



# CURRENT AFFAIRS FOR UPSC

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## INTERNATIONAL

### CATHOLIC CHURCH CANNOT BLESS SAME-SEX UNIONS, SAYS VATICAN

The Vatican said on Monday that priests and other Roman Catholic Church ministers cannot bless same-sex unions and that such blessings are “not licit” if carried out. The ruling was a response to practices in some countries, such as the U.S. and Germany, where parishes and ministers have begun blessing same-sex unions in lieu of marriage, and calls for bishops to defacto institutionalise these. *In response to formal questions from a number of dioceses on whether this practice was allowed, the Vatican’s doctrinal office, the Congregation for the Doctrine of the Faith (CDF), issued the ruling: “Negative”. Pope Francis approved the response, the CDF said, adding that it was “not intended to be a form of unjust discrimination, but rather a reminder of the truth of the liturgical rite”.* It said such blessings were not permissible even though they were “motivated by a sincere desire to welcome and accompany homosexual persons” and help them grow in the faith.

### RUSSIA HOSTS AFGHAN PEACE MEET

Russia hosted a peace conference for Afghanistan on Thursday, bringing together government representatives and their Taliban adversaries along with international observers in a bid to help jump-start the country’s stalled peace process. The one-day gathering is the first of three planned international conferences ahead of a May 1 deadline for the final withdrawal of U.S. and NATO troops from the country, a date fixed under a year-old agreement between the U.S. and the Taliban.

#### Call for ceasefire

Moscow’s attempt at mediation comes as talks in Doha between the Afghan government and the Taliban, still waging an insurgency, have stalled. Washington and Kabul have been pressing for a ceasefire while the Taliban say they will negotiate it as part of peace talks with the Afghan government. The Moscow conference is attended by U.S. peace envoy Zalmay Khalilzad, Abdullah Abdullah, head of Afghanistan’s National Reconciliation Council, and Taliban co-founder Mullah Abdul Ghani Baradar. Representatives of Pakistan, Iran, and China are also participating. *Moscow, which fought a 10-year war in Afghanistan that ended with Soviet troops’ withdrawal in 1989, has made a diplomatic comeback as a mediator in Afghanistan, reaching out to feuding factions as it jockeys with the U.S. for influence in the country.* Mr. Lavrov on Thursday urged the Afghan government and the Taliban to take a constructive stance and make compromises, adding that international participants should help create the necessary conditions for reaching a deal. “It’s important to sign an agreement that would serve the interests of all key ethnic and political forces of the country and determine the vector of its development.” He emphasised that it was important to quickly reach a peace deal “amid the deteriorating military-political situation” before the summer, when an upsurge in fighting is likely.

### CHASING PEACE

*The peace conference hosted by Russia in Moscow between the Afghan government and Taliban representatives is the latest example of growing international concern about the future of Afghanistan as the May 1 deadline for the proposed U.S. troops pullout nears.* No breakthrough was



expected from a single-day conference between the parties that have been fighting each other for nearly 20 years. *The Russian plan was to bring together the Taliban and the government, whose Doha peace talks have stalled for months, to jump start the peace process. The U.S. has also called for a UN-led multilateral peace conference.* The Afghanistan conflict is a multifaceted one, with its primary actors being the government, the Taliban and the U.S. Others such as Russia, China and India are worried about the conflict's spillover effects. There is a consensus among all these countries that Afghanistan needs to be stabilised now. U.S. President Joe Biden, who is reviewing the administration's Afghan strategy, said this week that it would be "tough" to withdraw all U.S. troops by the May 1 deadline as the Trump administration agreed in an accord with the Taliban. On the other side, the Taliban have threatened to launch a new offensive if the U.S. does not leave according to the schedule. It is a stalemate. Mr. Biden's dilemma is that he cannot commit troops endlessly to a war that the U.S. is certainly not winning. But if he pulls back without a peace agreement, the civil war could intensify, and the Taliban, already in control of much of rural Afghanistan, could make rapid gains. And if he decides to keep the troops even for a short term, it could trigger a tough response from the Taliban. So, the U.S. administration is trying to put together a new peace process, with other regional actors, which would not just buy time for the Americans but also seek to find a lasting settlement. It seems Russia, China and India are on board. Pakistan, which hosts the Taliban leadership, will also participate in the peace process. The flip side of this diplomatic push is that all the main stakeholders agree that the Taliban would play a critical role in shaping Afghanistan's future. The U.S. already wants the Afghan government to share power with the Taliban. Russia has asked the Afghan government and the Taliban to make "necessary compromises". The jihadist group, whose reign of Afghanistan during 1996-2001 was notorious for extremism, violence and suppression of basic rights, is on the cusp of power again. The international actors pushing for peace with the Taliban should at least extract compromises from them. After the Moscow meet, Russia, China, the U.S. and Pakistan said that a peace agreement should "include protections for the rights of all Afghans". They should make it their top priority in the coming talks.

#### U.S., CHINA SPAR AT ALASKA MEET

*The Biden administration's first bilateral engagement with Beijing got off to a rocky start as the two sides traded barbs with each other in front of the press, during the opening session of their dialogue in Anchorage, Alaska.* The U.S. side, led by Secretary of State Antony Blinken and National Security Adviser Jake Sullivan, opened with remarks that included references to China's actions in *Tibet, Hong Kong, Xinjiang* and accused Beijing of economic coercion. The Chinese side, led by Director of Foreign Affairs Yang Jiechi and State Councilor Wang Yi, questioned the U.S. narrative of China's role in the world and expressed, often sarcastically, its own concerns about U.S. actions — domestic and international.

If the acrimonious public exchange appeared to be a surprising departure from the diplomatic norms usually followed in such scripted meetings, it was, on one level, entirely expected. After all, both sides had made clear in the lead-up to the Biden administration's first in-person engagement with China that the meeting in Anchorage was more about drawing red lines than any real attempt at a reset. *Even describing what the meeting actually was had emerged as a point of discord, labelled by Beijing as a "strategic dialogue" even as Washington disputed that description.*



### Key takeaways

If China made a concession by travelling to Alaska, a point made by its officials, a return visit to Beijing by Mr. Blinken in coming months, should it take place, will underline that both sides are still seeking spaces to work together amid the rancour. Both, for instance, could still agree to cooperate on issues like climate change, the global economic recovery, and Afghanistan. The other takeaway is the emergence of a drawing of battle lines between Washington and its allies on one side, and on the other, Beijing and its main ally when it comes to the Indo-Pacific and Eurasia, Russia. China was quick to announce, before the Alaska talks, that Russia's Foreign Minister Sergey Lavrov will visit Beijing, days after President Biden called Russia's Vladimir Putin "a killer". This *will particularly pose a test for India's diplomacy*, starting with affecting India's defence supplies from Russia, with the U.S. making it clear that importing Russian equipment like the S-400 missile defence system will attract sanctions as well as the U.S. withholding high-tech exports. While India confronts its own problems with China amid a slow-moving disengagement process along the Line of Actual Control (LAC), it has still made clear it does not want to be part of any alliances. This balancing act is reflected in *India's varying multilateral engagements*, ranging from the *Quad to groupings like RIC (Russia-India-China), the BRICS, and the China and Russia-led Shanghai Cooperation Organisation*. The U.S.-China divide will also mean a tightrope walk for India at the UN Security Council, where it is serving a two-year term as non-permanent member, as the split between the U.S., the U.K. and France on the one hand and Russia and China on the other grows ever wider, as seen in response to the Myanmar coup.

The meeting, between U.S. Secretary of State Antony Blinken and Yang Jiechi, CCP Politburo member and Director, Central Foreign Affairs Commission, accompanied by U.S. NSA Jake Sullivan and Chinese Foreign Minister and State Councillor Wang Yi, *comes on the back of tensions that spiralled during the Trump administration around trade tariffs, 5G telecommunication, tech espionage, Chinese maritime actions and U.S. sanctions on China, and further exacerbated over the pandemic, which Mr. Trump called the "China virus"*.

There is a consensus within the Biden administration that China, not Russia, is America's primary rival. The main theatre of the U.S.-China rivalry is set to be the Indo-Pacific region. Barack Obama had promised a U.S. "pivot to Asia", but he was constrained by several other factors, mainly America's involvement in West Asia. Mr. Trump took the U.S.-China rivalry to a new height, but he did it bilaterally — he took on China head-on by launching a trade and tech war and mounting sanctions. Mr. Biden seems to have returned to an old playbook — build an alliance system as a bulwark against China. For this, the U.S. needs both America's allies such as Japan, South Korea and Australia and partners such as India. Unsurprisingly, the first country Secretary Blinken visited was Japan. Japanese Prime Minister Yoshihide Suga would be the first foreign leader Mr. Biden would be hosting in the White House. *During the Trump years, America's ties with Japan and South Korea had soured over the President's demand for higher payouts from those countries for keeping U.S. troops there. The Biden administration wasted no time in reaching deals with South Korea and Japan on sharing the cost for hosting U.S. troops — which these countries see as a security guarantee*. Then leaders of the so-called Quad countries - the U.S., India, Japan and Australia—held virtual talks in their first summit. That a Quad summit was held within the first 50 days of the Biden administration points to the high priority Mr. Biden gives to the grouping in its Indo-Pacific strategy.



While all sides have said the Quad is not against any particular country, it is hard to miss what the common factor is. The U.S. has been a strong proponent of a stronger Quad. But it's too early to say whether Mr. Biden would be able to rally the Quad and other American allies in the region such as South Korea against China in an emerging bipolar contest. *Among the Quad countries, India is the only country that shares a land border with China, which saw clashes last year. For Japan, South Korea and Australia, China is their top trade partner and uninterrupted trade with China is important for their continued prosperity.* But all these countries share security concerns with a fast-rising China. So are several other countries in the region such as Indonesia, Malaysia, the Philippines and even the communist Vietnam. The U.S. is trying to tap these concerns while seeking to stitch together an Indo-Pacific alliance system.

## BIDEN AND THE WEST ASIAN TINDERBOX

It took just 36 days for United States President Joe Biden to order *his first air strike abroad since taking office. On February 25, the U.S. bombed facilities used by Iran-backed militias in Syria, in retaliation for a rocket attack at an American base in Erbil, the capital of the Iraqi Kurdistan, earlier in the month, allegedly by pro-Iran Shia militants in Iraq. The next day, the administration released an intelligence report on the killing of journalist Jamal Khashoggi inside Saudi Arabia's Istanbul consulate on October 2, 2018, which concluded that Saudi Crown Prince Mohammed bin Salman ordered the operation. Separately, the Biden administration has taken steps to revive the Iran nuclear deal, and asked the Islamic Republic to comply with the terms of the multilateral agreement that was reached in 2015 but abandoned by former U.S. President Donald Trump in 2018.*

### The strategic reality

These three decisions may not be directly interlinked, but they draw a broad outline of Mr. Biden's West Asia policy. Almost all American Presidents since the Second World War have left deep policy imprints on the region. *Barack Obama and Mr. Trump sought to refocus away from West Asia to East Asia where China is rising, but they did it differently.* Mr. Obama identified Iran's nuclear programme as his primary foreign policy challenge in the region — as it could end Israel's nuclear monopoly and trigger an arms race — and sought to address it diplomatically. This was also out of a reluctant conviction that going to war with Iran would be too risky. *Mr. Trump took a more hostile approach towards Iran. He abandoned the nuclear deal, reimposed sanctions on Tehran, offered unconditional support to Saudi Arabia and Israel in taking on Iranian proxies, and even assassinated a top Iranian General. But Mr. Trump was also careful not to open a direct war with Iran. He ordered the hit on Qassim Soleimani in Iraq, not inside Iran.* When Iran retaliated by firing missiles at American bases in Iraq or when it shot down an American drone over the Gulf, Mr. Trump chose not to order counter attacks. Mr. Biden faces the same strategic reality, with a greater urgency. *The competition with China has revived memories of the Cold War, and the administration has moved fast to build an alliance system in the Indo-Pacific.* Mr. Biden cannot get stuck in West Asia for too long, but he cannot just leave a region, which has some of America's closest allies, and hosts thousands of its troops, either. His initial decisions suggest that he, like Mr. Obama, has identified the Iranian nuclear programme as the key challenge. Because, if that is not tackled, it could trigger a chain of incidents, drawing both the U.S. and its allies into another prolonged conflict in the region which would slow down his pivot to the Indo-Pacific. Mr. Obama was narrowly focused on the Iran nuclear programme. (He did not use force against Iran or its



proxies that could have endangered the nuclear talks.) Mr. Biden, on the other hand, has set a more ambitious plan in motion. *By offering talks to Iran while at the same time bombing Iranian proxies and ending support for Saudi Arabia's war on Yemen and releasing an intelligence exposé on its de facto leader, he is seeking to strike a balance between the region's two key powers — one an ally and the other a rival.*

### The Iran deal as ticking clock

But Mr. Biden faces at least three key challenges in his bid to reshape the U.S.'s engagement with the region. One, *his decision to bomb pro-Iran militants in Syria in retaliation for an attack by Iran-backed militants in Iraq could be read in Iran as a weak show of strength rather than a tough warning. Mr. Trump ordered the Soleimani hit in Iraq. Mr. Biden picked Syria, further away from Iran. When Soleimani was killed, the Trump administration claimed that the attack reestablished America's deterrence. But in fact, Shia militants continued to target American positions inside Iraq with rocket attacks. Even after Mr. Biden's Syria strikes, attacks targeting U.S. presence continued in Iraq. After Mr. Biden stopped America's support for the Yemen war, the Houthis, backed by Iran, also stepped up attacks against Saudi Arabia. While attacks and counter attacks continue, Mr. Biden is losing precious time to revive the nuclear deal.* Iran is going to presidential elections in June. Mr. Biden's best practical way to contain Iran's nuclear programme is by reviving the deal. And his best bet to revive the deal is to do it before President Hassan Rouhani, whose government signed the original agreement in 2015, leaves office. The clock is ticking.

### Saudi Arabia and Israel

Two, *if the U.S.'s dependence on Saudi Arabia has reduced in recent years, Riyadh's dependence on Washington has also come down in a changing West Asia.* The U.S. did nothing when Saudi oil facilities came under attack in September 2019. The Saudis know that America's ability in shaping geopolitical outcome in West Asia is in decline. *Today, there are more power centres in the region — from Turkey to Russia.* MBS, as the Saudi Crown Prince is widely called, has *established a good working relationship with Russia's Vladimir Putin. Foreseeing some blowback from the Biden administration, he moved quickly to mend ties with Qatar, even ignoring the scepticism from the United Arab Emirates. On March 7, in an apparent defiance of America's call for an end to the war on Yemen, Saudi Arabia carried out massive air strikes in the country amid Houthi attacks.* Unless there is a palace coup, MBS is set to become the monarch when his father, King Salman, leaves the throne. Washington will have to deal with him, and when it does, he will have more options on his side than his father, uncles and grandfather had. Three, the elephant in the room is Israel. How is Mr. Biden going to fit Israel into his larger scheme of things for West Asia? *If Mr. Biden talks human rights to Saudi Arabia and ignores the rights abuses by Israel, which is being investigated by the International Criminal Court for alleged war crimes in the occupied Palestinian territories, his policy would look hollow. If he "holds Iran accountable" for the actions of Shia militias by ordering air strikes and does nothing to stop Israel's ever-expanding settlements in the occupied West Bank, he would be accused of double standards. And if he takes a tougher line towards Israel and pushes them to revive the stalled peace process with the Palestinians at a time when his administration seeks to engage Iran for the nuclear deal, it would further infuriate the Israelis, who in the past had carried out intelligence operations and targeted killings inside Iran. An angry Israel can, to the least, torpedo Mr. Biden's Iran policy.*



## China is the focus now

Mr. Biden does not have an easy way out of the West Asian tinderbox. Mr. Obama had narrower goals. *Success for Mr. Biden would depend largely on how he manages to balance between the three key powers in the region.* He may be hoping that a hybrid strategy of tough posturing, use of limited force and diplomatic outreach would yield results. It would have worked 20 years ago when the U.S. push for democracy had forced even Egypt's Hosni Mubarak to hold multiparty elections. The U.S. today is a sunset power in West Asia, and its strategic focus is on China. Both America's allies and rivals know that. And in geopolitics, consequences need not necessarily follow the plan of action.

## IMMIGRATION CONUNDRUM

*It is unlikely that President Joe Biden ever imagined that it would be a cakewalk to undo some of the most damaging policies implemented by his predecessor Donald Trump, but even he might not have anticipated how quickly the thorny question of immigration reform could spiral into a full-blown crisis. In recent weeks, an unprecedented surge of unaccompanied minors at the U.S.'s southern border has pushed the need for comprehensive reform, front and centre. The sudden spike in their numbers in U.S. custody — over 4,000, according to reports — is already wearing federal resources thin. Secretary of Homeland Security Alejandro Mayorkas struck a grim note when he said the U.S. was "on pace to encounter more individuals on the southwest border than we have in the last 20 years". Complicating the entire exercise is the COVID-19 pandemic, which has made it impossible to take down a Trump-era emergency rule that gives border agents the authority to summarily turn away most migrants other than unaccompanied minors, denying them the right to have their asylum claims heard.* In a sense, the mounting crisis is related to a sweeping immigration reform proposal unveiled by Mr. Biden's administration a month ago, as well as smaller bills that *the Democrat-controlled Congress could pass with less resistance, including measures to quicken the process for grant of legal status to agriculture workers and "Dreamers", or undocumented immigrants who entered the U.S. as children.* There are also plans under way to redress the ills of the legal migration system, many obstacles to which were erected by the Trump White House, including a *controversial rule to raise mandatory minimum pay for foreign workers on the H-1B visa for skilled immigrants that is largely granted to Indian nationals.* Similarly, some analysts have estimated that the Biden administration's proposed immigration bill could potentially increase annual 'green card' or permanent residency numbers by 35%. *Mr. Biden's broader, omnibus immigration legislation proposal includes an eight-year pathway to citizenship for the nearly 11 million undocumented immigrants and the use of hi-tech systems for border patrol enforcement.* The right, led by the vocal Congressional Republican minority, has attacked all such proposals as not being tough enough and encouraging the border surge, whereas the left, led by Democrats such as Representatives Ilhan Omar and Alexandria Ocasio-Cortez, have taken on Mr. Biden for not being humane enough. *The intractable immigration conundrum that the country has wrestled with from its very inception is whether the American Dream is an inclusivist vision of economic growth premised on embracing diversity and skilled migration, or whether the Trumpian 'America First' battle cry for nativist populism will carry the day.* What Mr. Biden does in the months ahead will help answer this question.



