a sharp eye, prison conditions. We do not. At least not in the same numbers or with the same capacity to influence policy. Writing in Diplomatic Courier on December 29, 2020 (<https://bit.ly/2M4IHIT>), Carolyn Nash reported that in March 27, last year, a letter signed by over 40 public health experts called federal prisons and immigration detention centers “breeding grounds for uncontrolled transmission” of the virus. By September, 44 of 50 COVID-19 clusters were found to be located in prisons. In Texas, the virus had, by then, killed more than 230 people in jails and prisons, 80% of whom had not been convicted of a crime. By November, the number of cases in Michigan prisons more than doubled in two weeks. A Minnesota organiser called his state’s soaring rate of prison infections “a human rights disaster”, she says. England and Wales have 121 prisons housing about 79,000 prisoners. As the novel coronavirus grew alarmingly in Britain, a mass testing programme commenced for all prisoners in 28 of these prisons in July, starting with symptomatic prisoners. The United Kingdom Ministry of Justice figures (The Guardian, November, 2020; <https://bit.ly/39ltmg5>) showed that prisoners testing positive in September stood at 883 (By October the number rose to 1,529, with five deaths. This rise was doubtless computed on account of increased testing.

**The Indian situation**

Do we have such statistics for India? They do exist, surely but not in handy, ready form in the public domain. But the tragedy in human terms is that such statistics are not being demanded of our criminal justice system. In the United States and in the U.K., pandemic control in prisons is being driven by enlightened public opinion. Not so in India. When we hail an ‘unlocking’, we are not thinking of our lock-ups. This is not surprising in a society such as ours which seems to have concluded, prematurely, that the novel coronavirus is behind us, which is not the case. But more pertinently, this is not surprising in a society that has a poor tradition of human rights activism. It takes a prominent prisoner such as the writer, Varavara Rao, or the Khudai Khidmatgar Faisal Khan going down with the virus for the enormity of the disease combining with imprisonment to dawn on us. That our 1,400 or so prisons, ‘housing’ over 4.5 lakh prisoners are breeding grounds for the virus does not occupy our thoughts, even our virus-related thoughts. But how about the Indian state ? The Prisons Act of 1894 (<https://bit.ly/39G9473>) makes prisons the exclusive responsibility of State governments. Over the years the condition of prison life has moved up on the human civility and dignity scale, with the venues now being called correctional homes and over 60 ‘minimum security’ open prisons having been set up. Of the 4.5 lakh prisoners that our



correctional homes hold, according to the National Crime Records Bureau's report for 2019 (<https://bit.ly/3q1bl8T>), about 3.3 lakh are 'under-trial prisoners', against whom investigation or trial is supposed to be 'in progress'. These 3.3 lakh 'under-trial prisoners' have been detained under Section 167 of the Code of Criminal Procedure (CrPC) which provides for "Procedure when investigation cannot be completed in 24 hours". The original CrPC of 1898 specified the period of detention as 15 days. This has, by amendments, been extended to periods that can go up to 90 days and, in some exceptional situations, even indefinitely.

#### **Violation of rights**

Surendra Nath, a former Additional Secretary in the Ministry of Justice, Government of India and member of the Constitutional Conduct Group, has pointed out: "... (O)ut of 3.3 lakh, about 2.2 lakh are either not likely to be even charge-sheeted, or they are likely to be acquitted." B.D. Sharma, a former Head of Correctional Services in West Bengal, who has done amazing work in giving that nomenclature true meaning, describes their condition thus: "This huge violation of the basic human rights of UTPs in such large numbers is made further unbearable by overcrowding, poor living conditions, inadequate healthcare facilities and torture by other rowdy prisoners (which often occurs with the connivance of jail staff) in our prisons." And he highlights the huge injustice caused to the families of the 'under-trial prisoners' "languishing in prisons for long years particularly their children who are denied a normal childhood, proper education, and are exploited by cruel sections of the society in various way especially the girl children and many of whom are forced to take to the path of crime".

#### **Double punishment**

So, while the plight — to use a cliché — of all prisoners is by definition bad, in terms of exposure to disease, it is 10 times worse for 'under-trial prisoners', for the majority of them are and are likely to be found to be innocent. Theirs is a case of innocence in jail and in jeopardy — the jeopardy of a potentially fatal infection contracted while in detention. Is this acceptable in a country which boasts of a Constitution, in the Preamble to which we give unto ourselves, before anything else — Justice? The virus gives cause for an immediate review of all prisoners' vulnerability to the epidemic, starting with that of 'under-trial prisoners' who are suffering two privations — one, being immobilised, most probably unjustly, and two, being tethered to the risk of infection. This review has to comprise 100% and repeated testing procedures in all prisons, especially sub-jails, which form the biggest category among them and the least 'equipped' and an arrangement for the isolating and hospitalisation of those testing positive. No prisoner who has tested positive can be allowed to remain within the crowded confines of that venue without transmitting the disease to a progressively rising concentric circle of inmates. But above all, the population of prisons has to be vigorously brought down.

#### **A case for prison reform**

Through a salutary amendment, the Code Of Criminal Procedure (Amendment) Act, 2005, a much-needed Section 436-A has been introduced in the CrPC. Excluding offences for which capital punishment is envisaged, it provides for an under-trial to be released on a personal bond, with or without sureties if the period spent in detention by the under-trial has been for more than half the maximum period of imprisonment prescribed for that offence. (The public prosecutor can move



the court to deviate from this.) The 2005 amendment had two aims : one, de-congestion and two, fairness. Today, in our COVID-19 times, if congestion is per se held to be dangerous, de-congestion in prisons through a prescribed legal procedure becomes not just a desirability but a duty. And I urge the immediate and massive activation of Section 436-A without sureties so as to benefit all under-trials eligible for it. It is not just desirable but axiomatic that the 2005 amendment to the CrPC be activated on a nation-wide and urgent basis as a penological imperative, a state duty and a human right. And while their release is being actuated, it also follows that even as anyone in a state hospital may rightly expect to be vaccinated on a priority against the virus, so should inmates of the 'Hospitals of Correction'. While 'Prisons' is in the 'State List', as is 'Public Health', the Constitutional responsibility of handling infectious and contagious diseases figures in the Concurrent List. It is the Centre that must show the States its concern in this and lead from the front.

## RAJIV GANDHI CASE CONVICTS' LEGAL BATTLE AND GOVERNOR'S DELAY ON PARDON PLEA

The Centre on Thursday informed the Supreme Court that Tamil Nadu Governor Banwarilal Purohit will take a decision on the release of seven convicts in the Rajiv Gandhi assassination case within three to four days. This comes after a prolonged legal battle by one of the convicts, A G Perarivalan, who had moved the apex court seeking release from the jail. What does it mean to Perarivalan and six other convicts serving life sentences in the case?

### The latest development in the Rajiv Gandhi case

As per the submission before the SC today, the much-awaited decision on the release of the Rajiv Gandhi case convicts will be announced from Tamil Nadu Raj Bhawan by Monday. It may be one such case where the larger conspiracy angles are being probed in 2021 in an assassination case of 1991, while the CBI had submitted its chargesheet and the highest court had handed out punishments by 1999 itself. However, what led to the prolonged delay in remission by Tamil Nadu Governor, even after an elected government had sent the same recommendation twice in the last two years, was a constitutional provision which says the Governor cannot reject the state's recommendation but there is no time limit prescribed to take a decision. Since the Governor had already returned the file to reconsider the government's decision and the government stood by its decision, and with the SC also clarifying that the Governor is the competent authority to give remission, there may not be many options left before the Governor than to give assent to the cabinet recommendation.