## RED LINE ON MYANMAR

The Myanmar junta has made it plain it will stop at nothing to suppress the protests against its February 1 coup. The near daily death toll of pro-democracy protestors is a distressing reminder of the promise of Myanmar just until a couple of months ago, and how the country's military has turned the clock back by at least a decade, if not more. *The gunning down of protestors is a devastating attack on the people of Myanmar, who have mostly peacefully demanded a return to democracy. The violence that the military has unleashed on the people after usurping power following the sweeping electoral victory of Aung San Suu Kyi's National League for Democracy, shows it has no intention of being hemmed in by democracy, even of the hybrid kind written into Myanmar's Constitution.* On Sunday, the military shot down 39 people, the highest single-day death toll, taking the total number of people killed just for voicing protests against the junta since the coup to more than 100. Suu Kyi remains in detention, and has been accused, along with other leaders of the NLD, of corruption by the military regime. There is a crackdown on media, and at least 10 journalists have been detained without charges. The coup seems to have taken the world by surprise. *Last week, the United Nations Security Council asked the military rulers "to exercise utmost restraint". The US, Britain and Canada have individually announced sanctions such as travel bans and asset freezes on Myanmar's top army generals. There has been talk of freezing arms sales, with South Korea already announcing suspension of defence exchanges with Myanmar. But Russia and China, which have close relations with the Myanmar military, may take the edge off such action. ASEAN has more or less accepted the new leadership, weakly calling for Suu Kyi's release. Japan, the second-biggest investor in Myanmar after China, has said it is "considering" how to respond to the developments. India, the biggest democracy in the region (and indeed the world), which has close links with both the Myanmar military and with Suu Kyi and the NLD, has been silent after its initial expression of "concern".* In the Nineties, India teetered between its storied friendship with Suu Kyi, and the need to engage with the military amid concerns that Indian militant groups in the Northeast were being given safe haven in Myanmar. In the first decade of the 21st century, the rivalry with China for influence in the region made that engagement even more necessary. But the moral dilemma for fence-sitters may be sharper today. *Colombo's invitation to Myanmar for the April 1 BIMSTEC foreign ministers' meeting has triggered protests in Sri Lanka and Myanmar, and will bring home that dilemma for Delhi, too.* Speaking in another context, External Affairs Minister S Jaishankar has said India is not looking for Western approval on India's democratic credentials. What democratic values does India, then, stand for? Its words and actions on Myanmar will provide an indication.

## ADANI PORTS CONFIRMS ROLE IN COLOMBO TERMINAL PROJECT

In its first confirmation yet of investing in the Colombo Port, after much controversy within Sri Lanka and an apparent strain in Indo-Lanka ties, Adani Ports and Special Economic Zones on Monday said it was "bolstering" its global footprint with the West Container Terminal (WCT) project in the island nation's strategic port. The Group announced its expansion in the neighbourhood, even as the Bloomberg Billionaires Index showed group chairman Gautam Adani having accumulated more billions than anyone else in the world this year, with his net worth soaring by \$16.2 billion in 2021. Tweeting on the Colombo Port investment, Mr. Adani said: "Grateful to the leaders of GoI, GoSL, SLPA & John Keells for the opportunity to build WCT,





Colombo. This partnership is a symbol of the deep strategic relations between countries with great intertwined history. It will launch decades of container growth.”

#### ‘Compromise’ formula

The Adani Group’s investment in the WCT project comes after the Sri Lankan government, in early February, ejected India and Japan out of a 2019 trilateral agreement to jointly develop the *East Container Terminal (ECT) at the Colombo Port, as trade unions opposed “foreign involvement” in the country’s national assets. In what Colombo termed a “compromise”, the government offered the WCT instead, with higher stakes for the Adani Group, along with its local partner and Sri Lanka’s largest conglomerate John Keells Holdings, to execute the project with the Sri Lanka Ports Authority. In a press release issued on Monday, Adani Ports said it received a letter of intent from the Government of Sri Lanka, while Sri Lanka’s Cabinet spokesman said last week that the government “assumed” Adani Group was the investor, as the company was India’s “nominee” in the ECT deal. India has distanced itself from the WCT project and indicated that Colombo was “directly” in touch with the Adani Group, sparking questions on the process followed by Colombo to choose the private investor in the absence of the Indian government’s involvement.*

#### GENERAL OUTREACH

#### **There have been many false dawns in India-Pakistan ties. Yet India must not miss the opportunity for a break with the past**

The Pakistan Army chief, General Qamar Javed Bajwa, has made an important outreach to India. It comes close after the recommitment of the armies of both countries to the 2003 understanding on the ceasefire, indicating that the peace on the LoC can be broadened into a relaxing of other tensions in the bilateral relationship. In a speech at a major national security policy meet in Islamabad, Bajwa described Kashmir as one of the main problems that had hijacked the vast economic potential of the two countries and the wider region. He said nothing about the UNSC resolutions, as has been customary with Pakistan, nor did he hark back to the demand that India roll back the August 5, 2019 changes in the former state, asking only for the creation of a “conducive environment” in Kashmir toward the peaceful resolution of the problem. Bajwa talked about the need to *“bury the past and move forward” in order to “unlock the untapped potential of south and central Asia” through the connectivity that the region offers between East and West. If this transformation of the Pakistan Army’s vision of the region from what General Bajwa described as “geo-political contestation” to “geo-economic integration” is not just tactical positioning to tide over multiple pressures — an economic crisis, blacklisting threats by FATF, fast-changing geopolitics of West Asia — it could well be a historic moment in India-Pakistan relations. Of course, first, India must reciprocate.* It would be easy to be cynical about Bajwa’s outstretched hand, and with good reason. There have been many false dawns in India-Pakistan relations. It is fair to ask how popular Bajwa’s vision of South Asian peace is within the Pakistan Army, and how officers down the line view the shift in position on Kashmir. After all, Bajwa is on an extended tenure, which comes to an end in November 2022. India has experience of a recent peace process unravelling with the departure of Pervez Musharraf. Unlike Musharraf, Bajwa is not all-powerful even though the Army is seen as the power behind the civilian government of Prime Minister Imran Khan. Further, how does the opposition, which has mounted a massive campaign to remove the Imran Khan



government, view these developments? Nawaz Sharif believes he was ousted via a judicial coup engineered by the army only because he spoke of peace with India, and demanded the shutting down of terrorist outfits that had isolated Pakistan in the world. Now that it is the army advocating peace with India, would he go along with it? Even if the answers are not immediately evident, India must grasp the opportunity with both caution and enthusiasm. There are many ways in which Delhi could signal interest in General Bajwa's proposition. It could restart trade at the LoC, and the cross-LoC bus service, that had created constituencies for peace. It is also time that both countries restored their diplomatic missions in each other's capitals to full strength.

## THE ELECTORAL OVERHAUL IN HONG KONG

The National People's Congress (NPC) of China, the ceremonial legislature in Beijing, on March 11 approved what it called "a decision on improving Hong Kong's electoral system". This paves the way for sweeping changes in how Hong Kong, *the Special Administrative Region (SAR) that has been ruled under the "one country, two systems" model since its return to China in 1997, chooses its leaders. Wang Chen, Vice-Chairman of the NPC Standing Committee, said the change was being passed to plug "clear loopholes and deficiencies which the anti-China, destabilising elements jumped on to take into their hands the power to administer the HKSAR"*, in a reference to the 2019 pro-democracy protests that roiled the city. Hong Kong's pro-democracy opposition groups have seen the change as another move that diminishes the space for dissent and erodes freedoms guaranteed previously under the terms of the 1997 handover.

### How does the new NPC amendment change Hong Kong's political system?

*The NPC amendment essentially gives Beijing-appointed politicians greater power in running the HKSAR's politics. Currently, 35 of the 70 members of Hong Kong's Legislative Council are directly elected through "geographical constituencies", while 35 are nominated from "functional constituencies" (referring to a range of special interest groups that are broadly pro-establishment). Now, the size of the Legislative Council will be expanded to 90, with the additional 20 members joining the 35 others who are nominated, thus reducing the share of directly elected representatives. The amendment also bestows greater power on a newly expanded Election Committee of 1,500 nominated members, up from 1,200 previously. The 300 new members will include Hong Kong's representatives to the NPC (the legislature) and the Chinese People's Political Consultative Conference (the upper house), who are chosen by Beijing.* The committee, which has in the past been responsible for choosing Hong Kong's Chief Executive, will now also choose the additional Legislative Council members. Perhaps the most controversial change is the setting up of a new "candidate qualification review committee", which, the NPC said, "shall be responsible for reviewing and confirming" the qualifications of candidates for Election Committee members, the Chief Executive, and Legislative Council members. This committee can vet any candidate and disqualify them if it deems they are not "patriots", as part of a new push by Beijing to ensure "the administration of Hong Kong by Hong Kong people with patriots as the main body", an evolution of the post-1997 "administration of Hong Kong by Hong Kong people" idea.

### How will the "one country, two systems" model be impacted?

Under the Basic Law — the Constitution that has governed Hong Kong since 1997 — the SAR is a part of China but enjoys "a high degree of autonomy" and "executive, legislative and independent



judicial power”, except in foreign policy and defence. It also says “the socialist system and policies shall not be practised” in Hong Kong for 50 years. The amendment is the second major recent legislative change that has been seen by the opposition in Hong Kong as undermining this autonomy. In 2020, as a response to the 2019 protests, China passed a new national security law that lists penalties for “subversion”. Earlier this year, as many as 47 pro-democracy leaders were arrested under the new law after organising an informal primary election among pro-democracy parties. If Hong Kong’s pro-democracy parties are concerned about the “two systems” part of the formula, Beijing is now emphasising the importance of “one country”. Hong Kong’s Chief Executive, Carrie Lam, said on March 11 that ensuring political offices were filled by “patriots” was required to safeguard “national security and sovereignty” and to “solve the problem of the LegCo [Legislative Council] making everything political in recent years” and “internal rifts that have torn Hong Kong apart”.

### What lies ahead?

With the national security law and the new electoral changes, the space for the pro-democracy opposition in Hong Kong has been drastically reduced. Hong Kong without a noisy opposition will mean a very different Hong Kong from what the past 24 years have seen. The city became a key gateway for foreign companies particularly because of its independent judicial system that distinguished it from the mainland. It still remains a key gateway for investment, even though in 2018 its GDP was surpassed by Shenzhen. Beijing’s bet is that China’s market may remain a big enough draw to allay broader concerns about the changes sweeping through the SAR. If the direction of its politics seems clear, its economic future appears less so.

## CHINA DEFYING HONG KONG JOINT TREATY: U.K.

China is no longer compliant with Hong Kong’s joint declaration after Beijing announced sweeping changes to the region’s electoral system, Britain said on Saturday. *“The U.K. now considers Beijing to be in a state of ongoing non-compliance with the Sino-British Joint Declaration,”* the Foreign Ministry said in a statement. *The treaty was signed before Britain handed Hong Kong back to China in 1997 and was designed to allay fears about its future under Beijing’s rule. It guarantees the financial hub special status, including a high degree of autonomy to manage its own affairs and the right to freedom of speech.*

### Stifling criticism

But British Foreign Secretary Dominic Raab said that Beijing’s decision “to impose radical changes to restrict participation in Hong Kong’s electoral system” was a “further clear breach” of the agreement. *“This is part of a pattern designed to harass and stifle all voices critical of China’s policies and is the third breach of the Joint Declaration in less than nine months,”* he said. “I must now report that the U.K. considers Beijing to be in a state of ongoing non-compliance with the Joint Declaration,” he added, further ramping up tensions between the two nations. Britain has been a strong critic of China’s crackdown on pro-democracy campaigners in Hong Kong, and angered Beijing by announcing a visa scheme offering millions of its residents a pathway to U.K.’s citizenship. The system went live in January as the city’s former colonial master opened its doors to those wanting to escape China’s crackdown on dissent.



### 'Growing gulf'

Beijing has acted decisively to dismantle Hong Kong's democratic pillars after massive protests there in 2019. China's rubber-stamp Parliament on Thursday voted to give Beijing the power to veto candidates as it moves to ensure that only "patriots" run the city. Mr. Raab said the latest move was a "demonstration of the growing gulf between Beijing's promises and its actions". "The U.K. will continue to stand up for the people of Hong Kong," he added. "China must act in accordance with its legal obligations and respect fundamental rights and freedoms in Hong Kong." The new election rules sparked international condemnation. U.S. Secretary of State Antony Blinken called it "*a direct attack on autonomy promised to people in Hong Kong under the Sino-British Joint Declaration*". Meanwhile, the G7's top diplomats said they "*call on China and the Hong Kong authorities to restore confidence in Hong Kong's political institutions and end the unwarranted oppression of those who promote democratic values*". The European Union warned China it could take "additional steps" as it condemned the vote. "The National People's Congress of the People's Republic of China adopted a decision that will have a significant impact on democratic accountability and political pluralism in Hong Kong," EU foreign policy chief Josep Borrell said. Brussels has previously decided to limit exports of equipment that could be used for surveillance in Hong Kong and EU Foreign Ministers have discussed the possibility of broader sanctions if the situation worsens.

### BOLIVIA'S FORMER PRESIDENT ANEZ ARRESTED IN 'COUP' PROBE

*Bolivia's former interim President Jeanine Anez was arrested on Saturday on terrorism and sedition charges over what the government claims was a coup attempt against her predecessor and political rival Evo Morales.* Police were also rounding up former Ministers who backed the conservative politician's caretaker government, which was in place for a year after Mr. Morales fled the country in November 2019 amid disputed elections, media reports said. *The arrests came months after Mr. Morales returned to Bolivia from exile on the back of a fresh election victory in October 2020 for the leftist Movement for Socialism (MAS) party he founded.* Both the presidency and congress are now under the control of MAS. "I inform the Bolivian people *that Mrs. Jeanine Anez has already been apprehended and is currently in the hands of the police,*" Minister Carlos Eduardo del Castillo wrote on Twitter and Facebook. Mr. Castillo congratulated the police for their "great work" in the "historic task of giving justice" to the Bolivian people. Bolivia's public prosecutor issued an arrest warrant on Friday for the conservative politician and others on charges of terrorism, sedition and conspiracy. Ms. Anez tweeted a copy of the warrant with the response: "The political persecution has begun." She added that the government was accusing her "of having participated in a coup d'etat that never happened". In the early hours of Saturday, Bolivian television showed images of Ms. Anez, not handcuffed, arriving at La Paz's El Alto airport, accompanied by Mr. Castillo and several police officers. In brief remarks to the press, she denounced her arrest as "illegal". It was not immediately known where she was taken. Ms. Anez's former Energy Minister Rodrigo Guzman and his justice counterpart Alvaro Coimbra were detained on Friday.

### SRI LANKA'S WAR ON TERROR: BURQA BAN, DRACONIAN ACT, 'DERADICALISATION'

Sri Lanka's Public Security Minister Sarath Weerasekara said on Saturday that the government would soon ban the burqa. He said he had signed off on the proposal which now requires cabinet



and parliamentary approval. *If the ban goes through, as it likely will — the Mahinda Rajapaksa government has a two-thirds majority in Parliament — Sri Lanka will be among a handful of non-Muslim countries, mostly in Europe, where the garment will be outlawed.*

## 2 years after Easter bombings

*In Sri Lanka, where Muslims comprise less than 10% of the 21 million population — they are mostly Tamil speaking and are mainly engaged in trade and commerce — the burqa ban comes ahead of the troubled second anniversary of the 2019 Easter bombings. Earlier this year, a government rule that Muslims who died of Covid-19 could not be buried saw community leaders go to court. They lost, but the outrage it caused among Muslim countries led to a rethink. Pakistan Prime Minister Imran Khan also took up the issue publicly ahead of his visit. Up against international criticism at the UN Human Rights Council on the Tamil issue, the government has since allowed the burials. A Presidential commission of Inquiry set up to investigate the six suicide attacks at churches and hotels in Colombo and in two other places in the country killing 260 people, has submitted its report to President Gotabaya Rajapaksa. But even as the Church urged the government to make the report public, the President appointed a committee of cabinet ministers to “study the report”. Along with the burqa ban, Weerasekara announced the *government would shut down 1,000 madrasas*. The government has also armed itself with new regulations under the draconian Prevention of Terrorism Act to detain for up to two years for *the purpose of “deradicalisation” of anyone suspected of harbouring extremist ideas, or for spreading religious, communal or ethnic hatred.**

## Burqa, hijab & national security

In the aftermath of the Easter bombings, the Sri Lankan government had temporarily banned the niqab, a face covering worn by some Muslim women, although it had worded that in ambiguous terms as a ban on all face coverings. The burqa ban has been officially linked to national security and Islamist extremism. Weerasekara said the burqa “is something that directly affects our national security... this came to Sri Lanka only recently. It is a symbol of their religious extremism”. *The ban is likely to increase the feeling among Sri Lankan Muslims that they are being collectively punished for the actions of a few in the community. The terrorist group’s leader Abu Bakr al-Baghdadi had claimed responsibility for the attacks days after they took place.* Women’s groups had protested the temporary niqab ban at the time as a two-fold discrimination — against a religion, and against women. *There is no community edict in Sri Lanka demanding that Muslim women must wear a burqa. In fact, not many Sri Lankan Muslim women wear it, although more wear it now than previously. But for those who do, as in many other places in the world, it is a matter of personal choice based on identity, or just modesty.*

## Buddhist-Muslim tensions

The Easter attacks and the “othering” of Muslims that followed have set on edge a minority community that was once seen as better integrated in the national and political mainstream than the Tamils. But even before the deadly attacks, the Muslim community intermittently faced targeting by extremist organisations claiming to represent the majority Buddhist such as the Bodhu Bala Sena, Sinhala Ravaya, Sinhala and Mahason Balaya. The BBS is the most powerful of these groups as President Rajapaksa and Prime Minister Mahindra Rajapaksa were seen



associating with it. *The campaigns by these groups have centred on the wearing of hijab, burqa and niqab by Muslim women, and the halal labelling on food packaging, and have led to much tension between the two communities especially in post-war Sri Lanka.* Several riots targeting Muslims have taken place over the last decade.