### Timeline of the legal battle

It started with a pardon plea by Perarivalan before the Tamil Nadu Governor in 2015. In September, 2018, the SC asked the Governor to decide the pardon plea as he "deemed fit". Following the SC order, the Tamil Nadu Cabinet had recommended to the Governor to release Perarivalan and six others. The cabinet decision to remit sentences of all seven convicts, including Perarivalan, was welcomed by all political parties in the state. But the Governor chose to take time. The Cabinet recommendation remains pending. In 2020, the SC had rebuked the CBI for failing to make any significant progress in its investigation into a larger conspiracy behind the assassination 29 years ago and remarked that the Multi Disciplinary Monitoring Agency (MDMA) "has done

**3<sup>RD</sup> FLOOR AND 4<sup>TH</sup> FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR**



nothing, nor do they want to do anything,” referring to the CBI-led MDMA set up in 1998. In July 2020, the Madras High Court said that Tamil Nadu Governor cannot sit on the state government’s recommendation for so long and reminded that there is no time limit prescribed for the constitutional authority (Governor) to decide on such issues only “because of the faith and trust attached to the constitutional post”. The court said, “If such authority fails to take a decision in a reasonable time, then the court will be constrained to interfere.” Overcoming a major hurdle in his legal fight, a counter filed by the Centre before the SC in November 2020 said the CBI has nothing to do with Perarivalan’s remission petition and that it remains an issue between the petitioner and the office of the Governor. The Centre also submitted that the CBI has no role in the case of remission of the petitioner. On Thursday, Solicitor General Tushar Mehta was informing the SC that Governor Purohit himself will take a decision “in three or four days.” After the SC had also expressed displeasure in the inordinate delay in Governor’s decision and probed legal grounds to dispose the case under humanitarian grounds asserting reformatory values of Indian judiciary, Solicitor General Tushar Mehta was informing the SC on Thursday that the Governor Purohit himself will take a decision “in three or four days.”

#### **What were the arguments in Perarivalan’s petition seeking pardon**

Perarivalan had been pleading for release citing that he was 19 when he was arrested, he was the only male child of his parents, there were no records of criminal antecedents and that he had an excellent conduct in his entire prison life. His petition also cited UG and PG degrees from Indira Gandhi National Open University during his incarceration, and that he was the university topper, Gold medalist in diploma in DTP and that he completed more than eight diploma and certificate courses during his prison term. Citing that his probation officer gave a report in favour of his release or parole, he also cited retired CBI officer V Thiagarajan’s admission about lapses in recording his confession statement that handed out maximum punishment in his case.

#### **Basis of arguments calling Perarivalan innocent**

Perarivalan cannot be called innocent before the law as he continues to be a convicted prisoner serving imprisonment. But what had strengthened the perception about his innocence was a revelation by a former CBI SP V Thiagarajan, who interrogated and took the crucial confession statement of Perarivalan in TADA custody. He was accused of having bought two battery cells for Sivarasan, the LTTE man who masterminded the conspiracy. Perarivalan was sentenced to death based on this crucial confession statement. But years later, in November 2013, retired CBI officer Thiagarajan revealed that he had altered Perarivalan’s statement in custody to “qualify it as a confession statement.” Thiagarajan had later submitted the same as an affidavit in SC, which was never revisited. Perarivalan’s statement recorded by Thiagarajan was this: “...Moreover, I bought two nine volt battery cells (Golden Power) and gave them to Sivarasan. He used only these to make the bomb explode.” But Thiagarajan revealed later that Perarivalan had not actually said the second sentence — and this, Thiagarajan admitted, put him in a “dilemma”. “It (the statement) wouldn’t have qualified as a confession statement without his admission of being part of the conspiracy. There I omitted a part of his statement, and added my interpretation. I regret it,” Thiagarajan said. Interestingly, in 1999, the SC acquitted 19 accused and suspended TADA provisions in the case but it upheld Perarivalan’s TADA confession alone, observing his statement was “believable.” Arrested at the age of 19, his incarceration completes three decades in June 2021, including as a death convict between 1999 and 2014, mostly in solitary confinement.



### Political significance of Rajiv Gandhi case convicts' release

The release of seven convicts is a demand raised by not only the ruling AIADMK but the main opposition the DMK too. While both parties had been raising the issue suggesting that the Indian judiciary should be able to reform and let them live as good citizens in the country to uphold the high values of reformatory justice, a letter written by Justice K T Thomas too had demanded remission for all seven convicts in a letter addressing Sonia Gandhi in 2017. Writing as one of the three judges who delivered verdicts in the case and requesting magnanimity from her side too, Justice Thomas wrote: "...may I point out that Mahatma Gandhi assassination case, the main accused were hanged and the other conspirators who were sentenced to life imprisonment, after remaining in jail for 14 long years, were set free from the prison by granting remission for the remaining period (they included one Gopal Godse who was the brother of Nathuram Godse, the principal assailant)."

### A CASE TO DISPOSE OF MERCY PETITIONS SWIFTLY (M.P. NATHANAEL - RETIRED INSPECTOR GENERAL OF POLICE, CRPF)

Balwant Singh Rajoana, former Punjab Chief Minister Beant Singh's assassin, was sentenced to death in 2007 by a special CBI court. His mercy petition was filed by the Shiromani Gurudwara Prabhandhak Committee in 2014. In 2019, the Ministry of Home Affairs sent a letter to the Punjab government to commute Rajoana's death sentence. It said it had taken an "in principle" decision to commute the death sentence as a "humanitarian gesture" ahead of the 550th birth anniversary celebrations of Guru Nanak Dev. But its decision could not be implemented because the Cabinet did not send the file to the President. Rajoana has been incarcerated for over 25 years. The Supreme Court pulled up the government for its laxity and fixed the next hearing for sometime in January 2021.

### Abolishing capital punishment

The delay in carrying out the death penalty is one of the reasons to review India's position on capital punishment. The debate on the efficacy of the death penalty in reducing crime has been going on for several decades. A few years ago, the issue of abolishing capital punishment was raised in the Rajya Sabha but was rejected by a voice vote. The then Minister of State for Home Affairs, Kiren Rijiju, stated that the government was not contemplating abolition of the death penalty. Through its report in 2015, the Law Commission of India proposed abolishing the death penalty and sought the comments of States and Union Territories on the subject. Despite reminders, just 14 States responded by 2018. Of these, 12 States rejected the proposal, while Karnataka and Tripura concurred. India figures among the 56 nations in the world that have retained the death penalty, while 142 have abolished it either by practice or by law. In 2019, the Sri Lankan government put an end to its four-decades-long moratorium on capital punishment when then President Maithripala Sirisena ordered the execution of four drug offenders. He claimed that the move would end the addiction problem in the country. According to Amnesty International, thousands of Chinese are executed in that country every year, though such executions are classified as secret information. In 2018, Iran executed 253 convicts and Saudi Arabia executed 149. However, the total number of executions across the world came down in 2018 to 690 from 993 in 2017.





### Setting a time frame

While the debate on abolition of the death penalty goes on, the delay in the execution of death row convicts coupled with long years of solitary confinement leads to psychological trauma for them. The prolonged detention of death row convicts in prison is not just inhuman but also against the canons of justice. It is a small wonder that the courts tend to take a lenient view and reduce the sentence when such cases of prolonged years of detention come before them. In India, 102 convicts were awarded the death sentence in 2019, raising the total number of death row prisoners to 378. Death row convicts have suffered imprisonment up to 25 years. It goes to the credit of former President Pranab Mukherjee that during his term, he disposed of 34 mercy petitions that had been pending for years. While 30 were rejected, four were given reprieves. While the fact that he rejected 30 mercy petitions can be debated, what is important is that he dealt with the petitions swiftly. A time frame needs to be fixed for the President to dispose of mercy petitions. The lack of accountability of various officials in the government and the courts have adversely affected our criminal justice system. Delays in investigations, court hearings and administrative steps to be taken after the final verdict need to be inquired into, and responsibility fixed.

### SUPREME COURT DISMISSES AADHAAR REVIEW PETITIONS

The Supreme Court, in a majority view, dismissed a series of petitions seeking a review of its 2018 judgment upholding the Lok Sabha Speaker's certification of Aadhaar law as a Money Bill and its subsequent passage in Parliament. However, Justice D.Y. Chandrachud dissented with the majority, saying the Aadhaar review petitions should be kept pending. The Bench sat in review on January 11 in their chambers. The decision, however, was published on Wednesday. Two questions had come up for review regarding the five-judge Aadhaar Bench's judgment in 2018. One, whether the Speaker's decision to declare a proposed law as Money Bill was "final" and cannot be challenged in court. The second, whether the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 was correctly certified as a 'Money Bill' under Article 110 (1) of the Constitution. On the first question, the majority judgment in 2018 said the Speaker's decision could be challenged in court only under "certain circumstances". On the second, it concluded that the Aadhaar Act was rightly called a Money Bill. Justice Chandrachud, who was on the Bench, had dissented on the second conclusion in 2018. Two years later, marking his dissent again, Justice Chandrachud differed with the four other judges on the Bench led by Justice A.M. Khanwilkar. This time, he said that another five-judge Bench in a separate case in November 2019 had questioned the conclusions arrived at by the Aadhaar Bench and referred the issues to a seven-judge Bench for an authoritative take.

### CENTRE'S AFFIDAVIT PUSHES FOR WIDE ROADS

The Central government supported the majority view taken by the Supreme Court's Char Dham High-Powered Committee (HPC) for the necessity of broadening the Himalayan feeder roads to India-China border in order to facilitate troop movement. The Ministry of Defence, in an affidavit, said it was unfortunate that three of the HPC members had given a minority view to reconsider a December 15, 2020 circular of the Ministry of Road and Transport and Highways (MoRTH), which fixed the carriageway width of the feeder roads at seven metre with a paved shoulder spanning



1.5 metre on either side. A Bench led by Justice Rohinton Nariman, on December 2, asked the HPC to meet and discuss a plea by the Ministry that narrowing the feeder roads along the India-China border in Uttarakhand would cause “serious repercussions” to national security. The Bench scheduled the case for hearing in January last week. The minority view, however, said the circular needed a rethink considering its “long-term impacts on the fragile Himalayan terrain and sensitive ecosystem”. The Centre, in its affidavit, said it was “unfortunate” that the HPC members, who are in the minority, have given such an opinion “notwithstanding the security of the country and the need of the defence forces to resist possible external aggression”. The government urged the court to accept the majority view of 21 members on the HPC who support the circular, which had amended an earlier MoRTH one of March 2018 that called for narrower roads to protect the Himalayan ecosystem. The affidavit said, “The Forces have to take heavy vehicles, tanks, self-propelled artillery and troops to the Indo-China border... It is the specific need of the Armed Forces to defend the country against any possible external aggression at the northern border — this had required amendments in the March 2018 circular”.

### CAN COURTS STAY LAWS MADE BY THE LEGISLATURE?

The Supreme Court’s recent order staying the implementation of three farm laws, while appointing a four-member committee (one member, Bhupinder Singh Mann, has recused himself), to thrash out issues between agitating farmers and the Union government, has been criticised in some quarters. In particular, many have questioned the suspension of action under the laws as such interim orders are extremely rare. The court did not accept the Attorney General’s argument that laws made by the legislature should not be ordinarily stayed, as there is a presumption of constitutionality in favour of the laws.

#### **How did the SC justify its order on farm laws?**

“This court cannot be said to be completely powerless to grant stay of any executive action under a statutory enactment,” the Bench observed in its order. This means that it was apparently making a distinction between staying a law and staying its implementation or any action under it. Some may argue, however, that the effect remains the same, as the order operates as a stay on the government invoking its provisions. The court also cited an order passed by another Bench of the Supreme Court last September on the Maratha reservation issue. It directed that admissions to educational institutions for 2020-21 and appointments to posts under the government shall be made without reference to the reservation provided under the relevant legislation. The matter has been referred to a Constitution Bench. However, in the Maratha reservation case, the Bench said interim orders could be passed if an enactment is *ex facie* unconstitutional or contrary to law laid down by the Supreme Court. It noted that the quota violated the 50% ceiling mentioned in the Indra Sawhney case (1992), and that the Maharashtra government had not shown any extraordinary situation to justify exceeding the limit. Moreover, the Supreme Court observed that a stay on the farm laws’ implementation may assuage the hurt feelings of farmers and encourage them to come to the negotiating table.

#### **What are the court’s powers in regard to staying enacted law?**

Under the broad framework of judicial review under the Constitution, the Supreme Court and High Courts have the power to declare any law unconstitutional, either because it is *ultra vires* (or,



contrary to any provision of the Constitution) or it violates any of the fundamental rights, or invalid because it is repugnant to a central law on the same subject or has been enacted without legislative jurisdiction. However, interim orders staying or suspending laws enacted by the legislature are frowned upon by constitutional courts and legal scholars. The general argument is that unless there are compelling reasons such as flagrant lack of constitutional validity, or absence of legislative competence (that is, the legislative body concerned lacks the jurisdiction to enact the law in question), a law ought not to be stayed.

#### **Why is it considered unusual for a court to suspend a law or its operation?**

The main principle is that suspending a law made by the legislature goes against the concept of separation of powers. Courts are expected to defer to the legislature's wisdom at the threshold of a legal challenge to the validity of a law. The validity of a law ought to be considered normally only at the time of final adjudication, and not at the initial stage. The second principle is that there is a presumption that every law enacted by any legislature is constitutional and valid. The onus is on those challenging it to prove that it is not. Therefore, courts are circumspect when hearing petitions seeking suspension of a law pending a detailed adjudication.

#### **What precedents are cited against judicial interference at an interim stage?**

Case law suggests that in some cases, High Courts indeed stayed the operation of some laws. However, the Supreme Court took a dim view. In 1984, the top court set aside an interim stay granted against the operation of a municipal tax (*Siliguri Municipality & Others vs Amalendu Das & Others*); in 2013, it removed the stay on some provisions of and regulations under the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (*Health for Millions Trust vs Union of India*). In the latter case, the court observed that "the operation of statutory provisions cannot be stultified by granting an interim order except when the Court is fully convinced that the particular enactment or the rules are *ex facie* unconstitutional and the factors, like, balance of convenience, irreparable injury and public interest are in favour of passing an interim order". While upholding the validity of Section 45S of the Reserve Bank of India Act, which imposed restrictions on unincorporated bodies accepting public deposits, the Supreme Court criticised interim orders by some High Courts that stayed the provision. "When considering an application for staying the operation of a piece of legislation, and that too pertaining to economic reform or change, then the courts must bear in mind that unless the provision is manifestly unjust or glaringly unconstitutional, the courts must show judicial restraint in staying the applicability of the same," the court said in *Bhavesh D. Parish & Others vs Union of India*, 2000.

#### HELPFUL PAUSE

The Centre's offer to suspend for 18 months the implementation of the three laws that are at the heart of the farmers' unrest is a conciliatory gesture. It is regrettable that the farmers protesting against the laws that encourage market forces in the sector have rejected the government offer. They have been demanding the repeal of the three laws and a legal guarantee of Minimum Support Price for their produce. The government has refused to concede these demands, but its willingness to put off the implementation of the laws is a right step that could lead to a viable reform package for the agriculture sector. A toxic combination of the Centre's intransigence, ignorance and



insensitivity led to the current flare-up. That India's agriculture sector requires reforms is not in dispute. The challenge is in identifying the viable measures from the economic, environmental and scientific perspectives and building a wide political agreement for them. The government has now shown wisdom and sagacity by offering to start consultations. Farmers should now not allow their maximalism to obstruct the path to an agreement. It is a case of better late than never. By creating an environment of trust with the aggrieved farmers, the government can reclaim its authority and role. Further consultations must be through a government-led political process, and the Supreme Court which has assumed an unwarranted role for itself must step back. As Agriculture Minister Narendra Singh Tomar pointed out, if the agitation can be ended with this concession from the government, it will be a victory for democracy. The government should do more. Harassment of farmer leaders by investigative agencies must immediately stop. The BJP should restrain its functionaries from labelling protesters as anti-nationals. The farmers, who are being represented by several organisations, must arrive at a common platform for talks with the government. Having been successful in winning the attention of the government and the larger society towards their grievances, the farmers must now suspend their protest, including the plan for a tractor rally in Delhi on Republic Day. The consultations on the three laws and reforms in general must take place in an ambience of mutual trust and a spirit of give and take. The talks must be without preconditions but with an agreed premise that agriculture and farmers cannot be left at the mercy of market forces, and the current crop and remuneration patterns are not sustainable. This requires both sides to be more open-minded than they have been so far. A pause of the laws can be helpful.

### THREE ARTISTS WITHDRAW PLEA AGAINST EVICTION

*Three artists who had moved the Delhi High Court against the notices sent to them by the Union Housing and Urban Affairs Ministry to vacate government-allotted houses by December 31, 2020 withdrew their plea on Friday.* They are hoping for a one-year extension. Mohiniyattam dancer Bharati Shivaji and Kuchipudi dancer Guru V. Jayarama Rao, who had been allotted government housing in 1987 under the eminent artists' quota, were among the group of artists who had been issued eviction notices in October 2020. They, along with Mr. Rao's wife, Kuchipudi dancer Banasri Rao, had moved the High Court in December and were given a stay on the eviction till Friday.