#### Following Switzerland

*Sri Lanka's burqa ban announcement came close on the heels of the March 8 Swiss ban on the garment, which came after a national referendum.* In a sharply worded statement, UN Human Rights Council criticised the Swiss ban as “discriminatory” and “deeply regrettable”. The Office of the UN High Commissioner for Human Rights (OHCHR) said in a statement: “Vague justifications on how the wearing of face coverings would be a threat to safety, health or the rights of others cannot be considered a legitimate reason for such an invasive restriction of fundamental freedoms.” It added that “in the wake of a political publicity campaign with strong xenophobic undertones, Switzerland is joining the small number of countries where actively discriminating against Muslim women is now sanctioned by law”, which is “deeply regrettable.” *Other countries that have banned the burqa include the Netherlands, Denmark and France.*

#### INDIA HAS ASSURED SRI LANKA OF SUPPORT

*India has assured Sri Lanka of its support at the UN Human Rights Council, Sri Lankan Foreign Secretary Jayanath Colombage has said, just days before member countries vote on a new resolution on the island nation's rights record.* India's Ministry of External Affairs declined to comment on the Sri Lanka Foreign Secretary's statement. Sources in the government told The Hindu that no decision on the vote had been “conveyed” yet, while Mr. Colombage said Sri Lanka “greatly appreciates” India's position, “being the superpower they are”. Human Rights Council sessions in Geneva usually invoke sharp responses from nationalist forces within Sri Lanka's Sinhala Buddhist majority, who see the process as “targeting” their country and “interfering with its sovereignty”. The Rajapaksa government, whose core support comes from Sinhala Buddhist nationalists, has “categorically rejected” the UN Human Rights chief's latest report, while accusing the Council of being “politically motivated”, even as *a “core group” comprising the United Kingdom, Canada, Germany, North Macedonia, Malawi and Montenegro tables the new resolution.* Colombo has also been reaching out to the member countries during the past weeks, pitching its version of Sri Lanka's post-war realities that the UN resolutions seek to address. *President Gotabaya Rajapaksa wrote to Prime Minister Narendra Modi and Chinese President Xi Jinping, among other leaders, seeking support at the 47-member Council, where Colombo anticipates a hostile resolution.* Mr. Rajapaksa spoke to Mr. Modi over telephone last week, reportedly following up on the letter sent earlier. *China has officially declared its support to Sri Lanka. All eyes are on India's vote, not only because of its “influence” in the Council, but also because of its own tensions with Colombo, following the Rajapaksa government's recent decisions on strategic projects involving India and China.* Given India's pressing geopolitical concerns in the island nation, and stated support for Tamil aspirations, it remains to be seen how New Delhi will approach the vote scheduled on March 22. The only official intervention made by India so far on Sri Lanka at the ongoing 46th session of the Council in Geneva, was the statement by Permanent Representative (PR) of India Ambassador Indra Mani Pandey, who spoke of India's “consistent position” resting on two pillars of support to Sri Lanka's unity and territorial integrity, and an “abiding commitment” to Tamil aspirations for



“equality, justice, peace and dignity”. “These are no either-or choices,” the PR had said, calling for the full implementation of the 13th Amendment. Apart from reminding Sri Lanka of its several pending commitments and failed promises on delivering truth, justice, and promoting reconciliation, the latest resolution calls for power devolution through the 13th Amendment. Of the seven resolutions on Sri Lanka adopted by the Council since the end of the war in the country in 2009, only four were contested and put to vote. India voted for three of those in 2009, 2012 and 2013, and abstained in 2014. The three resolutions adopted from 2015 were consensual and co-sponsored by Sri Lanka, eliminating the need for a vote.



# DreamIAS



## NATION

ALIGNING A MISSILE DEAL WITH DESTINATION MANILA (HARSH V. PANT - DIRECTOR, STUDIES AT THE OBSERVER RESEARCH FOUNDATION (ORF), NEW DELHI AND PROFESSOR, INTERNATIONAL RELATIONS AT KING'S COLLEGE LONDON. JAVIN ARYAN - A RESEARCH INTERN AT THE ORF)

*Earlier this month, India and the Philippines signed the "Implementing Arrangement" for "procurement of defence material and equipment procurement". This agreement lays the groundwork for sales of defence systems such as the **highly anticipated export of the BrahMos cruise missile**, through the **government-to-government** route. As the Secretary, Philippine Department of National Defense publicly acknowledges, the archipelagic country's intention of purchasing the missile, and a potential export deal for India, moves one step closer to reality. This deal will be of great significance for multiple reasons, and even though the procurement process is progressing steadfastly, there are many challenges that lie ahead.*

### Features of the system

*Research and development of the BrahMos cruise missile systems began in the late 1990s. Manufactured by BrahMos Aerospace Limited, a joint venture between the Defence Research and Development Organisation and the joint stock company Military Industrial Consortium NPO Mashinostroyeniya (earlier known as the Federal State Unitary Enterprise NPOM of Russia), this is the first supersonic cruise missile to enter service. Capable of attaining a speed of Mach 2.8 (almost three times the speed of sound), it has a range of at least 290 km (a new version can reach up to 400km). Travelling with such velocity means that it would be difficult for air defence systems utilising surface-to-air missiles to intercept the BrahMos while making it easier for it to target and neutralise advanced fighter jets such as the Chinese J-20 fighter aircraft moving at less than Mach 2. Even so, efforts to increase the speed and range of the missile in its next iterations are under way, with a goal of achieving hypersonic speeds (at or above Mach 5) and a maximum range of 1,500 km. Early naval and land variants of the BrahMos were inducted into service by the Indian Navy in 2005 and the Indian Army in 2007. Subsequently, an air-launched variant was successfully tested in November 2017 by the Indian Air Force from its Sukhoi-30MKI fighter jet, giving the missile a dominating presence in all three domains.*

### Export as a goal

*These advanced and powerful capabilities of the BrahMos not only augment the strength of the Indian military but make it a highly desirable product for other countries to procure as well. Exporting the system, hence, has been on the agenda for more than a decade. Doing so would **boost the credibility of India as a defence exporter, help it meet the target of \$5 billion in defence exports by 2025, and elevate its stature as a regional superpower. Countries such as Vietnam, the Philippines, Indonesia, the United Arab Emirates, Argentina, Brazil, and South Africa have so far shown an interest in acquiring the systems.***





### Geo-political impact

*The implications of the Philippines becoming the first country to import the BrahMos would be wide-ranging and consequential in the Indo-Pacific. To begin with, it would caution China, with whom the Philippines has been engaged in a territorial conflict in the South China Sea, and act as a deterrent to Beijing's aggressive posturing.* Indeed, this is why China has been wary of the Association of Southeast Asian Nations (ASEAN) countries acquiring defence systems such as the BrahMos. Further, taking lessons, other nations threatened by Chinese belligerence may come forward to induct the BrahMos into their arsenal, thereby boosting India's economic, soft, and hard power profile in the region and providing the Indo-Pacific with a strong and dependable anchor with which they can protect their sovereignty and territory.

### Possible hurdles

The Government of India has prioritised making the country 'Atmanirbhar' in the defence manufacturing sector and establishing itself as a major defence exporter. The Philippines, on the other hand, has decided to buy the BrahMos out of geopolitical and strategic necessities. Nonetheless, *two major roadblocks still remain in the Manila deal. The first is the Countering America's Adversaries Through Sanctions Act (CAATSA), which aims to sanction individuals and entities who engage in a "significant transaction" with a listed entity. So far, Turkey and China have been penalised under CAATSA for purchasing the S-400 Triumf air defense systems from Russia. NPO Mashinostroyeniya is one of the listed Russian entities. And since 65% of the components, including the ramjet engine and radar seeker used in the BrahMos, are reportedly provided by NPO Mashinostroyeniya, the export of the missile systems may attract sanctions.* Remarkably, the United States, of which India is *a major defence partner*, has maintained *ambiguity over whether it will introduce sanctions over India's acquisition of the S-400, licensed production of the AK-203 assault rifle, and export of the BrahMos. Hesitant of being sanctioned themselves, countries may shy away from purchasing the BrahMos.* However, there is an excellent case for India to receive a waiver from CAATSA, especially vis-à-vis the BrahMos that can help contain a confrontational China. *The second issue pertains to financing.* A regiment of the BrahMos, including a mobile command post, four missile-launcher vehicles, several missile carriers, and 90 missiles, reportedly costs around \$275.77 million (₹2,000 crore). *Ravaged by the COVID-19 pandemic, many countries which are interested in the BrahMos would find it difficult to purchase it.* The cost of the systems has been a major hurdle in moving forward to reach a deal with the Philippines. *To remedy this, India has offered a \$100 million line of credit, and the Philippines is thinking of purchasing just one battery of the BrahMos, consisting of three missile launchers with two to three missile tubes each.* With India determined to develop itself as a hub of defence manufacturing, how it handles the sale of the BrahMos would be an important factor in its potential emergence as a net provider of regional security in the Indo-Pacific.

A GIANT LEAP FORWARD FOR THE QUAD (RAJIV BHATIA - DISTINGUISHED FELLOW, GATEWAY HOUSE, AND A FORMER AMBASSADOR TO MYANMAR AND DCM IN JAKARTA)

*The maiden Quadrilateral Security Dialogue summit of the leaders of Australia, India, Japan and the U.S. on March 12 was a defining moment in Asian geopolitics. That it was a meeting at the highest political level, occasioned a productive dialogue, and concluded with a substantive joint statement is*



*indicative of its immediate significance.* The summit showed that the “Quad has come of age”, as underlined by Prime Minister Narendra Modi. If it leads to tangible action and visible cooperation, it will impact the whole region. The Quad is no longer a loose coalition. *The Indian Ocean tsunami of 2004 triggered cooperation among the navies and governments of the Quad powers. They sought to forge diplomatic cooperation on regional issues in 2006-08, but gave up mainly because China objected to it and the hostility to China was not yet a potent enough glue. This began to change in 2017 when Beijing’s behaviour turned hostile, climaxing in multiple challenges in 2020, including its adventurism in eastern Ladakh. The Foreign Ministers of the Quad met thrice between September 2019 and February 2021. This time, U.S. President Joe Biden moved swiftly to host a virtual summit, drawing immediate response from the other three leaders.*

### Five highlights

The Quad’s new approach may be somewhat different from the Trump era. The former U.S. President’s tough line on China is now indispensable, but without the name-calling of Beijing. A more sophisticated approach is being invented, with enhanced emphasis by the U.S. on carrying its allies and strategic partners together. The summit’s outcome, therefore, merits close attention for at least five reasons. First, past debates over diverse, even differing, visions of the Indo-Pacific are over. The joint statement struck a neat compromise: to please the U.S. and Japan, it refers to a “free and open” Indo-Pacific, but in the very next sentence it offers an elaboration – “free, open, inclusive, healthy, anchored by democratic values, and unconstrained by coercion” – that amply satisfy India and Australia. Second, the summit leaders have secured an adequate alignment of their approaches towards China, even without mentioning the ‘C’ word in the document. Senior officials gave sufficient hints on this score, reinforced by phrases such as “security challenges” and “the rules-based maritime order in the East and South China Seas” in the joint statement. The context and the subtext need to be appreciated for a full understanding. Given the bipartisan consensus in Washington and the state of China’s fraught relations with the other three capitals, a clear-eyed assessment of the threat from China is shared by all. But instead of unidimensional antagonism, the Quad members have preferred a smart blend of competition, cooperation and confrontation. Further clarity should emerge after discussions between the top officials of the U.S. and China, set for March 18. Third, the Quad has placed a premium on winning the battle for the hearts and minds of people in the Indo-Pacific region. *The aim is to convince the nations of Southeast Asia, the Pacific Islands and the Indian Ocean region that the Quad is a benign grouping, committed to solutions for their development and well-being.* This explains *the special initiative to ensure equitable access to COVID-19 vaccines for every person in need in the region from the western Pacific to eastern Africa.* It is both a laudable and doable objective, given *the firm commitment of financial support by the U.S. and Japan, logistics and some funding from Australia, and the manufacturing and managerial capabilities of India.* This new synergy is a real highlight that should result in the production of one billion vaccine doses in India by 2022. Fourth, the establishment of three working groups on vaccine partnership; climate change; and critical and emerging technologies (such as telecom and biotechnology) and their new standards, innovation and supply chains is a welcome step. Joint R&D projects may become essential. All this should get the four national establishments into serious policy coordination and action mode, creating new capacities. The careful choice of themes reflects a deep understanding of the long-term challenge posed by China and has global implications. Finally, the March 12 summit will not be a one-off. The leaders have agreed to meet in-person later this year, possibly at an international event within



the region. Foreign ministers will gather at least once a year; other relevant officials, more often. Thus, will grow the habits of the Quad working together for a common vision and with agreed modalities for cooperation.

#### Other aspects

The summit has been watched closely by the ASEAN capitals. A few of them may express cautious welcome. Beijing seems rattled but resigned to the Quad's new momentum. The Chinese see it in negative terms, targeting New Delhi in particular. *The refrain of "India is moving too close to the U.S." has, after the summit, become India is "a negative asset of BRICS and SCO", as claimed by a Chinese government mouthpiece.* Such views should be dismissed as inconsequential. Among other issues discussed, the Korean Peninsula drew particular attention. *The commitment to the "complete de-nuclearization" of North Korea as per the United Nations Security Council resolutions was reiterated – a reference to the importance of South Korea as a partner of the Quad.* On Myanmar, Washington heeded wise counsel from Asia. The call "to restore democracy and the priority of strengthening democratic resilience" is unexceptionable. It may help ASEAN in carrying forward its diplomatic initiative to promote reconciliation in Myanmar. The lucid joint op-ed in The Washington Post by the four leaders projects the Quad as *"a flexible group of like-minded partners dedicated to advancing a common vision and to ensuring peace and prosperity"*. The summit and 'The Spirit of the Quad' – the inspired title of the joint statement – represented a giant leap forward. Now is the time to back political commitment with a strong mix of resolve, energy, stamina and the fresh ideas of stakeholders and experts outside of government to fulfil the promise of the Quad.

#### UN RIGHTS PANEL SLAMS DETENTION OF ZARGAR

*Taking note of the detention of Jamia Millia Islamia student Safoora Zargar, who was pregnant when Delhi police arrested her in April 2020 over the Citizenship law protests and the Delhi riots, the Geneva-based UN Human Rights Council's Working Group against Arbitrary Detentions (WGAD) has adopted an opinion critical of the government's workings, and referred the case to three Special Rapporteurs for action.* In the opinion, based on a complaint from a "source" who was not identified, Ms. Zargar had suffered a "deprivation of liberty" contravening "universally recognized human rights, in particular the right to freedoms of opinion, expression and peaceful assembly" and several articles of the Universal Declaration of Human Rights. It also called upon the government to ensure "a full and independent investigation" of the case and measures against those responsible for the "violation of her rights" including Ms. Zargar's allegedly irregular detention despite her pregnancy, where she said she was made to sign blank sheets of paper, the conditions of her incarceration, alleged discrimination, and curbing her right to protest. In the disposition, the WGAD also said it was referring the case to Special Rapporteurs on "the promotion and protection of the right to freedom of opinion and expression; the situation of human rights defenders; and on the promotion and protection of human rights and fundamental freedoms while countering terrorism," for appropriate action.

#### 'Unfortunate trend'

In a statement, Ms. Zargar thanked the UN body for "taking cognizance" of the case, and called her case part of an "unfortunate trend". "I am lucky and thankful and at the same time hope that the



situation for all human rights defenders will improve in future and that all political prisoners be immediately released, unconditionally,” Ms. Zargar’s statement added. The Ministry of External Affairs did not respond to the HRC body’s decision. The WGAD report said it had written to the Indian government on July 22, 2020, with a request for a reply for information in the Zargar case within three months, but the government had not responded nor requested an extension of time. *International law experts say the WGAD’s opinion is not actionable by the Human Rights Council, but could set India and the HRC on a further collision course.*

## SC TO HEAR PLEA AGAINST SALE OF ELECTORAL BONDS

### NGO seeks stay on scheme ahead of election in key States

Chief Justice of India Sharad A. Bobde agreed with advocate Prashant Bhushan on Thursday to urgently hear a plea by NGO Association for Democratic Reforms to stay the sale of a new set of electoral bonds on April 1, before the Assembly elections in crucial States such as West Bengal and Tamil Nadu. Responding to an urgent mentioning made by Mr. Bhushan via videoconference, Chief Justice Bobde said the matter would require a detailed hearing and posted the case for March 24. Mr. Bhushan said the Reserve Bank of India (RBI) and the Election Commission had both said that the sale of electoral bonds had become an avenue for shell corporations and entities to park illicit money and even proceeds of bribes with political parties. “Every time there is an election, the sale is opened. Every time this happens, we have moved the Supreme Court to stay it,” he submitted. “But hasn’t stay been refused earlier?” *Chief Justice Bobde asked. “Not so, but parties had been asked to submit records in sealed cover... But a proper stay has to be considered. There are two documents from the RBI and the Election Commission that say the electoral bonds scheme is detrimental to democracy,” Mr. Bhushan replied. Solicitor-General Tushar Mehta informed the Chief Justice that Attorney-General K.K. Venugopal would be appearing in the case. “His submissions in the Maratha quota case will start today [March 18] and he may finish it by Wednesday [March 24],” Mr. Mehta said. “Surely, he will find time in a matter like this!” Chief Justice Bobde retorted. The NGO, also represented by advocate Neha Rathi, voiced serious apprehensions about the sale of electoral bonds before elections.*

### ‘Illegal sale windows’

“Data obtained through RTI has shown that illegal sale windows have been opened in the past to benefit certain political parties... *There is a serious apprehension that any further sale of electoral bonds before the upcoming State elections in West Bengal, Tamil Nadu, Kerala and Assam would further increase illegal and illicit funding of political parties through shell companies,” the NGO submitted. It said the scheme had “opened doors to unlimited political donations, even from foreign companies, thereby legitimising electoral corruption at a huge scale, while at the same time ensuring complete non-transparency in political funding”. The application reminded the court that both the central bank and the poll panel had objected to the electoral bond scheme. The government notified the scheme on January 2, 2018. It defended the scheme in court, saying it allowed anonymity to political donors to protect them from “political victimisation”. The Ministry of Finance’s affidavit in the top court had dismissed the Election Commission’s version that the invisibility afforded to benefactors was a “retrograde step” and would wreck transparency in political funding. The government affidavit had said the shroud of secrecy was a product of “well thought-out policy*



considerations". It said the earlier system of cash donations had raised a "concern among the donors that, with their identity revealed, there would be competitive pressure from different political parties receiving donation".

#### MARRIAGE CAN BE REGISTERED VIA VIDEO CHAT

The Punjab and Haryana High Court has allowed registration of marriage through videoconferencing as it set aside a decision of a single-judge Bench. The order was delivered on March 9 by a Bench of Justices Ritu Bahri and Archana Puri while hearing an appeal. The petitioners — Ami Ranjan and his wife Misha Verma — approached the court, filing the appeal against the judgment of a single-judge Bench of the High Court, whereby a writ petition, filed by the petitioners seeking quashing of the order issued by the Deputy Collector-cum-Marriage Officer, Gurugram, was dismissed. *It was held that there was no provision for registration of the marriage under the Special Marriage Act, 1954, without the parties appearing in person before the marriage officer.*

#### 'Exemption not sought'

In the appeal, it was submitted that the wife, a medical professional, was on COVID-19 emergency duty in the United States and that the husband wanted to go there to meet his wife, but for that he had to attach a marriage certificate along with an application for obtaining visa. On account of lack of marriage certificate, the parties were facing unprecedented hardship. The court, overruling the judgment of the single-judge Bench, observed the husband was not seeking complete exemption of appearance of his wife before the Registrar of Marriage. He was seeking that his wife be allowed to appear through videoconferencing so that the marriage could be registered, it added.