#### 'Extension assured'

*Ms. Shivaji said the artists decided to withdraw their plea as they were "assured" they would be given a "one-year extension". "We were compelled to file a plea at that time as we had no other option. Now, we are hoping for an extension on compassionate grounds. We have no intention of going against the government," she said. The Cabinet Committee on Accommodation had on November 8, 2020 waived off the "damage charges" of ₹32.09 crore and regularised the allotment of homes to 27 artists as the allotment period had ended in 2014. The artists, including painter Jatin Das and Kathak dancer Pandit Birju Maharaj, were asked to vacate their government houses by December 31, 2020. The artists had been given the homes over the past five decades on the recommendation of the Culture Ministry.*



## IN BAD FAITH

*The NIA's decision to summon people associated with the ongoing farmers agitation as 'witnesses' in a sedition case is definitely out of the ordinary, even if not entirely surprising.* Punjabi actor Deep Sidhu and farmers' leader Baldev Singh Sirsa are among 40 people it has summoned in connection with *a fresh case registered on December 15, 2020 against Sikhs for Justice, a U.S.-based organisation that is banned by India.* Others summoned include *functionaries of Khalsa Aid, a Sikh charity that provided material support to agitating farmers, and those who organised a community kitchen for them.* The insinuation of the NIA in the very act of summoning them as 'witnesses' follows statements by BJP leaders that linked the agitation to Khalistani separatism. Law officers of the government told the Supreme Court last week that anti-national forces that had infiltrated the protests were misleading the farmers. *This portrayal of critics of a government policy as either misled and ignorant or anti-national actors forecloses all possibility of any honest dialogue with them.* That may not be an unintended outcome for a government that has never been enthusiastic about consultative processes. In this instance, *the government and the Court proffer dialogue with protesters while agencies employ intimidatory measures against them. Efforts to undermine the legitimacy of political actors opposed to the government have acquired a predictable pattern. Its critics are routinely labelled anti-national by social media trolls and functionaries of the ruling BJP.* Investigations follow, often by central agencies, the NIA and the Enforcement Directorate. The state responses to agitators in Kashmir, Bhima Koregaon and during the protests against the Citizenship (Amendment) Act have been heavy-handed. That, probably, is *the message that the government wants to convey to all dissenters, current and prospective: it will not feel restrained by principles of federalism or democratic norms in putting down protests.* The NIA's move cannot be seen delinked from this broader context. Sikhs abroad are a vibrant segment of the diaspora, having links with the motherland, including through donations to religious and charity activities. Other diaspora groups also support activities, including in the fields of education and health. The Narendra Modi government has a policy of harnessing the strength of Indian diaspora everywhere for national progress. There has to be a high threshold to consider any such community activity as anti-national and no consideration of religion must influence that assessment. The NIA's instant move has been condemned as intimidation, among others, by the Akali Dal, until recently a BJP ally. *Strong-arm tactics may be unavoidable when there is an immediate threat of violence. But replacing political dialogue with state intimidation is never strategically prudent.* The government must talk to the farmers in good faith.

## KERALA HOUSE REJECTS CAG'S FINDINGS

*The Kerala Assembly on Friday rejected the Comptroller and Auditor General's (CAG) finding that the Kerala Infrastructure Investment Fund Board (KIIFB) had acted unconstitutionally by floating masala bonds to raise funds for the State's development from foreign financial markets.* The House voted predictably along party lines to pass a resolution moved by Chief Minister Pinarayi Vijayan seeking the rejection of the adverse remarks related to KIIFB in the CAG's State Finance Audit report ended 2019 fiscal. The Congress-led United Democratic Front (UDF) voted against the resolution. The Bharatiya Janata Party's sole legislator O. Rajagopal also threw in his lot with the Opposition. The CAG had tabled the contentious report in the House on January 19. Mr. Vijayan damned the CAG for imperilling Kerala's developmental aspirations. The CAG's remarks were



“unfounded, unprofessional, politically prejudiced and patently inimical to Kerala’s development.” The resolution sparked off a nearly three-hour heated debate. Finance Minister T.M. Thomas Isaac said the CAG had “erroneously concluded” that KIIFB’s off-budget and non-governmental borrowings violated the Constitution’s Seventh Schedule and infringed on the Centre’s financial prerogatives. Leader of the Opposition Ramesh Chennithala said the Assembly should not pass any resolution that undermined the CAG’s constitutional role.

#### CO-WIN DRY RUN REVEALED SEVERAL SOFTWARE GLITCHES

*There were at least 13 kinds of glitches that were identified during dry runs of the Co-WIN vaccine management application.* These were listed out in a presentation on Friday to the Parliamentary Standing Committee on Health by K. VijayRaghavan, Principal Scientific Advisor to the government. *Co-WIN is the backbone of the government’s drive to vaccinate 30 million healthcare workers and frontline beneficiaries in the first phase.* These snags include the absence of a mechanism to record reasons if a beneficiary wasn’t vaccinated, delays in the SMS delivery to beneficiaries, the weblink that allowed adverse events to be reported not working and the software module being unable to account for the vials returned after a session was completed. Of the 13 “issues” identified, 12 have been resolved, according to a copy of the presentation viewed by The Hindu. Dr. Vijay Raghavan referenced data from the NITI-Ayog and the Health Ministry for the presentation. So far, 1.2 million beneficiaries have been vaccinated with either Covishield or Covaxin in 24,397 sessions, or about half of what should have been ideally targeted since the vaccination drive began last Saturday.

#### MANAGING THE ROLLOUT

Nearly a fortnight after it won approval for Covaxin under ‘restricted emergency use’ conditions, Bharat Biotech has formally informed, via its website, that the vaccine is inadvisable in those with a history of allergies, fever and bleeding disorders. *Those on medication or blood thinners and whose immunity has been compromised have also been told not to take the vaccine.* This is along with a recommendation that the vaccine is not to be given to the pregnant or the lactating. A similar set of restrictions has been given to prospective recipients of Covishield too, the vaccine now available in greater numbers and developed by the Serum Institute of India. Ordinarily, a fact sheet as well as product insert — a note that accompanies every vial of a vaccine — is a mandatory formality. However, the context in which the two vaccines are being administered in India imbues them with magnified significance. Covaxin has been rolled out with insufficient evidence of its efficacy, or whether it is actually protective. The vaccines have been so far made available to health-care and sanitation workers and other frontline staff, who do not have a choice in the vaccine being administered, but can decide not to be inoculated. Nine States, according to data provided by the Health Ministry, have rates of over 70%, and three States, less than 40%. More than half the States fall somewhere in the middle. While India has given jabs to nearly 786,000 of those eligible, it is far short of the target of 1.4 million. It is certainly early days, and presumably there will be acceleration in the days ahead. However, *the government is yet to explain, based on feedback from the States, why the vaccine — the single most awaited product of 2021 — has not seen more enthusiastic queues. This, in spite of Health Ministry officials underlining that adverse events following vaccination have been negligibly low, accentuating the safety of the product. Hospitals have begun internal campaigns exhorting senior doctors to get a shot to “build confidence” and*

3<sup>RD</sup> FLOOR AND 4<sup>TH</sup> FLOOR SHATABDI TOWER, SAKCHI, JAMSHEDPUR



*officials in the highest government offices say that not opting for a vaccine, when one is available, amounts to dereliction "in duty".* The adoption trend is unsurprising. The medically literate, as many recipients are, realise the difference between a vaccine being 'safe' and 'efficacious'. Moreover, *the declining trend in new cases as well as the knowledge that an array of vaccines will be available in the months ahead further contribute to the temporary 'hesitancy' pervading hospitals now.* A way forward for the government to inspire confidence is to monitor, report and be forthright with the challenges it is facing. There should also be greater coordination between the Centre and the States on sharing, investigating and publicising reasons for hesitancy.

## FIRE WARNING

The deadly fire in an upcoming production facility at the Serum Institute of India (SII), in Pune has sent shock waves because of the key role played by the company in producing the Oxford-AstraZeneca Covishield COVID-19 vaccine. Five workers engaged in construction have perished, and there are indications that expensive equipment has been destroyed. There is understandable concern about the accident at the SII building, which is located away from the Covishield unit, as the company, *reputedly the world's biggest vaccine manufacturer, is now an institution of global importance.* It is scheduled to deliver several hundred million doses of Covishield to a host of countries, including less affluent nations depending on the COVAX initiative led by WHO to protect their populations and move towards normality. *Such a position of indispensability for the Pune facility in the war against the pandemic casts upon India, Maharashtra and SII, the responsibility of ring-fencing vaccine production against all threats, including the one that normally gets low importance in India, which is fire safety.* The initial assessment indicates that Thursday's blaze may have been *triggered by flammable materials set afire by sparks generated during construction work, trapping and asphyxiating workers.* It is welcome that the company has offered a solatium to the families of the victims, who included migrants from Uttar Pradesh and Bihar, but the bigger task is to convince the world that critical vaccine supplies are not jeopardised by lax safety protocols. The storage and transport of vaccines, which are time and temperature-sensitive pharmaceutical products, require special care, and COVID-19 has come as a wake-up call to governments to overcome supply bottlenecks and capacity constraints. Even the creation of new vaccine plants to meet future needs would be entirely justified. With a scramble for approved vaccines and inability to produce enough for all countries, *WHO Director-General Tedros Adhanom Ghebreyesus warned that bilateral deals were threatening the smooth rollout of the COVAX initiative.* At close to 3 billion doses, it is the Oxford-AstraZeneca vaccine that forms the bulk of over 10 billion doses of different vaccines ordered so far. Clearly, Indian production is vital to meeting this demand. *Pharmaceutical production must satisfy precision, quality and safety standards comparable to high-technology sectors such as defence and space.* High standards of fire safety form the core of all manufacturing: *WHO model guidance for pharma units emphasises the availability of site security, automatic fire detection systems, mechanical or manual ventilation, sprinkler systems and fire drills, among other aspects.* Too often, safety during construction and operation suffers dilution due to cost considerations, with almost no fire awareness among workers. The Pune fire shows that lives and reputations depend on full adherence to good practice.



## WHY HAS GUJARAT GIVEN AMERICAN DRAGON FRUIT A SANSKRIT NAME?

*Gujarat Chief Minister Vijay Rupani has said that the state proposes to rename dragon fruit as 'Kalamam'. Dragon fruit "does not sound appropriate", Rupani said; Kalamam was apt because the characteristic fuchsia 'spikes' or 'petals' of the fruit recall a lotus in bloom.*

### What is dragon fruit?

*Dragon fruit is the fruit of a species of wild cactus indigenous to South and Central America, where it is called pitaya or pitahaya. The fruit's flesh is usually white or red — although there is a less common yellow pitaya too — and is studded with tiny seeds rather like the kiwifruit. The world's largest producer and exporter of dragon fruit is Vietnam, where the plant was brought by the French in the 19th century. The Vietnamese call it thanh long, which translates to "dragon's eyes", believed to be the origin of its common English name. Dragon fruit is also cultivated in — apart from its native Latin America — Thailand, Taiwan, China, Australia, Israel, and Sri Lanka. It was brought to India in the 1990s, and is grown in Karnataka, Kerala, Tamil Nadu, Maharashtra, Gujarat, Odisha, West Bengal, Andhra Pradesh, and Andaman and Nicobar Islands. It grows in all kinds of soil, and does not require much water.*

In Latin America, pitaya juice is popular. Last year, a Ho Chi Minh City bakery made bread with dragon fruit that couldn't be sold due to Covid-19 restrictions.

### The idea of renaming

In his Mann Ki Baat broadcast on July 26 last year, Prime Minister Narendra Modi had lauded the farmers of Kutch for taking up cultivation of dragon fruit and adopting innovative practices, calling it "the very spirit of self-reliance". On August 6, Ram Kumar, additional principal chief conservator of forests (social forestry) in the Gujarat forest department, forwarded to the Indian Council of Agricultural Research (ICAR) a proposal on renaming the fruit Kalamam. This, Kumar wrote, would "boost awareness and expansion", "and contribute to reducing our import dependence in line with 'Atmanirbhar Bharat'". *Kalamam is also the name of the BJP headquarters in Koba in Gandhinagar, and the kamal — lotus — is the BJP's election symbol.* Rupani, however, said no politics was involved in the renaming. "Gujarat government has decided that dragon fruit is not a suitable word. Across the world it is known as dragon fruit and one thinks of China. So we have given the name Kalamam. It is a fruit like the lotus," he said.

### Where the proposal stands

ICAR sources said the Gujarat government's proposal had been forwarded to the Union Ministry of Agriculture and Farmers' Welfare. "ICAR does not do everything in this respect. ICAR is the recommending body. Whatever nomenclature, release of varieties, production, it is all done by the Department of Agriculture and Cooperation, the other wing, and not the research wing," Dr A K Singh, ICAR's deputy director general (agricultural extension), to whom Kumar's proposal was addressed, said. ICAR officers said *such a proposal would need approval from the Botanical Survey of India and the National Biodiversity Authority under the Union Ministry of Environment, Forest and Climate Change.* "Dragon fruit is not a species native to India and any change in its





nomenclature in official annals can lead to international litigation. Hence, the opinion of BSI and NBA matters,” an ICAR official said.



# DreamIAS

**BUSINESS & ECONOMICS****SC UPHOLDS THRESHOLD FOR FILING INSOLVENCY PLEA AGAINST REALTY DEVELOPERS**

*The Supreme Court on Tuesday upheld amendments in the Insolvency and Bankruptcy Code which prescribe that at least 100 allottees from the same real estate project should support the initiation of corporate insolvency resolution process in the National Company Law Tribunal (NCLT) against their property developer. The Insolvency and Bankruptcy Code (Amendment) Act of 2020 had introduced a threshold that required a minimum of 100 allottees, or 10% of the total allottees of a project, whichever was less, to jointly apply for corporate insolvency resolution in the NCLT. The allottees should be from the same real estate project. Aggrieved allottees drawn from different projects of the same developer cannot form the 100. A third amendment had given a 30-day deadline for existing applicants to find the requisite number of supporters to meet the threshold of 100, else their plea pending in the tribunal even before the commencement of the 2020 Act would be deemed as withdrawn. Under the erstwhile regime, even a single allottee could initiate the corporate insolvency resolution process against his property developer. There was no need to garner support from other allottees. A three-judge Bench led by Justice Rohinton F. Nariman found **none of the amendments vague or arbitrary**. The court agreed with the legislature that having a single allottee approach the tribunal would be risky, considering that a corporate insolvency resolution may also entail a complete overhaul or replacement of the developer's company management. Such an initiative by a lone allottee would derail the plans of other allottees, who still had faith in the existing developer or were pursuing other legal remedies.*

**'Against others' interest'**

"There can be hundreds or even thousands of allottees in a project. If a single allottee, as a financial creditor, is allowed to move an application, the interests of all the other allottees may be put in peril... Other allottees may have a different take of the whole scenario. Some of them may approach the Authority under the Real Estate (Regulation and Development) Act of 2016. Others may, instead, resort to the Consumer Protection Act. The remedy of a civil suit is, no doubt, not ruled out," Justice K.M. Joseph, who authored the judgment for the Bench, reasoned. The court said allottees of a real estate project are a heterogenous group. A majority of them may want to give more time to the developer to complete the project.

**STOCK MARKET HIGHS AND ECONOMIC LOWS**

The Reserve Bank of India (RBI) released the *22nd issue of its biannual Financial Stability Report* outlining the risks to financial stability as well as the resilience of the financial system in the contemporary context. In his foreword, RBI Governor Shaktikanta Das flagged the many risks ahead, including *the recent, accentuating "disconnect between certain segments of financial markets and the real economy"*. Mr. Das warned, "Stretched valuations of financial assets pose risks to financial stability," adding, "banks and financial intermediaries need to be cognisant of these risks and spillovers in an interconnected financial system."