#### DON'T STEREOTYPE WOMEN IN COURT RULINGS

The Supreme Court on Wednesday forbade judges from making gender-stereotypical comments like "good women are sexually chaste", women who drink and smoke "ask" for sexual advances or presume that a sexually active woman consented to rape while hearing cases of sexual offence. A Bench of Justices A.M. Khanwilkar and S. Ravindra Bhat stopped judges from trying to mandate marriage or compromise between a molester and his victim. The Bench, in a judgment, proscribed judges from granting bail to suspected sexual offenders on the condition that they perform "community service" or apologise to their victims. The Supreme Court forbade the accused from getting in touch with the survivor. The court said the victim should be immediately notified if the accused is given bail in a sexual offence case. She should be given a copy of the bail order within 48 hours. The 24-page verdict, authored by Justice Bhat, set aside a Madhya Pradesh High Court order granting bail to a suspected molestor provided he visits his victim at her home and 'allows' her to tie a rakhi on him. "Using rakhi tying as a condition for bail, transforms a molester into a brother, by a judicial mandate," Justice Bhat wrote. In a scathing verdict, Justice Bhat said judgments and orders continue to reflect "entrenched paternalistic and misogynistic attitudes" even after 70 years as a Republic. *"A woman cannot be herself in the society of the present day, which is an exclusively masculine society, with laws framed by men and with a judicial system that judges feminine conduct from a masculine point of view,"* Justice Bhat quoted Henrik Ibsen in exasperation. Judges should not fall into the trap of stereotyping. *A judge's address is not limited to*



*the parties in a case but extends to the broader legal community of other lawyers, judges, legal academics, law students and indeed the public at large, Justice Bhat warned.*

#### STATE RESOLUTIONS ON CENTRAL LAWS ARE FINE

The Supreme Court on Friday prima facie found no harm in State Legislative Assemblies, such as those in Kerala and West Bengal, passing resolutions against Central laws like the controversial Citizenship Amendment Act or the new agriculture laws. *A Bench, led by Chief Justice Sharad A. Bobde, said these resolutions are merely "opinions" of the majority members of a Legislative Assembly and do not have the force of law. The court was hearing a PIL filed by a Rajasthan-based NGO, Samta Andolan Samiti, that said State Assemblies, such as of Rajasthan, Kerala, Punjab and West Bengal, have no business passing resolutions against Central laws that come under the Union List of the Seventh Schedule of the Constitution.* The Samiti, represented by senior advocate Saumya Chakraborty, asked the Supreme Court to quash the resolutions and declare them void. The hearing mostly focused on the resolution passed by the Kerala Assembly on December 31, 2019, criticising CAA as a law violating the right to equality. The Assembly had called upon the Centre to abrogate the CAA. "It is the opinion of the majority in the Kerala Assembly... They have not told people to disobey the law, they have only told Parliament to abrogate the law. It is only an opinion and does not have the force of law," *Chief Justice Bobde addressed Mr. Chakraborty. But the petitioner said that the Kerala Assembly should not be having an opinion whether the law is "good, bad or indifferent". "Since they (State Assemblies) cannot make laws on the subjects in the Union List, they cannot also have a casual opinion on them," Mr. Chakraborty argued.* He said the Resolution was made even as about 60 petitions were pending in the Supreme Court against the CAA. "We are with you if you say that Kerala Assembly has no jurisdiction to set aside the law made by Parliament. But do they have no right to express an opinion?" Chief Justice Bobde asked. The senior lawyer said the Kerala Assembly procedure is clear in mandating that the House should not pass a resolution in matters which do not concern the State. "How can you say this is not a concern of the state?" the CJI asked. The court adjourned the case for four weeks.

#### ACCUSED GETS DEATH FOR KILLING INSPECTOR IN BATLA HOUSE

*A Delhi court on Monday awarded the death penalty to Ariz Khan for the murder of inspector Mohan Chand Sharma, while leading a raiding police team at Batla House in Delhi in 2008, terming the offence "rarest of the rare case".* "Convict (Khan) on account of his despicable act has forfeited his right to live. After balancing mitigating circumstance against aggravating circumstances, it is concluded that it is a rarest of rare case where convict deserves maximum sentence provided under the law," additional sessions judge Sandeep Yadav said. The Special Cell of the Delhi Police had arrested Khan along the India-Nepal border on February 13, 2018, after he was on the run for about a decade. Two suspected Indian Mujahideen (IM) terrorists were killed and two others were arrested when a team of the Special Cell raided a hideout of bomb blast suspects at Batla House on September 19, 2008. Khan and another alleged IM operative Shehzad were also present at the hideout but had managed to escape. "It has been proved on record that convict along with his accomplices fired at police officials on duty without any provocation. It is pertinent to mention here that the police team led by deceased Inspector Mohan Chand Sharma had gone to the place of occurrence only to nab the persons involved in Delhi blast cases," the court said.



### 'No intention to kill'

"Police officials had no intention to kill the occupants of the flat," the court said, adding, "This is clear from the fact that the deceased Inspector Mohan Chand Sharma, who was leading the police team, knocked the door at the flat and disclosed his identity saying 'darwaza kholo, police hai'." The court highlighted that some of the members of the advance team were not even carrying arms and that police officials did not fire at accomplice Mohd. Said, who had locked himself inside the bathroom and surrendered before the police officials. "It is, therefore, obvious that convict Ariz Khan, along with his accomplices, fired at police officials without being challenged, instinctively and while doing so killed one of the raiding police officials," it said.

### 'Crime against State'

"The offence proved against accused is not an ordinary act but a crime against the State. Convict, while committing offence acted like a dreaded and well-trained terrorist who does not deserve any leniency," the court said. It also reminded that deadly weapons like AK-47 and two pistols were retrieved from the flat where the shoot out took place. "Considering the nature of devastation that these weapons can cause, it will be safe to conclude that these weapons were kept in the flat with a view to indulge in terrorist and anti-social activities," the court said. The court also imposed a total fine of ₹11 lakh on Khan out of which ₹10 lakh will be released as compensation to the wife of the deceased officer. A trial court in July 2013 had sentenced IM terrorist Shahzad Ahmed to life imprisonment in connection with the Batla House encounter case. His appeal against the trial court's verdict is pending in the High Court.

## GENDER NO BAR

The Kerala High Court order allowing the enrolment of trans-persons in the National Cadet Corps (NCC) is a significant step towards gender inclusion and equality. The court was responding to a petition filed last year by a transwoman, *Hina Haneefa, who was refused admission to the NCC unit in a Thiruvananthapuram college on the grounds that the NCC Act, 1948 only allows "members of the male sex and the female sex" to be enrolled as cadets.* "We cannot take recourse to the outdated provisions of a 1948 enactment to deal with the realities of life in the year 2021," Justice Anu Sivaraman said while *upholding the petitioner's contention that such an entry bar was discriminatory, and violated the rights of equality and personal liberty, among others, guaranteed to citizens by the Constitution.* The court pointed out that while admission to the NCC was once a male preserve, the law had been modified later to include women — and so, it must now shed provisions that exclude trans-people. *The judge based her reasoning on the landmark 2014 Nalsa v Union of India judgment that not only recognises the rights of transgender people, but, more radically, gives primacy to the freedom of an individual to decide their gender identity for themselves.* In its arguments against the petition, the Centre reasoned that the *NCC aimed to provide young people an environment that prepared them for a career in the armed forces, where roles and training are "sometimes gender-specific due to the difference in physical, biological and psychological aspects". It also took recourse to the argument, made famous by British author J K Rowling and condemned by many as transphobic, that admission of "transwomen", especially when they have not undergone gender reassignment surgeries, in common spaces such as toilets and "sleeping area", would risk the safety and privacy of women cadets. It is significant that the arguments did not cut ice with the court, which underlined that the NCC Act cannot undermine either the Nalsa judgment or*

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



*the provisions of the Transgender (Protection of Rights) Act, 2019. It also directed the government to amend the law and to provide guidelines for enrolling transpersons in the NCC. The trans-rights movement is not only about expanding public spaces and institutions to include a much-stigmatised minority, but it is also vital to a redefinition of patriarchal ideas about gender and sexuality. In recognising the government responsibility to “provide full and effective participation of transgender persons” in institutions like the NCC, the HC lives up to the progressive spirit of the Nalsa judgment.*

## READING THE LAW THAT MAINTAINS STATUS QUO IN PLACES OF WORSHIP

The Supreme Court asked the Centre to respond to a plea challenging the *Places of Worship (Special Provisions) Act, 1991*. In agreeing to examine the law, the court has opened the doors for litigation in various places of worship across the country including Mathura and Varanasi.

### What is the law about?

*Passed in 1991 by the P V Narasimha Rao-led Congress government, the law seeks to maintain the “religious character” of places of worship as it was in 1947 — except in the case of Ram Janmabhoomi-Babri Masjid dispute, which was already in court. The law was brought in at the peak of the Ram Mandir movement, exactly a year before the demolition of the Babri Masjid. Introducing the law, then Home Minister S B Chavan said in Parliament that it was adopted to curb communal tension.*

### What are its provisions?

The clause declaring the objective of the law describes it as “an Act to prohibit conversion of any place of worship and to provide for the maintenance of the religious character of any place of worship as it existed on the 15<sup>th</sup> day of August, 1947, and for matters connected therewith or incidental thereto”. *Sections 3 and 4 of the Act declare that the religious character of a place of worship shall continue to be the same as it was on August 15, 1947 and that no person shall convert any place of worship of any religious denomination into one of a different denomination or section. Section 4(2) says that all suits, appeals or other proceedings regarding converting the character of a place of worship, that were pending on August 15, 1947, will stand abated when the Act commences and no fresh proceedings can be filed. However, legal proceedings can be initiated with respect to the conversion of the religious character of any place of worship after the commencement of the Act if the change of status took place after the cut-off date of August 15, 1947.*

### What does it say about Ayodhya, and what else is exempted?

Section 5 says: “Act not to apply to Ram Janma Bhumi Babri Masjid. Nothing contained in this Act shall apply to the place or place of worship commonly known as Ram Janma Bhumi-Babri Masjid situated in Ayodhya in the State of Uttar Pradesh and to any suit, appeal or other proceeding relating to the said place or place of worship.” Besides the Ayodhya dispute, the Act *also exempted:*

*\* any place of worship that is an ancient and historical monument or an archaeological site, or is covered by the Ancient Monuments and Archaeological Sites and Remains Act, 1958;*

*\* a suit that has been finally settled or disposed of;*





*\* any dispute that has been settled by the parties or conversion of any place that took place by acquiescence before the Act commenced.*

#### **What has the Supreme Court said about the Act?**

*In the 2019 Ayodhya verdict, the Constitution Bench led by former Chief Justice of India Ranjan Gogoi referred to the law and said it manifests the secular values of the Constitution and strictly prohibits retrogression. "In providing a guarantee for the preservation of the religious character of places of public worship as they existed on 15 August 1947 and against the conversion of places of public worship, Parliament determined that independence from colonial rule furnishes a constitutional basis for healing the injustices of the past by providing the confidence to every religious community that their places of worship will be preserved and that their character will not be altered. The law addresses itself to the State as much as to every citizen of the nation. Its norms bind those who govern the affairs of the nation at every level. Those norms implement the Fundamental Duties under Article 51A and are hence positive mandates to every citizen as well. The State, has by enacting the law, enforced a constitutional commitment and operationalized its constitutional obligations to uphold the equality of all religions and secularism which is a part of the basic structure of the Constitution," the court said.*

#### **Why is the law under challenge?**

*Delhi BJP leader and advocate Ashwini Upadhyaya has challenged the law on the ground that violates secularism. He has also argued that the cut-off date of August 15, 1947 is "arbitrary, irrational and retrospective" and prohibits Hindus, Jains, Buddhists, and Sikhs from approaching courts to "re-claim" their places of worship which were "invaded" and "encroached" upon by "fundamentalist barbaric invaders". The BJP had opposed the law even when it was introduced, arguing that the Centre has no power to legislate on "pilgrimages" or "burial grounds" which is under the state list. However, the government had said it could make use of its residuary power under Entry 97 of the Union List to enact this law. Entry 97 confers residuary powers to the Centre to legislate on subjects that are not enumerated in any of the three lists. Another criticism against the law is that the cut-off is the date of Independence, which means that status quo determined by a colonial power is considered final.*

THE LIMITS OF POCSO (SHRADDHA CHAUDHARY - LECTURER, JINDAL GLOBAL LAW SCHOOL, SONIPAT, AND PHD CANDIDATE AT THE FACULTY OF LAW, UNIVERSITY OF CAMBRIDGE. SHE WAS A RESEARCHER FOR TWO OF THE FIVE STATE STUDIES REFERENCED HERE)

*A single bench of the Madras High Court recently allowed a petition seeking to quash a case of kidnap, aggravated penetrative sexual assault and aggravated sexual assault of a minor. Aggravated penetrative sexual assault under the Protection of Children from Sexual Offences (POCSO) Act, 2012 is the equivalent provision for aggravated rape. A person can be charged with this offence in certain aggravating circumstances, such as if the rape occurs within a relationship of trust or authority, or if it leads to pregnancy, among others. Under POCSO, the consent of a person under the age of 18 is irrelevant, regardless of the nature and circumstance of the sexual interaction, or the particulars of the person with whom it takes place. This means that any sex with a minor is rape.*



## Sexual tendencies of adolescents

*The judgment echoes the arguments that child rights activists have been making for years: by ignoring the natural sexual tendencies of adolescents, POCSO can and does become a tool for the persecution of young people in consenting sexual relations. The court reasoned that adolescence and young adulthood form a continuum because of the physical, biological, neurological, and social changes that occur during this time. The implication is that people within this age group may be clubbed together notwithstanding the legal line drawn at 18. This informed the court's view of the relationship of the minor 'victim' with the accused respondent as being a loving, rather than an abusive, one. The judgment concluded that the case could be quashed because it was purely individual in nature and doing so would not affect any overriding public interest. However, in doing this, it ignored the established precedent against quashing cases of rape, a heinous and serious offence, held by the Supreme Court to be a public concern, and not a private matter. Perhaps the court was persuaded in taking this course because of its observation that POCSO could not have been intended to bring such cases within its scope. In making this observation, the court relied on the Statement of Objects and Reasons of POCSO, which states that the law was enacted pursuant to Article 15 of the Constitution, which allows the state to make special provisions for women and children, and the UN Convention on the Rights of the Child, to protect children from sexual assault, sexual harassment, and pornography. However, neither the founding documents nor the listed categories of offences give a sense of what the limits of POCSO were meant to be. The Parliamentary Committee (Rajya Sabha) which considered the POCSO Bill, 2011 had, in fact, criticised the clause providing for the possibility of consent in cases of sexual intercourse with minors between the ages of 16 and 18. It believed that a uniform age of 18 would ensure that trials of child rape would focus on the conduct of the accused and the circumstances of the offence, instead of putting victims on trial as is often the case when the consent of the victim is in question. This would indicate that adolescent sexuality was not meant to be an exception to POCSO's bright-line approach. The five State studies on the functioning of Special Courts under the POCSO Act, conducted by the Centre for Child and the Law, National Law School of India University, Bengaluru, have demonstrated that these de facto consensual cases are complicated. While adolescents can and do choose to have sex, it is a fact that they are still children, and their nascent sexual autonomy is susceptible to abuse. This contradiction created by the very nature of adolescence has led to inconsistent and unprincipled adjudication. The absolute age line of POCSO has not prevented the insensitive assessment of minors' consent. At the same time, it has forced courts to choose between applying the law and doing justice, especially in cases where the minor victim has willingly eloped with or married the accused or is carrying his child, for imprisoning him would only do her harm.*

### A just verdict

Therefore, the judgment was intuitively just, even though it was not in line with precedent. *It highlighted the urgent need for a reconsideration of the absolutist approach of POCSO when it comes to the sexual interactions of adolescents with other young people. Courts need to be able to strike a balance between the limited but developing capacity of adolescents to consent to sexual interaction and their vulnerability to being groomed, abused, and exploited. For this to be possible, the legislature must provide clarity on the core wrongs that POCSO is meant to address, so that valid conclusions may be drawn about what is the intent of the law, and what is clearly outside its purpose.*



## POLL POSITION

Even though more than a quarter century has elapsed since the Constitution was amended to make urban and rural local bodies a self-contained third tier of governance, it is often agreed by experts that there is inadequate devolution of powers to them. This may somewhat explain their relative lack of autonomy. However, an entirely different facet of the way these local bodies function is that the manner in which their representatives are elected is often beset by controversies. Local polls are often marred by violence, and charges of arbitrary delimitation and reservation of wards. A key factor in any local body polls being conducted in a free and fair manner is the extent to which the State Election Commissioner, the authority that supervises the elections, is independent and autonomous. Unfortunately, most regimes in the States appoint senior bureaucrats from among their favourites to this office. In practice, SECs frequently face charges of being partisan. Routine exercises such as delimiting wards, rotating the wards reserved for women and Scheduled Castes and fixing dates for the elections become mired in controversy as a result, as the Opposition tends to believe that the exercise is being done with the ruling party's interest in mind. Even though this cannot be generalised in respect of all States and all those manning the position, it is undeniable that SECs do not seem to enjoy the confidence of political parties and the public to the same extent as the *Election Commission of India as far as their independence is concerned. It is in this backdrop that the Supreme Court's judgment declaring that a State Election Commissioner should be someone completely independent of the State government acquires salience. It has described the Goa government's action in asking its Law Secretary to hold additional charge as SEC as a "mockery of the Constitutional mandate". By invoking its extraordinary power under Article 142 of the Constitution, the Court has asked all SECs who are under the direct control of the respective State governments to step down from their posts. In practice, most States appoint retired bureaucrats as SECs. Whether the apex court's decision would have a bearing on those who are no more serving State governments remains to be seen.* However, it is clear that these governments will now have to find a way to appoint to the office only those who are truly independent and not beholden to it in any manner. The verdict will help secure the independence of SECs in the future. More significantly, the Court has boosted the power of the election watchdog by holding that it is open to the SECs to countermand any infractions of the law made by the State government in the course of preparing for local body polls. Regimes in the States would have to wake up to the reality that they cannot always control the local body polls as in the past.