### What prompted the RBI Governor's warning?

While Mr. Das did not explicitly name the stock markets, the RBI is unequivocal in the report's chapter titled 'Macro-financial Risks' in identifying the asset class triggering major concern among central bankers. *The RBI noted that measures taken to support the economy and safeguard the financial system during the COVID-19 pandemic "may have unintended consequences as reflected, for instance, in the soaring equity valuations disconnected from economic performance".* The backdrop to the RBI's comments is this: while the imposition in March of the initial nationwide lockdown to curb the pandemic and subsequent State-level restrictions pushed the economy into one of its deepest contractions in the April-June quarter (initial estimates show GDP shrank 23.9% in the period), which then extended into a technical recession as GDP contracted 7.5% in the July-September period, India's equity markets rallied sharply after plunging to more than three-year lows on March 23. As of the close of trading on January 11 (the day the RBI released its report), the benchmark S&P BSE Sensex had appreciated almost 90% from its closing level on March 23, 2020. So, *while the country's economic output as a whole has been contracting — the government's official advance estimates show GDP shrinking by 7.7% in the 2020-21 financial year — the stock markets have been seemingly disconnected and soaring to record highs.*

### How did this situation arise?

The onset of the pandemic saw monetary and fiscal authorities worldwide, including in India, introducing a slew of support measures to ensure that the restrictions imposed on economic activity did not completely devastate national economies and household incomes. The measures, which included *interest rate cuts and infusion of liquidity, have driven a substantial surge in funds in the financial system, including in India's case from overseas investors.* The RBI noted in the report, "surges of capital flows are being experienced, with the return of risk appetite and a renewed search for yield. Financial markets and asset prices have been lifted by this resurgence of foreign portfolio investment to India." *Latest data from the National Securities Depository Ltd. show that net foreign portfolio investments into equities in the current fiscal year had surged more than 38-fold to ₹2,36,781 crore (as on January 16), from the meagre ₹6,153-crore inflow in the preceding year.* Worldwide, *easy money conditions have in the past invariably spurred stock market rallies as investors seek higher returns at a time when interest rates on fixed income assets such as deposits and bonds decline. Expectations of an economic recovery undergirded by supportive measures and the availability of lower-cost borrowings also spur people to borrow money to invest in stocks.*

### Why is the RBI concerned?

The central bank is wary of the risk that a sudden sharp reversal in the trend could cause the asset bubble to pop, triggering wider contagion effects. The 2001 recession in the U.S., for instance, was sparked by the bursting of the dotcom bubble, which, coupled with the September 11 terrorist attacks and a series of accounting scandals at major companies, including energy firm Enron Corporation, pushed the economy into a contraction. In RBI's own words, "active intervention by central banks and fiscal authorities has been able to stabilise financial markets but there are risks of spillovers ... In a period of continued uncertainty, this has implications for the banking sector as its balance sheet is linked with corporate and household sector vulnerabilities."



## BALANCE SHEET OF A BAD BANK

The idea of setting up a bad bank to resolve the growing problem of non-performing assets (NPAs), or loans on which borrowers have defaulted, is back on the table. With commercial banks set to witness a spike in NPAs, or bad loans, in the wake of the contraction in the economy as a result of the Covid-19 pandemic, Reserve Bank of India (RBI) Governor Shaktikanta Das recently agreed to look at the proposal for the creation of a bad bank.

### What's a bad bank and how does it work?

A bad bank conveys the impression that it will function as a bank but has bad assets to start with. *Technically, a bad bank is an asset reconstruction company (ARC) or an asset management company that takes over the bad loans of commercial banks, manages them and finally recovers the money over a period of time. The bad bank is not involved in lending and taking deposits, but helps commercial banks clean up their balance sheets and resolve bad loans. The takeover of bad loans is normally below the book value of the loan and the bad bank tries to recover as much as possible subsequently.* Former RBI Governor *Raghuram Rajan* had opposed the idea of setting up a bad bank in which banks hold a majority stake. "I just saw this (bad bank idea) *as shifting loans from one government pocket (the public sector banks) to another (the bad bank)* and did not see how it would improve matters. Indeed, if the bad bank were in the public sector, *the reluctance to act would merely be shifted to the bad bank,*" Rajan wrote in his book *I Do What I Do*. *US-based Mellon Bank created the first bad bank in 1988, after which the concept has been implemented in other countries including Sweden, Finland, France and Germany.* However, resolution agencies or ARCs set up as banks, which originate or guarantee lending, have ended up turning into reckless lenders in some countries.

### Do we need a bad bank?

The idea gained currency during Rajan's tenure as RBI Governor. *The RBI had then initiated an asset quality review (AQR) of banks and found that several banks had suppressed or hidden bad loans to show a healthy balance sheet. However, the idea remained on paper amid lack of consensus on the efficacy of such an institution. ARCs have not made any impact in resolving bad loans due to many procedural issues.* Now, with the pandemic hitting the banking sector, the RBI fears a spike in bad loans in the wake of a six-month moratorium it has announced to tackle the economic slowdown.

### What is the stand of the RBI and government on a bad bank?

While the RBI did not show much enthusiasm about a bad bank all these years, there are signs that it can look at the idea now. Last week, Governor Das indicated that the RBI can consider the idea of a bad bank to tackle bad loans. In recent months, the Finance Ministry too has been receptive to the idea. Viral Acharya, when he was the RBI Deputy Governor, had said it would be better to limit the objective of these asset management companies to the orderly resolution of stressed assets, followed by a graceful exit. Acharya suggested two models to solve the problem of stressed assets. The first is a private asset management company (PAMC), which is said to be suitable for stressed sectors where the assets are likely to have an economic value in the short run, with moderate levels of debt forgiveness. The second model is the National Asset Management Company (NAMC), which would be necessary for sectors where the problem is not



just one of excess capacity but possibly also of economically unviable assets in the short to medium terms.

#### **Will a bad bank solve the problem of NPAs?**

Despite a series of measures by the RBI for better recognition and provisioning against NPAs, as well as massive doses of capitalisation of public sector banks by the government, the problem of NPAs continues in the banking sector, especially among the weaker banks. *As the Covid-related stress pans out in the coming months, proponents of the concept feel that a professionally-run bad bank, funded by the private lenders and supported the government, can be an effective mechanism to deal with NPAs. The bad bank concept is in some ways similar to an ARC but is funded by the government initially, with banks and other investors co-investing in due course. The presence of the government is seen as a means to speed up the clean-up process.* Many other countries had set up institutional mechanisms such as the Troubled Asset Relief Programme (TARP) in the US to deal with a problem of stress in the financial system.

#### **Has the banking system made any proposal?**

*The banking sector, led by the Indian Banks' Association, had submitted a proposal last May for setting up a bad bank to resolve the NPA problem, proposing equity contribution from the government and banks. The proposal was also discussed at the Financial Stability and Development Council (FSDC) meeting, but it did not find favour with the government which preferred a market-led resolution process. The banking industry's proposal was based on an idea proposed by a panel on faster resolution of stressed assets in public sector banks headed by former Punjab National Bank Chairman Sunil Mehta. This panel had proposed a company, Sashakt India Asset Management, for resolving large bad loans two years ago.* "This is a good idea and hopefully, we would like to take it up again and see that there is a consensus to push this idea. Somehow people have that feeling that banks will park all their bad assets and nothing will happen there. We need to convince all the stakeholders about the purpose behind it and the action plan and the strategy behind the ARC. Once we are able to convince them, hopefully we hope to gain traction," Union Bank MD and CEO Rajkiran Rai said in a recent interview to The Indian Express. The idea of a bad bank was discussed in 2018 too, but it never took shape. *During the pandemic, banks and India Inc were also pitching for one-time restructuring of loans and NPA reclassification norms from 90 days to 180 days as relief measures to tackle the impact of the lockdown and the slowdown in the economy. Currently, loans in which the borrower fails to pay principal and/or interest charges within 90 days are classified as NPAs and provisioning is made accordingly.*

#### **How serious is the NPA issue in the wake of the pandemic?**

Bad loans in the system are expected to balloon in the wake of contraction in the economy and the problems being faced by many sectors. *The RBI noted in its recent Financial Stability Report that the gross NPAs of the banking sector are expected to shoot up to 13.5% of advances by September 2021, from 7.5% in September 2020, under the baseline scenario, as "a multi-speed recovery is struggling to gain traction" amidst the pandemic. The report warned that if the macroeconomic environment worsens into a severe stress scenario, the ratio may escalate to 14.8%. Among bank groups, the NPA ratio of PSU banks, which was 9.7% in September 2020, may increase to 16.2% by September 2021 under the baseline scenario.* The K V Kamath Committee, which helped the RBI



with designing a one-time restructuring scheme, also noted that corporate sector debt worth Rs 15.52 lakh crore has come under stress after Covid-19 hit India, while another Rs 22.20 lakh crore was already under stress before the pandemic. This effectively means Rs 37.72 crore (72% of the banking sector debt to industry) remains under stress. This is almost 37% of the total non-food bank credit. The panel led by Kamath, a veteran banker, has said companies in sectors such as retail trade, wholesale trade, roads and textiles are facing stress. Sectors that have been under stress pre-Covid include NBFCs, power, steel, real estate and construction. Setting up a bad bank is seen as crucial against this backdrop.