## RELOOKING THE MANDAL VERDICT AND QUOTA CAP

The Supreme Court, while considering the validity of the reservation for the *Maratha community in Maharashtra on Monday, decided that it will hear all the States on the 50% limit on total reservation imposed by the court in the Indra Sawhney case (1992)*. This is because the 16% quota for Marathas would take the total reservation in Maharashtra beyond the limit of 50%. Over the years, several other States, including Tamil Nadu, have passed laws that allow reservation going beyond 60%. *The court is also keen on hearing the views of the States on the 102nd Amendment of the Constitution, by which the National Commission for Backward Classes was given constitutional status.*



### What are the quota-related issues on which the SC wants States' views?

*The five-member Constitution Bench headed by Justice Ashok Bhushan wants to decide whether the judgment in Indra Sawhney vs Union of India, known as the Mandal verdict, needs to be referred to a larger Bench or “requires a relook in the light of subsequent Constitutional amendments, judgments and changed social dynamics of society, etc.” This is because the earlier judgment had declared that reservation cannot exceed 50% in total. As Indra Sawhney was a decision by a nine-member Bench, a Bench of at least 11 judges will be needed to reconsider the question. Also, the court wants to consider whether the reservation for Marathas effected through a 2018 Act (the Socially Economically Backward Class Act), and amended in 2019, is covered by the “exceptional circumstances” mentioned in the Indra Sawhney judgment, which had said the 50% limit can be exceeded in “certain extraordinary situations” as a special case. This relaxation, it said, was meant for people inhabiting remote and far-flung areas who are away from the mainstream of national life and who may have “conditions peculiar to and characteristic to them”. The Bench will also examine whether the State government had made out a case warranting such an exception for Marathas based on the report of the Maharashtra State Backward Classes Commission headed by former Justice M.G. Gaikwad. Last September, the Supreme Court stayed the implementation of the 2018 Maharashtra law granting reservation to Marathas in education and jobs.*

### Is there any other issue on the rights of States?

One of the issues that cropped up in the debate over the Maratha reservation is the effect of the 102nd Constitution Amendment introduced in 2018. *This amendment grants constitutional status to the National Commission for Backward Classes and says the President would notify the lists of backward classes for all States in consultation with the Governors.* This has raised apprehensions about whether the power of State governments to make inclusions and exclusions from the list of backward classes has been taken away. Therefore, *the court has framed important questions: whether the 102nd Amendment deprives States of the power to make laws for socially and educationally backward classes and confer benefits on them, whether the newly introduced Article 342A of the Constitution abridges the State legislatures' power to enact laws under Articles 15(4) and 16(4), which respectively deal with special provisions for other backward classes and reservation in employment, and whether all this affects the federal structure of the Constitution. Any judgment on the Maratha reservation issue would inevitably have to deal with three issues — the 50% ceiling on total reservation, the power of States to determine who its backward classes are and confer benefits on them, and the legislative competence of State legislatures regarding backward classes after the introduction of the 102nd Amendment. The court has decided that all States have a stake in the outcome, and therefore, it wants to hear their views.*

### What do past judgments say on a ceiling for quotas?

It was in *M.R. Balaji vs State of Mysore (1962)* that the Supreme Court first ruled that reservation, being a special provision for backward classes, should not normally exceed 50%. It held that the order earmarking 68% of seats in engineering, medical and other technical courses was a “fraud” on the Constitution. However, it added that it would not attempt to lay down in an inflexible manner what the proper percentage of reservation should be. “Speaking generally and in a broad way, a special provision should be less than 50%. *The actual percentage must depend upon the relevant prevailing circumstances in each case,*” it said. *The presumption behind the 50% rule was that equality of*



*opportunity was the norm, and any special provision for socially and educationally backward classes or reservation for backward classes in public employment was an exception. However, in State of Kerala vs. N.M. Thomas (1975), the majority of the Bench disagreed with the proposition. It said the special measures in favour of backward classes in Articles 15 and 16 were not exceptions to the rule.*

On the contrary, these were an emphatic way of ensuring equality of opportunity — to the point of even making reservations. Justice S.M. Fazal Ali wrote that in his opinion, the 50% norm in Balaji was only a rule of caution and does not exhaust all categories. In Indra Sawhney, even though most judges agreed that reservation was not an exception to the equality norm, the court ultimately laid down the 50% limit. “Just as every power must be exercised reasonably and fairly, the power conferred by Clause (4) of Article 16 should also be exercised in a fair manner and within reasonable limit — and what is more reasonable than to say that reservation ... shall not exceed 50% of the appointments or posts...?” Citing Dr. B.R. Ambedkar’s opinion in the Constituent Assembly that reservation should be “confined to a minority of seats”, the Bench fixed the maximum permissible quota at 50%. At the same time, it said the strict rule could be relaxed in extraordinary situations given the country’s great diversity.

#### **How will a judgment in this case impact reservation?**

If the court, through a larger Bench, comes to the conclusion that the 50% ceiling is not a hard-and-fast rule and that it may be breached if a State’s backward class population is considered high, it would be a big boost for the affirmative action policies of various State governments. Not only would it enable the Maharashtra government to implement its quotas for Marathas to the extent of 16% reservation in education and jobs, but other States, such as Tamil Nadu, would also be able to preserve their present levels of reservations. For instance, Tamil Nadu has enacted a law to protect its 69% total reservation. As the Tamil Nadu law, which was subsequently included in the Ninth Schedule of the Constitution (by which the Act would be beyond judicial review on the ground of violation of anyone’s fundamental rights) has been separately challenged before the Supreme Court, the removal of the ceiling would be a major victory for the State. The decisions would also have relevance to the legal challenge to the introduction of the 10% quota for the economically weaker sections among those who do not fall under any reservation category. By this move, the Centre has already exceeded the 50% limit, and at present, only 41% of seats or posts are meant for open competition in central employment and educational institutions. Further, the Bench is also likely to decide on the question of whether backward classes should also be classified and determined only by the Centre, just as the list of Scheduled Castes is made by the Union government. As of now, only the President, or the Central government, can make modifications in the list of Scheduled Castes in respect of any State or Union Territory in the country. And this can be done only through a Parliamentary law. Article 342A, introduced through the 102nd Amendment, is similarly worded — it says that the President notifies the Backward Classes for each State or Union Territory in consultation with the Governor in the case of a State. It also says State governments must consult the National Commission for Backward Classes on all matters of policy concerning socially and educationally backward classes.

#### **OVER 60% OBC, SC POSTS VACANT IN IIMS**

*More than half of the faculty positions reserved for the OBCs in Central institutions of higher education are vacant while about 40% of those reserved for the Scheduled Castes and Tribes also*



*remain unfilled*, Education Minister Ramesh Pokhriyal 'Nishank' told the Lok Sabha on Monday in a written response to a question from three Congress MPs. *The situation is particularly acute in the elite Indian Institutes of Management (IIMs), where more than 60% of SC and OBC reserved positions are vacant, while almost 80% of positions reserved for the STs have not been filled.* This means that out of 24 positions reserved for the STs, only five have been filled. For the Indian Institutes of Technology (IITs), data has only been provided for non-faculty positions. *Both the IITs and the IIMs have been lobbying for exemption from such faculty quota requirements.*

#### Assistant prof. posts filled

Mr. Nishank's response to another question from Congress MP N. Uttam Kumar Reddy showed that within the Central Universities, vacancies were higher at the level of professors. *Of 709 assistant professor positions reserved for the STs at the 42 universities, more than 500 have been filled. However, when it comes to professors, only nine have been filled of the 137 reserved for the ST candidates. This means that 93% of these posts remain unfilled. Less than 1% of the 1,062 professors in Central universities are from the ST communities. Similarly, 64% of the 2,206 assistant professor positions reserved for the OBCs have been filled in the Central Universities. However, less than 5% of the 378 professor positions reserved for the OBCs have been filled.* Despite the high levels of vacancies, Mr. Nishank's written response to the first question claimed that, "Now, after implementation of 'The Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019', the OBC reservation has been implemented at all levels." In the second response, Mr. Nishank noted that the Ministry of Education and University Grants Commission continuously monitor vacancies, but put the final blame on universities themselves. "However, the onus of filling up the teaching posts lies on Central Universities, which are autonomous bodies created under Acts of Parliament," he said. In fact, in June 2019, University Grants Commission had written to all Universities, giving them a six month deadline to fill up their vacancies, and warning that grants would be withheld if its directions were violated. *According to the data presented in the Lok Sabha on Monday, there are now 6,074 vacant positions at the 42 universities, of which 75% are in reserved categories.*

#### LS PASSES MMDR AMENDMENT BILL

*The Lok Sabha on Friday passed a Bill to amend the Mines and Mineral (Development and Regulation) Act (MMDR Act) through a voice vote, with Mines Minister Pralhad Joshi stating that the amendments will create jobs and allow private players with enhanced technology into the mining sector. "The reform in the mining sector would generate 55 lakh direct and indirect jobs. To enhance mining activity, we will allow the private sector with enhanced technology in mineral exploration," Mr. Joshi told the Lok Sabha while moving the Bill. He said India produces 95 minerals and has same potential like South Africa and Australia but the mining sector was under-explored and India still had to import minerals like gold and coal. The Minister said the mining sector right now contributes 1.75% to the country's GDP but the proposed reforms will raise the contribution to 2.5% as it seeks to make a large number of mines available for auctions by resolving legacy issues. Mr. Joshi said the Bill removes the distinction between captive and non-captive mines and seeks to introduce an index-based mechanism by developing a National Mineral Index (NMI) for statutory payments. The National Mineral Exploration Trust (NMET), to see the functioning of the sector, will be made an autonomous body.*



### 'Exclude tribal areas'

Taking part in the debate, Congress MP Vincent Pala asked why the Mines and Minerals Bill was being amended every year and said either the officials of the Ministry were incompetent or some lobby was at work. He asked the government asked to exclude tribal areas under the Sixth Schedule. "We are not against mining operations but we are against the way the hasty auctions which you are doing," S.S. Ulaka, another Congress MP said. He suggested that a joint committee that included tribal members of Parliament, those from mining areas, besides officials from the ministries of Tribal Affairs ministry, Environment and Forest ministry and Mines Ministry should be formed. Extending his support to the Bill, Biju Janata Dal MP, Pinaki Misra said the Mines Ministry and the Environment Ministry should work in synergy to promote the growth of the sector.

### LS PASSES SUPPLEMENTARY DEMAND FOR GRANTS AND APPROPRIATION BILL

The Lok Sabha on Thursday passed the *supplementary demand for grants (second batch for 2020-21)* but not before significant concerns raised by Opposition leaders on the government's disinvestment and asset monetisation plans, and rising fuel prices. Minister of State for Finance Anurag Thakur clarified specifically in the context of the Life Insurance Corporation of India that it was not being privatised and only an Initial Public Offering was being planned.

*The Lok Sabha on Wednesday cleared the Appropriation Bill, allowing the Central government to draw funds from the Consolidated Fund of India for its operational requirements and implementation of various programmes.* The Bill was passed after Speaker Om Birla put it through *guillotine*, a legislative mechanism to approve the fast-tracking of the passage of outstanding demands for grants without discussion. Over the past few days, the Lok Sabha discussed the demands for grants for Railway, Education and Health Ministries.

### RAJYA SABHA PASSES MTP BILL

*The Rajya Sabha on Tuesday passed the Medical Termination of Pregnancy (Amendment) Bill, 2020 that increases the time period within which an abortion may be carried out.* Opposition MPs said the Bill still did not give women the freedom to decide, since they would need a nod from a medical board in the case of pregnancies beyond 24 weeks. *The Opposition's demand to send the Bill to a parliamentary Select Committee for detailed scrutiny was defeated by a voice vote.* Currently, abortion requires the opinion of one doctor if it is done within 12 weeks of conception, and two doctors if it is done between 12 and 20 weeks. *The Bill allows abortion to be done on the advice of one doctor up to 20 weeks, and two doctors in the case of certain categories of women, between 20 and 24 weeks. For a pregnancy to be terminated after 24 weeks in case of substantial foetal abnormalities, the opinion of the State-level medical board is essential.* The Bill was passed in March last year in the Lok Sabha. Union Health Minister Harsh Vardhan said the amendments in the Bill had been made after studying global practices and wide consultation within the country. The amendments, he said, had been made pursuant to the rising number of pleas in the court. There are 23 petitions in front of the Supreme Court and many hundreds in the High Courts. "Under the leadership of Prime Minister Narendra Modi, we will not frame any law which harms women. This is to preserve and protect the dignity of women," he said. The original Bill was framed in 1971.



During the debate, however, many of the Opposition members, while welcoming the Bill, pointed out the severe lacunae and problems with its approach. Congress leader Ami Yajnik, who opened the debate, said the *medical board had to have specialists but government data itself showed a grave shortage in availability of doctors*. “Should the State intervene when the pregnant woman is worried about her own life, about the well-being of the foetus, and also about the stigma involved?” Shiv *Sena leader Priyanka Chaturvedi said it was wrong to say the Bill was based on a “right-based” approach. Instead, it had a “need-based” approach.*

#### SERIOUS ISSUE IF 3 CR. RATION CARDS WERE CANCELLED

*The Supreme Court on Wednesday said it was a “very serious” matter if the Centre had really cancelled around three crore ration cards, even those of tribal people and the poor, solely because they could not be biometrically linked with Aadhaar.* A Bench, led by Chief Justice of India Sharad A. Bobde, asked the Centre to respond to the allegation made in a petition by Koili Devi, represented by senior advocate Colin Gonsalves, that such cancellations had led to starvation deaths across the country.

#### Technological issues

*“The insistence on Aadhaar and biometric authentication had led to the cancellation of nearly four crore ration cards in the country, according to the Union of India. The Union of India casually gives an explanation that these cancelled cards were bogus. The real reason is that the technological system based on iris identification, thumb prints, non-possession of Aadhaar, non-functioning of the Internet in rural and remote areas, etc., led to largescale cancellation of ration cards, without notice to the family concerned,”* said a report submitted by the petitioner. Speaking to The Hindu, Mr. Gonsalves said the “petition is based on reports that an estimated two to four crore ration cards have been cancelled in the country *without prior notice to the beneficiaries*”. Right to food, which the ration card symbolised, cannot be curbed or cancelled because of lack of Aadhaar. *Ms. Koili Devi’s 11-year-old daughter, Santhoshi Kumari, was allegedly a victim of hunger death in Jharkhand in 2017.* She said the family’s ration card was cancelled due to non-linkage with Aadhaar. She sought an independent investigation into the starvation deaths, restoration of the cancelled ration cards and compensation for the death of her daughter. *Mr. Gonsalves said the government’s continued emphasis on Aadhaar was unfortunate as the Supreme Court had laid down in clear terms that “no insistence on Aadhaar can be done for statutory entitlements”.* “Tribals either do not have Aadhaar cards or the identification does not work in tribal and rural areas. Because of this reliance on Aadhaar cards, can you imagine three crore cards are gone...” he submitted. “Three crore cards have gone?” the Chief Justice asked incredulously. “Yes, starvation deaths are taking place. Three crore ration cards have gone... I can show the Union of India’s declaration. It is an announcement of the Prime Minister,” Mr. Gonsalves responded. *He argued that the States were in a denial mode, blaming the deaths on diarrhoea and malaria.* “In fact, anything but lack of food. This cruel exercise deprived millions of Indians living below the poverty line of food and led to starvation deaths in Jharkhand, U.P., Odisha, Karnataka, M.P., Maharashtra, Bihar, Chhattisgarh, West Bengal, Andhra Pradesh and other States,” *the petitioner’s side said in a report prepared after going through the responses obtained from the States.* Additional Solicitor General *Aman Lekhi said the statements made by the petitioner side were misplaced. Issuance of ration card was not dependent on the Aadhaar card. Alternative mechanisms were in place.* Besides, the issuance of ration cards was





primarily the responsibility of the State governments. Mr. Lekhi said the petitioners should ideally move the respective High Court, rather than file an omnibus petition in the apex court. He said the petitioners had come directly to the apex court without raising their issue with the grievance redressal mechanism under the National Food Security Act. “We are persuaded to consider this case because of their [petitioners’] statement that ration cards have been cancelled... That is a very serious matter,” Chief Justice Bobde said in response to Mr. Lekhi’s submissions for the Centre. Even as the government highlighted the redressal mechanism within the Food Security Act as the right place to go, *the petitioner side countered in its report to the court that “not a single State has appointed independent nodal officers or district grievance redressal officer under the Act”*. “All the States have mechanically granted additional designations to existing officers. In many cases, the officers given additional designations are from the Food Supply Department, and they are the main persons responsible for corruption in the food distribution system,” the report said. *It referred to the directions imposed by the Supreme Court in the Swaraj Abhiyan cases on the implementation of the Food Security Act, which included social audits, framing of rules and setting up vigilance committees. The Hunger Watch Report of the Right to Food Campaign in 2020 characterised the hunger situation in India as “grave”. India ranks 94 out of 107 countries in the Global Hunger Index 2020 and is in the ‘Serious Hunger Category’.*

*The unique identification scheme has been in existence for more than a decade and recent data has estimated that nearly 90% of India’s projected population has been assigned the Aadhaar number. Following the Court’s judgment in 2018, upholding the Aadhaar programme as a reasonable restriction on individual privacy to fulfil welfare requirements and dignity — a 4-1 majority Bench had also rejected a review petition in January 2021 — questions about the scheme’s validity for public purposes have been put to rest. But that has not meant that concerns about the failures in the use of the identity verification project have been allayed. These include *inefficiencies in biometric authentication and updating, linking of Aadhaar with bank accounts, and the use of the Aadhaar payment bridge. With benefits under the PDS, the NREGA and LPG subsidy, among other essentials, requiring individuals to have the Aadhaar number, inefficiencies and failures have led to inconvenience and suffering for the poor.* There are reports that show failures in authentication having led to delays in the disbursement of benefits and, in many cases, in their denial due to cancellation of legitimate beneficiary names. *The government had promised that exemption mechanisms that would allow for overriding such failures will help beneficiaries still avail subsidies and benefits despite system failures.**

Biometric authentication failures are but expected of a large scale and technology-intensive project such as the UID. Despite being designed to store finger and iris scans of most users, doubts about the success rates of authentication and the generation of “false negatives” have always persisted, more so for labourers and tribal people. *Those engaged in manual and hard labour, for example, are susceptible to fingerprint changes over time.* In practice, beneficiaries have tended to use Aadhaar cards as identity markers but there have been instances of people losing cards and being denied benefits. *Given the scale of the problem, the central and State governments would do well to allow alternative identification so that genuine beneficiaries are not denied due subsidies. The question of fraud can still be addressed by the use of other verification cards and by decentralised disbursement of services at the panchayat level.*



## WHAT (NOT) TO WEAR

Gujarat MLA Vimal Chudasama was asked to leave the Assembly because he turned up in casual wear which, according to those objecting, “violated the decorum” of the House. Chudasama responded that he had campaigned and won votes while wearing a t-shirt, while his party, the Congress, argued that there was no rule about a dress code for the Assembly. How much of the dignity of a person’s office vests in their clothing? *Other countries too have grappled with this question, as politicians rebel against rules that make neckties, jackets or heels compulsory, or prohibit sneakers, sandals, hoodies, t-shirts and a range of other “undignified” items of clothing within the hallowed halls of legislatures. One could argue that many of these dress codes come from a time when men in empires made the rules that everyone else had to follow. This is what Maori MP Rawiri Waititi contended when he was removed from the New Zealand Parliament in February for wearing a traditional pendant around his neck, instead of a tie.* The NZ body finally relented, and allowed Waititi to abandon “the colonial noose” in favour of his “cultural identity”. Discussions of dress codes are really about people’s freedom to express themselves and their worldview. It would also be instructive to recall a certain “half-naked fakir”, striding into Buckingham Palace in 1931 to meet King George V, wearing only a dhoti and shawl. Ten years before the meeting, Gandhiji had made the decision to always wear the humblest of clothing, an act of identification with the poorest of Indians. No lack of fabric could have detracted from the dignity imparted by a firm, principled stand.

## PULLING INDIA’S DEMOCRACY BACK FROM THE BRINK (IRFAN NOORUDDIN - THE AUTHOR OF ‘ELECTIONS IN HARD TIMES: BUILDING STRONGER DEMOCRACIES IN THE TWENTY-FIRST CENTURY’)

Governments, like the citizens that live under their influence, come in a dizzying array of types, challenging simplistic efforts of classification. In spite of all this variation, what remains constant is this: throughout history, governments wield considerably more power over the governed than the other way around. Actually that is a gross understatement. The vast majority of governments that have ever existed have enjoyed essentially unfettered power over their subjects. Of course, some rulers have been more enlightened and benign than others and grasped the insight that ruling is easier when one’s right to do so is viewed as legitimate than simply through coercion; but even such philosopher-kings were not above the exercise of arbitrary power when necessary. And these were the exceptions: most elsewhere, power was maintained and known by its iron fist.

### Institutional checks

Happily, human progress has made this description of state-society relations sound quite anachronistic, even though fundamental alterations in the balance of power between governors and the governed are the happenings of contemporary history. *The first institutional check on sovereign power is arguably the establishment of the English Parliament in what British historians term the Glorious Revolution. Tired of unending wars that it was asked to fund through people and treasure, an emboldened nobility asserted its right to be consulted by the monarch in matters of war and the purse. But for the non-Lords of the British Isles, precious little changed.* That was the late 1600s, and *while the French and American Revolutions of a century later spawned political theory of the highest order proclaiming the inalienable freedoms of all men created equal, the truth is that*



*the era of colonialism, and continued exclusion of women, as well as racial and religious minorities, meant that it was not until the mid-1950s that the revolution only dreamt about for millennia before became reality.* Finally, leaders were expected to return periodically to face the judgement of the governed through universal suffrage elections, and their power in office was constrained by a constitution whose guardian was an independent judiciary, and whose actions were scrutinised and made public by an empowered press charged with a sacred responsibility to speak truth to power on behalf of the powerless. *In the heady days that followed the Second World War, with colonial rule beating the retreat, the spirit of national self-determination heralded the proliferation of newly independent countries around the world. The ideological battleground of the Cold War forced these new states to choose between democracy, the sine qua non of which was competitive elections, and its many alternatives, the latter often justified by the fig leaf of communist ideology. But a mere few decades later, the collapse of the Soviet Union and the start of a unipolar American era led many erstwhile dictatorships to announce elections.* As one commentator infamously stated, it was the end of history and liberal democracy had won the day.

### **Pillars of governance**

What the democratic triumphalists failed to anticipate was that elections, while vital to the exercise of democracy, are just one leg of the governance stool. The others, equally necessary for the system to hold steady, are the strength and independence of the other public institutions of the state whose fealty was to the Constitution rather than any elected government; and the vibrancy and vitality of the press who served as the people's representatives, asking questions and uncovering truths that made the powerful squirm, and that levelled the playing field for citizens charged with rendering judgement on incumbents at the next election. *But the electoral autocrat, as academic observers labelled them, understood this architecture all too well, and initiated a sustained, often violent, assault on these very institutions, even arguing brazenly that the counter-majoritarian impulses of constitutionalism were in fact anti-democratic!* It is a playbook honed and refined by Vladimir Putin (Russia), Viktor Orbán (Hungary), Recep Tayyip Erdoğan (Turkey) — and incompetently (thankfully) attempted by Donald Trump (the U.S.).

### **Global scrutiny and indices**

It is against this background that the kerfuffle about western academic institutions that generate and publish annual indices of democracy around the world must be understood. *Freedom House (based in Washington DC) and the Varieties of Democracy project (V-DEM, based in Gothenburg, Sweden) are two of the more well-regarded efforts to conceptualise and measure the state of democracy globally each year.* Their methodologies and indicators are transparently public, and the data sets they provide are widely analysed by researchers worldwide. Like most academic work, their efforts are destined to be ignored by most, but the announcement last month that both indices had independently decided to downgrade India's democratic rating has set off a firestorm of indignant protest by many who view it as a frontal assault on the current government. *India's External Affairs Minister S. Jaishankar dismissed these ratings as irrelevant certificates issued by self-appointed arbiters in the West for which India had little use.* Fair enough, though a cynic might point out that the government is all too glad to trumpet positive recognition by western organisations that laud India's improving investment environment, for instance. Some certificates are more useful than others. What drove the decision to reduce India's score on these indices? Both Freedom House and V-Dem utilise explicitly multi-dimensional schema that combine many different indicators



using, *in V-Dem's case particularly, quite sophisticated statistical techniques. Their methods have been repeatedly peer-reviewed and validated by thousands of studies that establish a very high degree of correlation with other academic efforts to measure democracy.* Their key facet is a conception of democracy that is holistic, and that gives considerable weight to the *freedom of the press and the independence of the judicial branch.* Concerns about the undermining of these institutional checks-and-balances on the power of the Indian state led both institutions to reduce India's score on their index. *(Freedom House also reduced its score for a Trump-battered United States, for those wondering.)* Nor are such concerns limited to India as a web search for the phrase 'democratic backsliding' will reveal. Democracy has been in retreat globally for a while. Is India less "free" than it was a decade ago? Maybe; maybe not, but it is disingenuous to pretend that the mere perception that it might be so does not have negative consequences for the country's ambitions to be a fully paid-up member of the Quad, or of the D-10 (a moniker for a group of 10 leading democracies), both of which western clubs require a certificate attesting an applicant's democratic credentials for admission. One need not agree with the scoring to recognise its import. To do otherwise is to crib about whether the setting or grading of an examination was fair as if this could alter an adverse university admission decision it caused — at a certain point, it is besides the point.

### Shun the preferred gallery

How can India reverse the damage caused? First, the government must resist peevish responses. An international audience increasingly savvy to misinformation sees through the copy-paste Twitter campaigns of pliant celebrities and pro-government bots. India's democratic credentials are intrinsic to its identity and its greatest source of legitimacy internationally. The suggestion that these credentials have been tarnished merits a serious, thoughtful, and respectful response, rather than a clever quip that plays to one's preferred gallery but does nothing to assuage one's critics. Second, *the courts and press must own up to their part in this debacle.* Institutional independence is a hard-won resource to be husbanded and invested wisely by their custodians. Doing so strengthens them and the government with whom they serve the people. Third, strong democracy requires a strong Opposition, as much as it does an incumbent secure enough to face criticism without getting defensive. *Without an Opposition to provide voters a viable alternative, the most powerful check on power devised by human society — elections — loses its power, and with it, so does democracy.* For almost 75 years, India's democratic exceptionalism in the developing world has been a source of genuine pride for its citizens, and made it a beacon for others seeking to learn from its enviable record of holding free and fair elections at all levels of society. But *concerns caused by increasing attacks on the press and the erosion of judicial autonomy undermine that image.* It is that reality, not the publishing of an academic index, to which the government and the nation must respond.

ON THE DIFFICULT TRAIL OF INDIA'S MOST WANTED (R.K. RAGHAVAN - FORMER CENTRAL BUREAU OF INVESTIGATION DIRECTOR AND A FORMER HIGH COMMISSIONER TO CYPRUS)

the Central Bureau of Investigation (CBI), has its strong points such as talented and dedicated supervisors with a sound knowledge of the law and of unquestioned integrity. It is also an outfit with a few glaring shortcomings, such as the enormous delay taken in completing many an



investigation and having in its ranks a set of black sheep who have brought ignominy to the organisation. The CBI's performance in recent times has been a mixed bag, with its moments of glory alongside its moments of shame.

#### The Nirav Modi, Mallya cases

For example, *the Nirav Modi case which was very much in the news recently is testimony to the CBI's capacity to execute a professional job, provided it is given a free hand.* The jeweller, who took Punjab National Bank for a ride, is holed up in Wandsworth Prison in London. He tried his best to demolish the CBI case to get him extradited but did not succeed because the *London Westminster Court which tried him was convinced that the prosecution had a watertight case.* It is generally believed that the CBI will succeed very soon in bringing him to Mumbai where he is expected to be lodged at Arthur Road jail. Fortunately, *the CBI is learned to have received the unstinted support of the Crown Prosecution Service (CPS) of the United Kingdom,* which has an enviable record of professional excellence. Extradition of accused persons who have fled India is the toughest task before the CBI. In this, we have had a few successes and many failures. *In the Bofors gun case of the 1980s-90s where an enterprising wheeler dealer, Ottavio Quattrocchi, (said to be close to a political family in India) was allowed to escape from India with the then government's connivance, and later helped by influential persons in Delhi circles. He was never brought back to face trial in India despite overwhelming evidence against him.* More recently, *Vijay Mallya,* the liquor baron of Karnataka, who received huge financial favours from a few banks, has been dodging imprisonment and repatriation to India. There are many stories behind his success in evading the due process of law, some credible and some not. *Mr. Mallya has lost his case both before the lower court and the High Court. His fate now depends on what view the U.K Home Secretary will take. Sensing his hopeless situation, Mr. Mallya is believed to have sought asylum in that country.* The CBI can rightfully gloat over its success in the Nirav Modi case. The order (February 25, 2021) of a *Westminster Magistrate's Court, London did not mince words. It confirmed that the accused had indeed committed an extraditable crime.* This is a shot in the arm for the CBI investigators. This was undoubtedly the outcome of sustained investigation for two years after overcoming the many obstacles put up by an accused person with enormous influence. He was able to get the help of two former Indian judges (one of who was a former Supreme Court judge) to exploit the alleged loopholes in the prosecution story. However, this ploy did not succeed.

#### Strategies by the accused

In all cases of extradition, the ruse of the accused was *mainly to dispute that he had committed an extraditable offence.* The endeavour here *was to prove that the offence alleged against him was not in the statutes of the country where he is living.* Another stand which an accused usually takes *is to allege that political considerations had weighed in the mind of the requesting country in demanding extradition.* A third strategy was on *trying to prove that the country seeking transfer of the offender did not fulfil human rights requirements, particularly in respect of hygiene in the prison in which he was proposed to be lodged.* (A video of Mumbai's Arthur Road jail filed by the prosecution clinched the issue.) Incidentally, this is where Mr. Mallya will also be if and when he is extradited.) The London judge rejected all three contentions put forward by Mr. Modi's counsel, and this reflected the thoroughness with which the CBI had done its job. In the present case, *the facts are fairly clear unlike Bofors where the number of players was too many and the transactions under scrutiny*



*originated from a foreign company. Mr. Modi bought up a single employee of Punjab National Bank who was willing to do his bidding.*

The public should be made to understand that financial crime in current times is too complicated for agencies such as the CBI and Enforcement Directorate (ED) to unravel all the facts in quick time. What is involved here is a laborious process of identifying documents that are required to prove a case and to explore where exactly they are lodged or hidden. Many such documents, as in the Bofors case, are in other countries, in private and public recesses. There is mind boggling protocol that has to be observed in trying to procure them. Any ham-handed approach will frustrate the whole process.

#### Other travails

In all such matters, *another instrument of torture for the prosecution is the so-called Letter Rogatory (LR), which the relevant court in India will have to issue to the corresponding court abroad to get hold of documents or examining witnesses in the countries involved.* This is a painfully long-drawn-out process which many influential accused persons have taken advantage of. Courts in India are sometimes unfair to the investigating agencies by lambasting them for being responsible for delays, ignoring the fact that it is quite often the foreign government concerned which is dragging its feet. This is part of the huge number of travails that the prosecution faces in pinning down the guilty. Agencies such as the CBI and ED are sometimes the favourite whipping boys of the public and, unfortunately, sometimes of the judiciary.

#### NO DECISION ON NATIONAL NRIC TILL NOW

*The Union government informed the Rajya Sabha on Wednesday that “till now”, it had not taken any decision to prepare the National Register of Indian Citizens (NRIC) at the national level. Union Minister of State for Home Nityanand Rai said this in a written reply to Indian Union Muslim League (IUML) member Abdul Wahab, who asked whether the government had any plan to implement the National Register of Citizens (NRC) throughout the country in toto.* From December 2019 to March 2020, 69 persons were killed in various incidents in the wake of protests against the Citizenship Amendment Act, the National Population Register and the National Register of Citizens (NRC). The Minister had stated the same position in reply to questions on the nationwide *NRC by Binoy Viswam of the CPI on March 4, 2020, and Tiruchi Siva of the DMK on March 18, 2020. However, the same month, the Home Ministry filed an affidavit in the Supreme Court that the NRC was a “necessary exercise for any sovereign country for mere identification of citizens from non-citizens”. In 2018, before the passage of the CAA, the then Minister of State for Home Hansraj Gangaram Ahir had informed the Rajya Sabha that “as per the provisions contained in Rule 3 of the Citizenship Rules 2003 framed under the Citizenship Act, 1955, the Registrar General of Citizen Registration shall establish and maintain the National Register of Indian Citizens and prepare the Population Register”. The NPR’s link with the NRC and the yet-to-be-implemented CAA has been opposed by many States and civil society groups. On November 16, 2016, the then former Minister of State for Home Kiren Rijiju stated: “The Government has approved the preparation of Population Register comprising details of usual residents in the country. The preparation of Population Register is a part of preparation of NRIC under provisions of the Citizenship Act, 1955 read with the Citizenship Rules (2003).” Though the government is now denying that the NRC is on the cards, the Citizenship Rules framed in the year 2003 say that NPR is the first step towards compilation of*

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



NRC. NPR was first collected in 2010 and then updated in 2015; it already has a database of 119 crore residents. *The rules have not been amended or scrapped. The CAA passed by the Parliament on December 11, 2019 allows citizenship on basis of religion to six undocumented communities from Pakistan, Afghanistan and Bangladesh who entered India on or before December 31, 2014.* There are apprehensions and fear that the CAA, followed by a countrywide NRC, will benefit non-Muslims excluded from the proposed citizens' register, while excluded Muslims will have to prove their citizenship. *An NRC has been compiled in the State of Assam on the directions of the Supreme Court and more than 19 lakh of the 3.29 crore applicants in Assam were left out of the final register.*

### **No 'biometrics or documents' will be collected, says Home Ministry report**

*The Centre will allow residents to fill the National Population Register (NPR) form on their own, through the online mode, a month before the door-to-door enumeration by Census officials starts. After filling the form online, residents will get a reference code that they can mention to the field enumerator at the time of her or his visit, according to a senior government official.* The details of the respondent will be displayed on a mobile application developed for conducting the Census exercise but no "biometrics or documents" will be collected. These details will then be stored in the system. *The first phase of the decennial Census exercise — the House-listing and Housing Census — along with updating the NPR was scheduled to be held from April 1, 2020.* It was postponed indefinitely due to the COVID-19 pandemic and is unlikely to be held this year. The second and main phase of Census — the population enumeration — was to be concluded by March 5 this year. As reported by The Hindu on January 21, 2020, residents were to be given an option to self-enumerate only in the second phase. As per an annual report of the Union Ministry of Home Affairs, the option will now be made available for updating the NPR also. The NPR earlier collated in 2010 and 2015 has an electronic database of more than 119 crore residents. According to the recently published report for the year 2019-20, there will be a three-pronged approach for updating the NPR database — self updating, wherein it is proposed to allow residents to update their own data fields after following some authentication protocols on a web portal; updating of NPR data in the paper format; and the mobile mode. The report said that a "pretest" on updating the NPR had been undertaken in select areas of the States and the Union Territories, except Assam, along with the pre-test of the Census. *"The demographic and other particulars of each family and individual are to be collected/ updated during the updation exercise of NPR. No documents or biometrics would be collected during updation of NPR,"* the report said. As reported, the pretest for the first phase of the Census and the NPR, involving 30 lakh respondents, was conducted from August 12 to September 20, 2019. The report said the government prepared the NPR of all the "usual residents" in the country in 2010 by collecting specific information of each resident. "The NPR is prepared under various provisions of the Citizenship Rules, 2003, framed under the Citizenship Act, 1955. In 2015, a few fields such as name, gender, date and place of birth, place of residence and father's and mother's name were updated and Aadhaar, mobile and ration card numbers were collected. To incorporate the changes due to birth, death and migration, there is a need to update it again," it said.

### **Additional queries**

*The questions for the fresh NPR have not been made public yet but the pre-test conducted in 2019 included additional questions, such as the date and the place of birth of the father and mother, the last place of residence and mother tongue, Aadhaar (optional), Voter ID card, and mobile phone and*

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



*Driver's Licence numbers. States ruled by non-BJP parties have expressed apprehensions regarding the additional questions. Finance Minister Nirmala Sitharaman announced on February 1 that ₹3,768 crore had been allocated for the Census in the financial year 2021-22.* Though no separate budget for the NPR has been allocated in this fiscal, ₹3,941.35 crore was approved for updating the NPR in 2019-20. Around 30 lakh enumerators — government officials and government school teachers — will each be assigned the responsibility of collecting details from about 650-800 people through both the online and offline modes. The Registrar-General of India (RGI) is presently conducting field trials of the first phase of the Census and the NPR through the mobile application in a block, each comprising 50-60 households, in all the States and Union Territories.

#### **Widespread dissent**

*The NPR's link with the proposed National Register of Citizens (NRC) and the yet to be implemented Citizenship Amendment Act (CAA), 2019, has been opposed by many States and civil society groups.* The Citizenship Rules framed in the year 2003 say that the NPR is the first step towards the compilation of the National Register of Indian Citizens (NRIC), or the NRC. The Union Home Ministry informed the Lok Sabha on February 4, 2020 that “till now, the government has not taken any decision to prepare the NRIC at the national level”. However, in March 2020, the Ministry filed an affidavit in the Supreme Court that preparation of the NRC is a “necessary exercise for any sovereign country for mere identification of citizens from non-citizens”. It submitted that it is “the responsibility entrusted on the Central government “to identify/detect illegal migrants and thereafter, follow the due process of law”. At the peak of anti-CAA/NRC/NPR protest in the country, Prime Minister Narendra Modi told a public rally on December 22 in Delhi that “there had been no discussion, no talk on an NRC for India since his government had taken power in 2014”. On December 9 the same year, Union Home Minister Amit Shah told Parliament that “there is no need to create a background for NRC, we are clear that NRC ought to be done in this country, our manifesto is the background”.

#### **CENTRE VERSUS STATE IN DELHI – WHAT IS THE LATEST ISSUE?**

*The Centre on Monday introduced the Government of National Capital Territory of Delhi (Amendment) Bill, 2021 in Lok Sabha, reviving the dispute on the distribution of powers between the elected government and the Lieutenant Governor (L-G). The issue, which was at the heart of the ruling AAP's frequent run-ins with the BJP-led Centre during much of its first term, was taken up by a Constitution Bench of the Supreme Court, which tilted the scales in favour of the elected government through its July 4, 2018 verdict.* Taking to Twitter, Delhi Chief Minister Arvind Kejriwal said the Bill, which “seeks to drastically curtail powers of the elected government”, is “against” the Supreme Court judgment.