#### INVESTMENT RULE CHANGES MAY HIT AMAZON

India is considering revising its foreign investment rules for e-commerce, three sources and a government spokesman told Reuters, a move that could compel players, including Amazon.com Inc., to restructure ties with some major sellers. The government discussions coincide with a growing number of complaints from India's bricks-and-mortar retailers, which have for years accused Amazon and Walmart Inc.-controlled Flipkart of creating complex structures to bypass federal rules, allegations the U.S. companies deny. *India only allows foreign e-commerce players to operate as a marketplace to connect buyers and sellers. It prohibits them from holding inventories of goods and directly selling them on their platforms.* Amazon and Walmart's Flipkart were last hit in December 2018 by investment rule changes that barred foreign e-commerce players from offering products from sellers in which they have an equity stake. *Now, the government is considering adjusting some provisions to prevent those arrangements, even if the e-commerce firm holds an indirect stake in a seller through its parent, the sources said. The changes could hurt Amazon as it holds indirect equity stakes in two of its biggest online sellers in India.*

#### 'Adverse impact'

Amazon said e-commerce created 'huge job opportunities' and is a significant contributor to economic growth. 'Any major alterations' to the policy will adversely impact small and medium-sized businesses, it said in a statement. Walmart and Flipkart did not immediately respond to a request for comment. Yogesh Baweja, the spokesman for the Ministry of Commerce & Industry, which is working on the issue, confirmed to Reuters any changes will be announced through a so-called 'press note,' which contains foreign direct investment rules. He did not give details. India's e-commerce retail market is seen growing to \$200 billion a year by 2026, from \$30 billion in 2019, investment promotion agency Invest India estimates. Among other changes, the government is considering changes that would prohibit online sales by a seller who purchases goods from the e-commerce entity or its group firm, and then sells them on the entity's websites, two of the sources said.

#### WHAT IS 5G AND HOW PREPARED IS INDIA TO ADAPT TO THIS TECH?

The Department of Telecommunications (DoT) has sought inputs from telcos and other industry experts on the sale and use of radio frequency spectrum over the next 10 years, including the 5G bands.



### What is 5G technology and how is it different?

*5G or fifth generation is the latest upgrade in the long-term evolution (LTE) mobile broadband networks. 5G mainly works in 3 bands, namely low, mid and high frequency spectrum — all of which have their own uses as well as limitations.* While the low band spectrum has shown great promise in terms of coverage and speed of internet and data exchange, the maximum speed is limited to 100 Mbps (Megabits per second). This means that while telcos can use and install it for commercial cellphone users who may not have specific demands for very high speed internet, the low band spectrum may not be optimal for specialised needs of the industry. *The mid-band spectrum, on the other hand, offers higher speeds compared to the low band, but has limitations in terms of coverage area and penetration of signals.* Telcos and companies, which have taken the lead on 5G, have indicated that this band may be used by industries and specialised factory units for building captive networks that can be moulded into the needs of that particular industry. *The high-band spectrum offers the highest speed of all the three bands, but has extremely limited coverage and signal penetration strength. Internet speeds in the high-band spectrum of 5G has been tested to be as high as 20 Gbps (giga bits per second), while, in most cases, the maximum internet data speed in 4G has been recorded at 1 Gbps.*

### Where does India stand in the 5G technology race?

On par with the global players, India had, in 2018, planned to start 5G services as soon as possible, with an aim to capitalise on the better network speeds and strength that the technology promised. All the three private telecom players, Reliance Jio Infocomm, Bharti Airtel and Vi, have been urging the DoT to lay out a clear road map of spectrum allocation and 5G frequency bands, so that they would be able to plan the roll out of their services accordingly. One big hurdle, however, is the lack of flow of cash and adequate capital with at least two of the three players, namely Bharti Airtel and Vodafone Idea. On the other hand, Reliance Jio plans to launch an indigenously built 5G network for the country as early as the second half of this year. The company is said to have a complete end-to-end 5G solution prepared by the company itself that is ready for deployment once the networks are in place. This solution can also be deployed by other telecom operators as a complete managed service.

### What is the global progress on 5G?

More than governments, global telecom companies have started building 5G networks and rolling it out to their customers on a trial basis. In countries like the US, companies such as AT&T, T-mobile, and Verizon have taken the lead when it comes to rolling out commercial 5G for their users. While some such as AT&T had started testing and deploying the technology as early as 2018, other companies such as Verizon have followed suit, expanding their 5G ultra-wide broadband services to as many as 60 cities by the end of 2020. In other countries such as China, some of the telcos such as China Unicom had started 5G trials as early as 2018, and have since rolled out the commercial services for users. South Korean company Samsung, which had started researching on 5G technology way back in 2011, has, on the other hand, taken the lead when it comes to building the hardware for 5G networks for several companies.



## LIFE & SCIENCE

### HOW SCIENTISTS ARE COUNTING ELEPHANTS FROM SPACE

Scientists are using very high-resolution satellite imagery to count and detect wildlife species, including African elephants. *A team of researchers from the University of Oxford Wildlife Conservation Research Unit and Machine Learning Research Group detected elephants in South Africa from space using Artificial Intelligence with an accuracy that they have compared to human detection capabilities.* The team has described their work in the journal Remote Sensing in Ecology and Conservation.

#### What is the significance of this?

An article published on the university's website says the population of African elephants has plummeted over the last century due to poaching, retaliatory killing from crop-raiding and habitat fragmentation. Therefore, in order to conserve the species, it is important for scientists to track elephant populations. It is important that scientists know the exact number of elephants that exist in an area as inaccurate counts can lead to misallocation of conservation resources, which are already limited and have resulted in misunderstanding population trends.

#### So, how did scientists track the elephants?

Before researchers developed the new technique, one of the most common survey methods to keep a check on elephant populations in savannah environments involved aerial counts undertaken from manned aircraft. However, this method does not deliver accurate results since observers on aircraft are prone to get exhausted, are sometimes hindered by poor visibility and may even succumb to bias. Further, *aerial surveys are costly and logistically challenging*, the university article states. To test the new method, researchers chose the Addo Elephant National Park in South Africa, the country's third-largest park and which has a high concentration of elephants. *They used satellite imagery that required no ground presence to monitor the elephants. Researchers used the highest resolution satellite imagery currently available, called Worldview3. The team created a training dataset of 1,000 elephants and fed it to the Convolutional Neural Network (CNN) and compared the results to human performance. But, this is not the first study of its kind to initiate tracking of elephants using satellites.* In 2002, Smithsonian scientists started using geographic information systems (GIS) technology to understand how they could conserve Asian elephants. At the time, scientists launched the first satellite-tracking project on Asian elephants in Myanmar.

### THE SUSTAINED FIGHT AGAINST TRANS FATS

*On December 29, 2020, the Food Safety and Standards Authority of India (FSSAI) reduced the permissible limit of trans fatty acids (TFA) in oils and fats to 3% for 2021 and 2% by 2022, against the earlier cap of 5%.* The decision was effected by an amendment to the Food Safety and Standards (Prohibition and Restriction on Sales) Regulations. The new rules apply to edible refined oils, vanaspati (partially hydrogenated oils), margarine, bakery shortenings, and other





cooking media like vegetable fat spreads and mixed fat spreads. In 2018, the World Health Organization (WHO) had called for a global elimination of industrially produced TFAs by 2023.

#### **What are trans fats and why are they harmful?**

*All natural fats and oils are a combination of monounsaturated, polyunsaturated and saturated fatty acids or trans fatty acids. Our body needs the first two categories of 'healthy' fats as apart from being a major source of energy, they help absorb some vitamins and minerals and build cell membranes and the sheaths surrounding nerves. These fats are free-flowing, unlike saturated fatty acids or trans fats, which are considered harmful as they clog arteries and result in hypertension, heart attacks, and other cardiovascular issues. There are two broad types of trans fats found in foods: naturally-occurring and artificial trans fats. Artificial trans fats, which are considered harmful, are created in an industrial process that adds hydrogen to liquid vegetable oils to make them more solid, increase their shelf life, and for use as an adulterant as they are cheap. They are present in baked and fried foods as well as adulterated ghee, which becomes solid at room temperature.* Cardiovascular diseases are the leading cause of death globally, causing over 1.8 crore deaths every year. The WHO estimates that over 5 lakh people with cardiovascular issues die globally every year due to the consumption of industrially produced TFAs. As per FSSAI, about 77,000 deaths take place annually in India due to TFAs.

#### **How did India and other nations start acting on it?**

In 2018, the WHO called for elimination of industrially produced TFAs by 2023, and brought out *a step-by-step guide called 'REPLACE'* to help countries frame policies. This prompted accelerated action by member states and other stakeholders. However, threats posed by non-communicable diseases started gaining attention much earlier in the 1980s, following which *Denmark became the first country to ban TFAs in 2003. In the next five years, Chile and Switzerland banned TFAs too.* During the same period, several U.S. States, such as New York, implemented local bans. In its report in 2020, the WHO said that 58 countries had introduced laws that will protect 3.2 billion people from TFAs by the end of 2021. But more than 100 countries still needed to take action. Last year, *11 of the 15 countries that account for two-thirds of deaths linked to trans fats still needed to act.* These were Azerbaijan, Bangladesh, Bhutan, Ecuador, Egypt, *India*, Iran, Mexico, Nepal, Pakistan, Republic of Korea. *In India, action against trans fats coincided with the setting up of the FSSAI. Though it came into existence in 2006, civil society organisations say that its functioning picked up by 2011-12. It was in 2011 that it imposed a cap of 10% on trans fats in oils and fats in India, which was further revised to 5% in 2015.*

#### **What next?**

Civil society organisations in India are pushing for a cap of 3% for 2021 and 2% for 2022 to be imposed not just on trans fats in oils and fats, but in "all" foods. According to those engaging with the government on the subject, a regulation for this is likely soon. But *a bigger challenge will be implementation, which is a State subject. The FSSAI will need to pursue local governments to improve surveillance, inspection of food premises, sampling of food products, regular training of officers, upgradation of food labs, etc., which are also among concerns raised by a Parliamentary panel on the regulator's ineffectiveness.*



## DNA EXCHANGES IN PLANTS

Genetic material of plants and animals are well protected in the nucleus of each cell and store all the information that forms an organism. In addition, *cells contain small organelles that contain their own genetic material. These include chloroplasts in plants, which play a key role in photosynthesis, and mitochondria, which are found in all living organisms and represent the power plants of every cell.* Scientists at the Max Planck Institute of Molecular Plant Physiology in Potsdam have shown, through experimental approaches, (Science Advances) how the genetic material is not actually permanently stored within one cell but can migrate from cell to cell. They conducted experiments with tobacco plants using grafting. Two different tobacco plants were grafted on to each other and the cells of the junction were observed microscopically in real time. *They could observe that genome transfer from cell to cell occurs in both directions with high frequency at this site.* The researchers were able to observe structural changes in the cell walls in the wound tissue of the graft site. Protrusions formed on the cell walls, thus creating junctions between the two partners. The size of the created pores allowed the migration of an entire plastid. "Therefore, the genome does not migrate freely, but encapsulated from cell to cell," Dr. Alexander Hertle says in a release. However, to actually make this possible, the plastids have to shrink and become mobile. These rod-shaped plastids grow back to normal size after transfer into the target tissue.

## HOW CO-MORBIDITIES MAKE COVID SEVERE

There are four ubiquitous coronaviruses, highly adapted to human hosts, causing only common cold. Three coronaviruses — SARS-CoV-1, MERS-CoV and SARS-CoV-2 — have recently jumped the host species, presumably bats or dromedary camels, and caused severe disease in humans, primarily pneumonia. SARS-CoV-1 and SARS-CoV-2 latch on to a human cell surface protein called 'angiotensin converting enzyme 2' (ACE2), mediated through the viral surface spike protein, a key that opens the lock to gain entry. Once inside, the virus hijacks cell functions for its own multiplication. There is no precedent of viruses using ACE2 as cell receptors. *ACE1 and ACE2 are widely distributed on the lining 'endothelial' cells of all arterial, venous and capillary blood vessels and on smooth muscles that surround them. They also abound on the lining epithelial cells of the respiratory tract, kidneys and gut.* Blood carries oxygen and nutrition to all organs; *anything that affects the blood vessels affects the organs as well.* Contrast this with *influenza virus receptors that are present only on epithelial cells of the respiratory tract – the virus cannot invade and infect inner organs and tissues. COVID-19 may invade and infect any tissue or organ from the head to the toes and cause damage through reduced blood supply.* Physiologically *ACE1 and ACE2 play critical roles in regulating blood pressure, and blood flow to organs.* They act on angiotensin-1 and convert it to active peptides. *ACE1 converts angiotensin-1 to angiotensin-2, a potent constrictor of blood vessels. ACE2, on the other hand, converts angiotensin-1 and angiotensin-2 to peptides that dilate blood vessels.* Through their balanced and contrasting effects on blood vessels, these peptides regulate regional blood flow in organs and tissues. In chronic diseases there is widespread dysfunction of these activities. *By occupying ACE2, COVID-19 interferes with angiotensin conversion to vasodilatory peptides; the balance tilts in favour of vaso-constriction resulting in decreased oxygen and nutrient supply to organs. If the person's blood sugar level is very high, the blood becomes viscous. Damaged endothelial cells hasten blood clotting and further reduce blood supply. If someone has, say, diabetes, SARS-CoV-2 can further severely reduce oxygen supply to tissues. This synergy could be*



*fatal.* Well-controlled diabetes carries less risk as damage to the endothelial cells is minimal. COVID-19 is an infectious disease and especially affects the lungs. The immune system responds as best as it can. Within 2-3 weeks of infection, when immunity is at its peak, the immune system may clear the virus from the organs, but the damages to the organs take time to repair. *In the absence of co-morbidities, the body physiology can bounce back to normalcy quickly, but in those with co-morbidities, the ailing organs may not recover in time to avert death due to damage to the lungs, heart, kidney or brain.* The borders between infectious pathology and metabolic/vascular pathology are blurred or breached.

### The vaccine solution

The poor response to convalescent plasma that rapidly reduces virus load in the body surprised experts. *Once the vascular and clotting cascade sets in, even if you remove the virus, the downhill course continues.* If you want prevention of disease progression in those at high risk of death, either the coronaviruses must be neutralised very early, even before or early after onset of symptoms, or you must be vaccinated. This illustrates the need for vaccine emergency use authorisation for the elderly and those with co-morbidities. Vaccination will confer some protection to those at high risk of death through *the sinister synergy of COVID-19 and co-morbidities.* The elderly are vulnerable due to senile degeneration, decline of immune functions and elements of co-morbidities. There is another sinister association: *the insulin-secreting Beta cells in the pancreas are studded with ACE2 and are easy targets for COVID-19. In COVID-19, insulin secretion is decreased. Non-diabetics sometimes develop diabetes for the first time after COVID-19 and those with diabetes may develop very high blood sugar levels. Those who recover from COVID-19 are prone to develop chronic diseases. Those with obesity, diabetes and hypertension who recover from COVID-19 are at increased risk of heart attack and stroke because of severe blood vessel narrowing during COVID-19.* Some people develop chronic sequelae, called chronic or 'long' COVID-19 — some of them due to damage to blood vessels in the lungs, kidneys, heart and brain. *COVID-19 also seems to trigger auto-immunity, that is, one's immune system turns against one's own tissues/organs. These conditions may lead to severe muscle or joint pain, severe fatigue, memory loss and mental depression.* The damage to the lungs in COVID-19 starts as infection, but quickly becomes massive inflammation with outpouring of plasma into the air sacs, sludging of blood flow in capillaries and clotting. The reason for these is what is called a '*cytokine storm*': a reaction of blood vessels to substances called cytokines that are excessively secreted by immune cells. *This cascade leads to further decreased oxygen in blood. The widespread narrowing of blood vessels and hypoxia serve as twin triggers to damage vital body organs.* Physicians are confronted with a complex problem that involves multiple organ systems. For the elderly and those with co-morbidities, prevention is better than cure. COVID-19 vaccines should induce protective immunity in youngsters, adults and the elderly, except in those with diseases or treatments that directly suppress the immune system (such as those with cancers and organ transplants). *As the immune system is only modestly affected by co-morbidities, we expect vaccine-induced immunity sufficient to avert severe disease.* Yet, there may be disappointing surprises. Therefore, people with obesity, diabetes and hypertension should ensure that they are diligent in the practices of mask wearing, physical distancing, hand hygiene and avoiding crowds. Until we know more details, vaccination, good control of co-morbidity parameters and good infection control practices together will save lives.