#### **What does the Bill say?**

*In the “statement of objects and reasons” section, the Centre claims that the amendment Bill seeks to give effect to the Supreme Court's interpretation and that it “further defines” the responsibilities of the elected government and the Lt Governor in line with the Constitutional scheme.* Among the major proposed amendments, one makes it explicitly clear that *the term “government” in any law made by the Legislative Assembly shall mean the L-G.* This, essentially, gives effect to former L-G Najeeb Jung's 2015 assertion that “Government means the Lieutenant Governor of the NCT of Delhi





appointed by the President under Article 239 and designated as such under Article 239 AA of the Constitution". *The Bill adds that the L-G's opinion shall be obtained before the government takes any executive action based on decisions taken by the Cabinet or any individual minister.*

#### **What purpose does the 1991 Act serve?**

Delhi's current status as a Union Territory with a Legislative Assembly is an outcome of *the 69th Amendment Act through which Articles 239AA and 239BB were introduced in the Constitution. The GNCTD Act was passed simultaneously to supplement the constitutional provisions relating to the Assembly and the Council of Ministers in the national capital.* For all practical purposes, *the GNCTD Act outlines the powers of the Assembly, the discretionary powers enjoyed by the L-G, and the duties of the Chief Minister with respect to the need to furnish information to the L-G.*

#### **What did the Constitution Bench say?**

*In its 2018 verdict, the five-judge Bench had held that the L-G's concurrence is not required on issues other than police, public order and land. It had added that decisions of the Council of Ministers will, however, have to be communicated to the L-G.* "It has to be clearly stated that requiring prior concurrence of the Lieutenant Governor would absolutely negate the ideals of representative governance and democracy conceived for the NCT of Delhi by Article 239AA of the Constitution," the court had ruled. The L-G was bound by the aid and advice of the council of ministers, it had said. The Bench of then Chief Justice of India Dipak Misra and Justices A K Sikri, A M Khanwilkar, D Y Chandrachud and Ashok Bhushan, in three separate yet concurring orders, had said: "The status of the Lieutenant Governor of Delhi is not that of a Governor of a State, rather he remains an Administrator, in a limited sense, working with the designation of Lieutenant Governor". It had also pointed out that the elected government must keep in mind that Delhi is not a state.

#### **What will change if the amendments are cleared by Parliament?**

Encouraged by the Supreme Court verdict, the elected government had stopped sending files on executive matters to the L-G before the implementation of any decision. It has been keeping the L-G abreast of all administrative developments, but not necessarily before implementing or executing any decision. But the amendment, if cleared, will force the elected government to take the L-G's advice before taking any action on any cabinet decision. *The Bill seeks to add a provision in the original GNCTD Act, 1991, barring the Assembly or its committees from making rules to take up matters concerning day-to-day administration, or to conduct inquiries in relation to administrative decisions. This assumes significance as the 70-member Assembly, where the AAP has as many as 62 MLAs, has multiple committees examining matters ranging from riots to environment.*

#### **Does the L-G enjoy no discretionary power under the current arrangement?**

The L-G does have the power to refer any matter, over which there is a disagreement with the elected government, to the President under Article 239AA(4). *The Delhi Law Secretary had in 2019 written in an internal memo that the elected government cannot use the Supreme Court verdict to keep the L-G in the dark about its decisions as that would prevent him from taking informed decisions on whether to invoke Article 239AA(4) or not. But the SC had also categorically pointed out that the L-G "should not act in a mechanical manner without due application of mind so as to refer every decision of the Council of Ministers to the President".*



### What are the state government's fears?

For 2015 to 2018, the AAP government was engaged in a constant battle with the Centre over policy decisions and the powers of the L-G vis-à-vis the elected government. The Supreme Court judgment gave it a freer hand in terms of policy decisions. Government insiders have maintained that *it was because of the judgment that the government was able to clear policy decisions like giving free power to those using under 200 units, free bus riders for women and doorstep delivery of ration*. The amendments will have far-reaching implications — beyond just the AAP-vs-BJP tussle. By making it mandatory for the elected government to route all its files through the L-G, *the amendments will essentially take away the government's autonomy and the dream for full statehood for the state, which each political party — BJP, Congress and AAP have promised the electorate at various times*. In 1993, BJP's then Chief Minister Madan Lal Khurana too had raised the issue with how few powers the elected government in Delhi had.

### SUPREME COURT TEMPLATE FOR STATE ELECTION COMMISSIONERS

Last week, the Supreme Court said State Election Commissioners (SECs) across the country should be independent, and not persons holding office with the central government or a state government. *The observation came in a case relating to the municipal elections in Goa; the Supreme Court directed the Goa government to redo the exercise of delimitation and reservation of municipal wards for women and SC/ST candidates in five municipal councils that were set to go to polls next week and appoint an independent SEC, which the government is now in the process of doing.*

#### What is the case about?

The Goa government had moved Supreme Court against a ruling of the High Court of Bombay at Goa which had quashed an order of the Goa government determining the reservation of seats in wards of five of the 11 municipal councils set to go to polls on March 20. The High Court ruling had come on a clutch of petitions filed by Goan residents, including candidates backed by the Congress and the Goa Forward Party (GFP), urging the court to set aside a February 4 order of the Director of Municipal Administration in which, the petitioners alleged, wards were arbitrarily reserved and constitutional provisions mandating 33% seats for women and rotation of seats reserved for SC/ST candidates were not followed. The High Court directed the Director, Municipal Administration to carry out the reservation of the wards afresh “rectifying gross illegalities”. The Supreme Court upheld the ruling of the HC that was of the opinion that the course adopted by the state government violates the constitutional mandate of law in reserving one-third seats for women in all local body polls. It directed the state government to carry out the exercise of reservation of wards afresh and issue a fresh election schedule. The state government had mainly contended that the courts cannot interfere in the election schedule since they were imminent.

#### What did the Supreme Court rule on the State Election Commissioner?

Noting that the SEC in Goa was the state Law Secretary, the Supreme Court described it as the “most disturbing feature of the case”. “The SEC has to be a person who is independent of the State Government as he is an important constitutional functionary who is to oversee the entire election process in the state qua panchayats and municipalities,” the Bench of Justices Rohinton Nariman, B R Gavai and Hrishikesh Roy observed. They directed the Goa government to appoint an



independent person as SEC at the earliest. The court noted that the Law Secretary, an IAS officer, was appointed SEC by the Goa Governor on November 3, 2020, handing him an additional duty. Two days later, administrators were appointed to municipal councils that had completed term, and in January, the SEC postponed elections to these councils until April. On February 4, the Director of Municipal Administration reserved the wards, leading to the court petitions. Even while these were pending in court, the SEC announced the election schedule to 11 municipal councils on February 22.

#### **What is the immediate fallout of the ruling?**

The ruling has come as a shot in the arm for the Opposition parties that went to court. Chief Minister Pramod Sawant made a statement that mistakes made by the Directorate of the Municipal Administration will be rectified. Elections had been announced for the Corporation of the City of Panaji (CCP) and 11 municipal councils. The ruling found reservation of wards in five councils faulty; hence, polls in these councils will not take place as scheduled on March 21. Elections to the other local bodies will be held on March 20. Once delimitation and ward reservation for the five councils is done afresh, the new election dates will have to be before April 30, as directed by the SC. Once delimitation and ward reservation for the five councils is done afresh, the new election dates will have to be before April 30, as directed by the Supreme Court.

### **ANTI-DEFECTION LAW: WHEN A NOMINATED MP LOSES RAJYA SABHA MEMBERSHIP**

*On Tuesday, nominated MP Swapan Dasgupta resigned from Rajya Sabha, a year before completion of his term. Trinamool Congress MP Mahua Moitra had raised the issue of his disqualification from Rajya Sabha under the anti-defection law, after the BJP had fielded Dasgupta as its candidate for Tarakeswar constituency in the West Bengal Assembly elections.* What is the anti-defection law because of which Dasgupta had to resign after being chosen as an election candidate?

#### **Nominated members**

During the making of the Constitution, members of the *Constituent Assembly felt that Rajya Sabha should have members who might not win elections but will bring knowledge and expertise to discussions in the Upper House.* N Gopalswami Ayyangar said that nominating members to Rajya Sabha gives “an opportunity, perhaps, to seasoned people who may not be in the thickest of the political fray, but who might be willing to participate in the debate with an amount of learning and importance which we do not ordinarily associate with the House of the People”. It led to Rajya Sabha having *12 nominated members from different walks of life.* The broad criterion for their nomination is that they should have distinguished themselves in fields like literature, science, art, and social service. *The President nominates such individuals as recommended by the Centre. Nominated members have the same rights and privileges as elected members, with one notable difference — they cannot vote in the election of the President.*

#### **Anti-defection law**

*In 1985 the Tenth Schedule, popularly known as the anti-defection law, was added to the Constitution. But its enactment was catalysed by the political instability after the general elections of 1967.* This was the time when multiple state governments were toppled after MLAs changed



their political loyalties. The purpose of the 1985 Constitution Amendment was to bring stability to governments by deterring MPs and MLAs from changing their political parties on whose ticket they were elected. The penalty for shifting political loyalties is the loss of parliamentary membership and a bar on becoming a minister. The law specifies the circumstances under which changing of political parties by MPs invite action under the law. The law covers three types of scenarios with respect to an MP switching parties. *The first is when a member elected on the ticket of a political party "voluntarily gives up" membership of such a party or votes in the House contrary to the wishes of the party. The second possibility is when an MP who has won his or her seat as an independent candidate after the election joins a political party.* In both these instances, the MP lose the seat in the House on changing (or joining) a party. *The third scenario relates to nominated MPs. In their case, the law specifies that within six months of being nominated to the House, they can choose to join a political party. The time is given so that if a nominated MP is not a member of a political party, they can decide to join one if they want.* But if they don't join a political party during the first six months of their tenure, and join a party thereafter, then they lose their seat in Parliament. That is what has happened in Dasgupta's case. After his nomination to Rajya Sabha in 2016, he did not join a political party within the mandatory period of six months, and his membership was open to challenge under the anti-defection law.

### Changing/joining a party

Over the years, courts have decided that changing a party or joining another does not have to be a formal act. It can also be interpreted through an MP's actions, on a case-by-case basis. In the past, actions like campaigning for another political party, joining a delegation of elected representatives from another political party to give a representation to the Governor, appearing in political rallies or fighting an election on the symbol of a political party have been held to constitute defection. When the 1985 law was made, its statement of objects and reasons stated: *"The evil of political defections has been a matter of national concern. If it is not combated, it is likely to undermine the very foundations of our democracy and the principles which sustain it."* Now the continuity and stability of an elected government are decided in Lok Sabha, where a no-confidence motion can be moved against the government. But the anti-defection law applies equally to both Lok Sabha and Rajya Sabha MPs, even though the Upper House has no role in deciding the government's fate. Earlier versions of the law did not contain the provision for the disqualification of nominated MPs. Of the 12 nominated members in Rajya Sabha today, eight members have joined the BJP, including classical dancer Dr Sonal Mansingh and sculptor Dr Raghunath Mohapatra.

### PLEA SEEKS CANDIDATES' NAMES, DETAILS ON EVMS

*The Supreme Court on Friday asked a petitioner who wants to replace political party symbols from electronic voting machines with the names and details of the candidates to send a copy of his petition to the Attorney-General.* A Bench, led by Chief Justice of India Sharad A. Bobde, did not issue formal notice on the plea by petitioner, advocate Ashwini Kumar Upadhyay, at the present stage. "How does a party symbol on an EVM cause prejudice," Chief Justice Bobde asked senior advocate Vikas Singh, for Mr. Upadhyay. *"The voters will cast their vote on the basis of the intrinsic value of the candidate and not by the popularity of the political party fielding him," Mr. Singh replied.* He said the petitioner had written to the Election Commission but did not receive a reply. *"It will help electors to vote and support intelligent diligent and honest candidates, which is not possible in*



*today's scenario. It will not only weed out casteism and communalism from our democracy but also control use of black money and benami transaction in election. Ballot and EVM without political party symbol will control dictatorship of political party bosses in ticket distribution and forced them to give ticket to those who religiously work for people's welfare,"* the petition said.

#### FREE POLLS NOT POSSIBLE WITH A BIASED ECI

In a direct attack on the Election Commission of India (ECI), the Trinamool Congress said the *"partisan and biased approach" of the panel has made "free, fair and transparent elections" in West Bengal a distant reality.* A six-member delegation met the poll panel in Delhi to raise the incident of clashes in Nandigram on Thursday. *"It is becoming increasingly clear that free, fair and transparent elections in the State of West Bengal is becoming a distant reality. This is evident from the partisan and biased approach taken by the Election Commission of India,"* the party's memorandum submitted to the commission said. The Trinamool Congress particularly flagged the Election Commission's decision of not permitting the State police within 100 m of a polling station. The EC had noted that only Central forces would be deployed close to the polling stations. The party said this was an "unprecedented" decision. *The decision cast aspersions on the reputation of the police administration in the State. The ECI had not taken such a decision for the other three States and the Union Territory of Puducherry holding simultaneous polls.* The Trinamool also sought to remind the Commission that the State police had worked with governments led by other political parties too. *"Propriety demands that there should be proper coordination between the State and Central forces to ensure free and fair elections and that combined groups of both State and Central police forces be deployed within 100 m of the polling station,"* the memorandum said. *The party also expressed disappointment with Election Commission for not agreeing to their demand to tally the Electronic Voting Machine (EVM) results with Voter Verifiable Paper Audit Trail (VVPAT) in every booth. The EVM-VVPAT are tallied in a randomly selected sample.* The ECI has argued that tallying each and every EVM with the VVPAT will delay the counting and declaration of results. The memorandum was signed by Rajya Sabha floor leader Derek O' Brien and Rajya Sabha MP Nadimul Haque, Lok Sabha MPs Saugata Roy, Mahua Moitra, former MP Pratima Mondal and Yashwant Sinha, who recently joined the party.

#### A BATTLE IN THE SAME VEIN

Tamil Nadu, which has seen tumultuous political changes in the last five years, is set for one more round of a familiar battle in the Assembly election on April 6. *Its two principal parties, the DMK and the ruling AIADMK, have stitched up pre-poll alliances and taken the lion's share of the 234 seats to be contested.* Both parties have, by and large, retained their allies of the 2019 Lok Sabha election. While the Congress, which appears to be enthused by the visits of its leader Rahul Gandhi to the State, occupies the second slot in the DMK-led alliance with 25 seats, its national-level adversary, the BJP, after aggressive posturing, has had to be content with the 20 seats allotted to it in the AIADMK-led coalition. As this is the first Assembly election after the passing of Jayalalithaa and M. Karunanidhi, the AIADMK, in power for the last 10 years, and the DMK, both shorn of charismatic leaders, have thrown in offers of an unusually large number of freebies. *The DMK, apart from making, in the run-up to its manifesto release, an offer of ₹1,000 a month to the woman-head of every family, has promised ₹4,000 to each pandemic-hit ration cardholder (around two crores totally); a subsidy of ₹100 per cooking gas cylinder and a reduction in petrol and diesel prices. The AIADMK's*

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



*assurances include ₹1,500 a month to the woman-head of each family, six cooking gas cylinders annually, a washing machine and solar-powered cook stove and a 50% subsidy in city bus fares for women.* It is debatable how these promises will be kept as the State's fiscal indicators, according to the Fifteenth Finance Commission's report, have plunged, from 2012-13 to 2018-19. The parties and their allies should concentrate on substantive issues such as public health. The Commission has pointed out that the prevalence of anaemia among women and children is 55% and 50.7%, against the national average of 53.1% and 58.6%. Neither party has addressed such issues satisfactorily in their manifestos. There are other parties such as the MNM, led by veteran actor Kamal Haasan, the AMMK of T.T.V. Dhinakaran and the NTK of actor-director Seeman. Heterogenous in character, the first two are apparently positioning themselves as serious contenders, with the NTK seeking to don the role of a neo-Tamil nationalist party. Opinion polls point to the likelihood of the DMK-led front securing a comfortable majority, while the ruling party is trying to play catch-up using the governance track record of CM Edappadi K. Palaniswami. As of now, the campaign has been devoid of personal attacks. But, it would take a lot more doing on the part of the principal players to keep at bay forces thriving on parochialism, divisive politics and hate culture.

AN ODD POLITICAL HYBRIDISATION, WITH HISTORICAL PRECEDENT (FAISAL C.K. - AN INDEPENDENT RESEARCHER)

*The State of Kerala recently witnessed what many would call an odd political moment. In the middle of the bustle of preparations for the State Assembly elections, a senior leader of the Bharatiya Janata Party (BJP) in Kerala, Sobha Surendran, recently extended an invitation to the Indian Union Muslim League (IUML) to join the National Democratic Alliance fold, with a rider — this was provided the IUML shed its 'communal' policies.*

**A communal ecosystem**

But viewed from a historical perspective, such a proposal is not outlandish. Prof. Bipan Chandra in his *Communalism in Modern India* has identified three species of communalism, namely communal nationalism, liberal communalism and extreme communalism or fascist communalism. In a concluding paragraph, he observes: "Communal nationalism fed liberal and extreme communalism and made it difficult to carry on political struggle against them... They, in turn, constantly generated communal nationalism within the nationalist ranks. Similarly, the logic of liberal communalism inexorably led to extreme communalism." This process clearly exposes the symbiotic relationship between the three species of communalism. *The BJP may belong to the species of extreme communalism, and the IUML to liberal communalism. But to maintain the communal ecosystem, both parties need each other. If one goes back in time, to colonial India, the All-India Muslim League and the Hindu Mahasabha were the major communal players. The IUML and the BJP are the direct descendants of these two parties, respectively. Both Savarkar and Jinnah were arch enemies on stage since they catered to two separate vote banks. But offstage, the common thread for both parties was anti-Congressism.* "Pragmatic politics" made them odd bed-fellows to fill the vacuum created by the Congress following the "Do or Die" cry of the Quit India movement.



## The colonial era

A media article titled 'Hindu Mahasabha with Muslim League', is illuminating. It says: *Both the Muslim League and Hindu Mahasabha opposed the Quit India movement and preferred to join hands with the British under the garb of the 'pragmatic politics'. Even when most of the Congress leaders including Mahatma Gandhi, Sardar Patel, Jawaharlal Nehru and Maulana Abul Kalam Azad were in jail, Dr. Syama Prasad Mookerjee, the second in command of the Hindu Mahasabha, with the blessings of Savarkar, had joined the Fazlul Haq ministry in Bengal as the Finance Minister in 1941 and remained in the ministry of the mover of the Pakistan Resolution for nearly 11 months. It was the same personage who launched the Jan Sangh, the precursor to the BJP in October 1951 with the blessings of Madhav Sadashiv Golwalkar, the second Sarsangh chalak of the Rashtriya Swayamsevak Sangh. The article mentioned above continues: Savarkar defended this strange hybridisation in his presidential speech to the Kanpur session of the Hindu Mahasabha, in the following words: In practical politics also, the Mahasabha knows that we must advance through reasonable compromises. Witness the fact that only recently in Sind, the Sind-Hindu-Sabha on invitation had taken the responsibility of joining hands with the League itself in running [a] coalition Government. The case of Bengal is well known... Wild Leaguers, whom even the Congress with all its submissiveness could not placate, grew quite reasonably compromising and sociable as soon as they came in contact with the Hindu Mahasabha and the Coalition Government, under the premiership of Mr. Fazlul Huq and the able leadership of our esteemed Mahasabha leader Dr. Syama Prasad Mookerji, functioned successfully for a year or so to the benefit of both the communities."*

## Politics of the north

The article has more to say. It says, *the Sindh Assembly was first to pass the Pakistan Resolution moved by G.M. Sayed in 1943 when the Province had a coalition government with diametrically opposite political forces, i.e. the Muslim League and the Hindu Mahasabha. The Hindu Mahasabha members walked out and the three Hindu Mahasabha Ministers voted against the resolution; but the resolution was passed 24 versus 3 in the Sindh Assembly on March 3, 1943. Even after passing the Pakistan resolution, none of the three Hindu Mahasabha Ministers resigned from the Ministry headed by Sir Ghulam Hussain Hidayatullah of the Muslim League. They were Rao Saheb Gokaldas Mewaldas, Dr. Hemandas R. Wadhwan and Lolumal R. Motwani. In the provincial elections held in 1937 in the North West Frontier Province, the media article adds, the Congress won the majority of the seats in the Provincial Assembly. In 1939, when the Congress Ministry headed by Khan Abdul Jabbar Khan resigned, Sardar Aurangzeb Khan of the Muslim League with the support of the Hindu Mahasabha and the Akalis formed the coalition government. Mehr Chand Khanna of the Hindu Mahasabha was the Finance Minister. Even in Punjab, says the article, there were serious efforts to have the Muslim League and the Hindu Mahasabha coalition government installed. Both Savarkar and Dr. B.S. Moonje were very much active for the same. Jinnah had declared that the Hindu Mahasabha was to have a coalition government with the Muslim League as Savarkar and Dr. B.S. Moonje had directed to form a coalition government with the Muslim League "if it was inevitable". Here too, the article, 'Muslim League and Hindu Mahasabha in Coalitions', by Dr. Hari Desai, and published in the Asian Voice (September 25, 2017), is illuminating. The All India Muslim League-Hindu Mahasabha alliance during the Quit India movement was the dark side of the tragedy of Partition. In the present context, one wonders what the proposal in Kerala could portend.*



## RUCKUS IN HARYANA ASSEMBLY OVER DAMAGES RECOVERY BILL

Heated arguments were witnessed in the Haryana Assembly on Thursday between treasury benches and opposition Congress, as '*Haryana Recovery of Damages to Property During Disturbance to Public Order Bill, 2021*,' was passed. The Congress MLAs stormed the well of the House, shouting slogan against the Bill and demanding its withdrawal. It claimed that Bill was aimed at strangling democracy.

### 'Bill on public demand'

Home Minister Anil Vij, who earlier introduced the Bill, said it has been brought on public demand. "The Congress should clarify are they with people who are involved in rioting and damaging properties or do they favour peaceful protests," he said. *The Bill provides for recovery of damages to properties caused by persons during disturbances to public order by an assembly, lawful or unlawful, including riots and violent disorder and for constitution of claims tribunal to determine the liability, to assess the damages caused and to award compensation.* Haryana Chief Minister Manohar Lal said that the 2.5 crore people of the State have every right over its land and it is the responsibility of the State government to protect it. "For this purpose, the Haryana Recovery of Damages to Property during Disturbance to Public Order Bill, 2021 was passed," said Mr. Lal, talking to reporters. He said the Bill has nothing to do with the agitation of farmers' surrounding the new farm laws.

### 'Necessary to instil fear'

"It is necessary to instil fear in the minds of those who damage property and this is our constitutional legal system. In a democracy everyone has the right to speak and protest peacefully, but no one has the right to damage property. This Bill will determine the responsibility of those who damage property as well as ensure compensation to the victims," Mr. Lal added. Leader of Opposition and senior Congress leader Bhupinder Singh Hooda, who forcefully opposed the bill inside the House, said *the Bill would strangle democracy and demanded the government to take it back. Mr. Hooda, later told reporters that the Bill provides for recovery from peaceful protesters, which, he said was an attempt to violate the fundamental rights as every citizen has the right to peaceful protest in a democracy.*

## BIHAR ASSEMBLY PASSES LOKAYUKTA AMENDMENT BILL

*The Bihar Assembly on Thursday passed the Bihar Lokayukta (Amendment) Bill, 2021 that proposes to punish people filing false cases before the anti-corruption ombudsman body to prevent any waste of time or misuse of the institution.* Four other Bills passed by the Assembly during the day are the *Bihar Municipality (Amendment) Bill, Bihar Taxation Disputes Resolution Bill, Bihar Civil Court Bill and Bihar Appropriation Excess Expenditure (1984-85) Bill.* *The Bihar Lokayukta (Amendment) Bill, 2021 was introduced by the Minister incharge for General Administration Department Bijendra Prasad Yadav and passed by voice vote.* Introducing the Bill, Mr. Yadav said that the proposed legislation has been brought keeping in view the misuse of the *Lokayukta institution in false cases.* *Lokayukta carries out expeditious investigation and prosecution relating to allegations involving corruption against public servants of all grades. It was proposed by the Lokayukta itself that there should be a provision for punishing people filing false cases before it, the Minister said. The*

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





*Lokayukta acts of other States have the provision of punitive action against such erring persons. The Bill proposes that a case against a person filing a false case can be filed in the district court. If the person is found guilty of it or for giving false testimony or filed wrong affidavit, he/she will be sentenced to a jail term of upto three years besides a provision for fine.*

#### **'Will dissuade people'**

*Several members who moved amendments to the Bill were of the view that it will dissuade people from approaching the Lokayukta and will work against whistle blowers who expose corruption. The Bihar Municipality (Amendment) Bill, 2021 was tabled by Urban Development and Housing Minister Tarkishore Prasad who said that it proposes recruitment of grade C employees of municipalities at the State-level. It also proposes to introduce ₹20,000 fine for permanent encroachment and ₹5,000 for temporary encroachment in municipal areas of the state, Mr. Prasad said. Mr. Prasad, who also holds of charge of commercial taxes department, tabled the Bihar *Taxation Disputes Resolution Bill, 2021, for one time tax settlement scheme 'Samadhan' in respect of disputes arising out of non clearance of tax dues and penalty imposed prior to July 1, 2017 when Goods and Services Tax was implemented in the country.* The State government had brought the scheme thrice in 2015, 2016 and 2019 and 31,177 applications were received for resolution of tax dues amounting to ₹1127.55 crore under Samadhan scheme in 2019.*

#### **Civil Courts Bill**

The *House also passed by voice vote the Bihar Civil Courts Bill, 2021.* The existing Bengal, Assam Civil Court Act 1887 was enacted by the Centre jointly for the State of Bengal, Agra, Assam and Bihar which was a part of Bengal, Law Minister Pramod Kumar said while introducing the Bill for a debate and passage.

### **SACHIN WAZE AND THE ALLEGED KHWAJA YUNUS CUSTODIAL DEATH CASE**

*Sachin Waze, the Assistant Police Inspector of Mumbai Police who was arrested on Saturday (March 13) by the National Investigation Agency (NIA), had been booked in 2004 for the alleged custodial death of 27-year old engineer Khwaja Yunus.* Where does this 17-year-old case stand now?

#### **What is the Khwaja Yunus case?**

On December 2, 2002, a bomb blast had taken place in Ghatkopar in Mumbai. The Mumbai Police arrested four men and charged them under the now repealed Prevention of Terrorist Activities (POTA) Act. Among the four arrested men was Khwaja Yunus, a software engineer who then worked in Dubai, and had come on holiday to meet his family. Three of the four men were subsequently acquitted of all charges by a special court. But Yunus, who was arrested on December 25, 2002, was last seen alive at Ghatkopar police station on January 6, 2003. According to the testimony of one of the arrested men, a doctor, police were interrogating them, and had tortured Yunus so brutally that he vomited blood. The witnesses to the police assault alleged that Yunus had died in custody due to the torture. The police interrogators had a different story. They claimed that Yunus had fled from their custody while he was being taken to Aurangabad as part of the investigation. According to the police version, the police vehicle had fallen into a gorge after being involved in an accident, and Yunus had taken the opportunity to escape. Sachin Waze was



part of the police team that claimed to have been ferrying Yunus. An FIR was filed in the matter of Yunus's disappearance. Yunus's father filed a habeas corpus petition before the Bombay High Court and, relying on statements of those who said they had seen Yunus being tortured, sought an investigation. Based on the court's order, the Crime Investigation Department (CID) took over the probe, and concluded that Waze had filed a "false and malicious" complaint against Yunus, claiming that he had escaped. The CID arrested Waze and three constables on charges including murder and destruction of evidence. The men were released on bail in 2004.

#### What is the case against the four policemen?

The CID completed its probe in the case in 2006. The state government sanctioned their prosecution in 2007. The FIR filed against Yunus accusing him of escaping from custody was closed after the CID filed a chargesheet stating that he had been killed in custody. The four men, Waze and Constables Rajendra Tiwari, Sunil Desai, and Rajaram Nikam, were charged under Sections 302 (murder) and 201 (destruction of evidence) of the Indian Penal Code. In 2012, the Bombay High Court granted a compensation of Rs 17 lakh to Yunus's family, noting that he was a "qualified and proficient engineer" who would have earned around Rs 10 crore spread over 34 years taking into account his salary and his age of retirement at 60. The High Court, however, rejected the family's plea seeking to name seven other police officials as accused who were alleged to have assaulted Yunus, leading to his death. An appeal by his family against this order is pending before the Supreme Court.

### PROCUREMENT AND PAYMENT: HERE'S HOW AND WHY MAHARASHTRA'S ONLINE SYSTEM WORKS

Punjab Chief Minister Capt Amarinder Singh last week described as *"another provocation" to agitating farmers the move by Food Corporation of India (FCI) to ask for land records in order to make direct e-payments for procurement of paddy and wheat*. The sharing of land records and making online payments directly into farmers' bank accounts is not new — sugarcane farmers in Maharashtra accepted payments in this way even when the penetration of banks was much lower in the country. How does the system work in Maharashtra?

#### MSP procurement

Unlike in Punjab or Haryana, the FCI's role in government-led procurement operations at Minimum Support Price (MSP) is minimal in Maharashtra. Given the state's crop profile, the major players in MSP operations in Maharashtra are the *National Agricultural Cooperative Marketing Federation (NAFED)* and *Cotton Corporation of India (CCI)*. NAFED operates through sub-agencies like the Maharashtra State Cooperative Marketing Federation and Vidarbha Cooperative Marketing Federation. CCI appoints the Maharashtra State Cooperative Cotton Growers' Marketing Federation as its sub-agent mainly for procurement in the districts of Vidarbha. *Both these central agencies wade in to procure only when the average traded prices of commodities like toor, chana, kapaas (raw unginned seed cotton), soybean, etc. in the wholesale markets fall below their government declared MSP. Active procurement stops once wholesale prices cross the MSP.* For example, for the current season, NAFED had started procurement of soybean, but the operation ended as soon as mandi prices crossed the MSP. Once the target for procurement (this is generally 25 per cent of the final yield) is declared, the sub-agencies are asked to activate ground operations.

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



In the case of NAFED, the actual procurement is done through village-level cooperative marketing unions; CCI itself buys from farmers at designated centres. *Farmers who want to sell their produce at the centres have to register using their land documents, sowing certificates issued by the village-level revenue officer, Aadhaar, PAN, and bank details. Once the registration is complete, the farmer gets an SMS giving the probable date of procurement. The farmer is expected to bring his produce to the designated centre on the designated day. Payment is usually transferred to the farmer's bank account within a few days.*

Land records and revenue documents are critical to validate the farmer's claim on the crop, and bank details help track the movement of funds. In the case of NAFED-led procurement, NAFED pays the sub-agents, who transfer the money to ground-level agencies who, in turn, give it to farmers in their accounts. Procurement involves stages of registration, delivery, and payment, and takes some time.

#### Other examples

*The best example by far of another mostly online procurement system is of sugar. Farmers register their cane with mills well in advance, which allows the mills to draw up a programme for harvesting. Given the size of the payments involved, mills in Maharashtra have long relied on bank transfers using NEFT, RTGS, etc. modes. Growers of cane, unlike those of other crops, are assured of a government-declared Fair and Remunerative Price (FRP), and mills have to produce records of payments before the sugar commissioner. Failure to pay can invite action against mills.*

#### DANGEROUS DENIM

In his first speech in high office, Nehru marked a "tryst with destiny", Lincoln began "with malice towards none; with charity towards all". Not this high-minded, ivory-tower stuff for the recently-appointed Chief Minister of Uttarakhand, Tirath Singh Rawat. His focus is below the belt. In one of his first public appearances as CM, Rawat has found an unconventional "root cause" for all that plagues society, particularly the youth — "kainchi se sanskar". His argument goes something like this: Ripped jeans (the result of the work of kainchis or scissors) are both the cause for and symptom of declining sanskari-ness. This "run towards nudity" by young men and women, to which their parents turn a blind eye, is part of a "mad race towards westernisation". Rawat even drew a connection between exposed knees and drug abuse. The diatribe against denim and the offensive knee-joint was apparently triggered by Rawat having witnessed a woman running an NGO in tattered jeans. One of Rawat's new ministers, Ganesh Joshi, spoke in his master's voice: "Women talk about all things they want to do in life, but the most important thing for them is to look after their family and children." The sweeping connecting of dots by the new chief minister is a matter for Freudians and Jungians to unravel. *But women in India have fought for their right to wear denim, tattered or otherwise, against many an overbearing uncle. Perhaps it is the attempt at individuality, of assertion, that irks so.* As Minister Joshi seems to suggest, the problem isn't the ghutna (knee), but what women should and should not do. Since the CM has much to do in his new job, perhaps it's best if he kept his nose to the grindstone, not his eye on the knee.



## MANY TEACHING INSTITUTES SUBSTANDARD'

*With as many as nine million teachers in around 1.5 million schools in India, the quality of education imparted to aspiring teachers is equally important. For education in our schools to improve, teaching has to improve.* This is the crux of the first volume on teachers and teacher education, comprising four papers on the subject, that was released by *Azim Premji University* on Thursday. It is the first volume in a series on 'Issues in Education', said the university in a press release. Together, the four papers explore the landscape of Teacher Education Institutions (TEIs) in the country, corruption in private TEIs, the support system needed for teachers and the problem of those who are on contract.

### Corruption flagged

The first paper — 'Mapping the Landscape of Teacher Education Institutions in India' — found that of the 17,503 TEIs in India, more than 90% are privately owned, stand-alone institutions, offering single programmes localised in certain geographies. Four States, Uttar Pradesh, Rajasthan, Maharashtra and Tamil Nadu, account for 54% of all TEIs in the country, said the researchers. Only 12 States/UTs have at least one TEI in each district. Equally worrying is the level of corruption, which is the focus of the second paper, Corruption in Private Teacher Education Institutions. *There are many substandard, dysfunctional TEIs functioning as 'commercial shops'*, said the press release. According to the researchers, *TEIs deliberately neglected basic curricular requirements. "Classes are neither conducted seriously nor taken seriously by students,"* said the authors of the paper. *Almost all private TEIs allowed students with shortage of attendance to appear for examinations. More than 60% allowed students who had not completed their school internship to appear for examinations. At least 70% TEIs had an average student attendance below 80%.* The fourth paper in the series tackles the increasing prevalence of contract teachers, who are recruited for short periods on inadequate salaries with little or no benefits. This, the authors stated, had caused long-term damage to not just the teaching profession, but has also affected student learning.

## CRAWLING ON CAMPUS

*As universities go, Ashoka University is still young. But it is, sadly, already in decline. It took only about seven years for its founders and trustees to let down the fundamental idea that animated its institution. It was, in its own words, "a pioneer in its focus on providing a liberal education at par with the best in the world" — a "private non-profit university, an unprecedented example of collective public philanthropy in India" "committed to maintaining the highest intellectual and academic standards".* *The resignation of Pratap Bhanu Mehta puts a question mark on those claims and credentials.* One of the country's pre-eminent scholars and public intellectuals, who unsparingly and courageously asks questions of power and the powerful, whoever they may be, whatever be their political colour — *The Indian Express is privileged to carry his columns on these pages* — has been compelled to step down, first as vice-chancellor and now as professor. The circumstances indict the university's establishment as much as they point fingers at the political regime. When it was set up, Ashoka University seemed to be taking an important step towards addressing a great deficit in higher education. The public university had long declined due to fiscal exhaustion and breakdown of the state system combined with the exit of the Indian elites from



public institutions. That, over the last couple of decades or so, had led to the proliferation of private institutions, but mostly in professional education. In its stated commitment to the liberal arts, Ashoka seemed to make a prominent and welcome promise — to harness the resources of private philanthropy to address failures and deficiencies of both the state and the market. *Mehta's exit from its faculty is a seminal moment because it points to the university's unwillingness and inability to protect the freedom of expression and ideas that is an inalienable part of that commitment.* It is true that the challenge of institutional autonomy is sharpened terribly by the *dominant political ideology that has shown a will to conquer all spaces, and which will not hesitate to weaponize the mandate to target dissent.* It is also true that *the larger environment is one in which the countervailing and unelected institutions that were supposed to, in the constitutional design, apply the check and maintain the balance, are not holding up. They are caving in.* And yet, Messrs Ashok Trivedi, Pramath Raj Sinha, Sanjeev Bikhchandani, Ashish Dhawan, Vineet Gupta, Rakesh Jhunjhunwala, Manish Sabharwal, to name just a few of the University's distinguished trustees, need to ask themselves: Where to, now? *By bending when asked, they may have inaugurated the slide, and surrendered the possibilities of the university's rise.* Because vindictiveness feeds on cowardice. And because even though the institution cannot be equated with the individual, *Mehta's departure sends out a signal much larger than him.* As former Chief Economic Advisor and economist, *Arvind Subramanian, who has also resigned saying he is "devastated" by Mehta's going,* has put it: Ashoka "... can no longer provide a space for academic expression and freedom". That's the message to students, faculty — and to the next generation waiting to go to college. That a fancy campus and a bunch of glittering CVs does never an institution make.

Professor Mehta's letter provides insight into the reasons behind his departure. "After a meeting with the university's founders, it has become abundantly clear to me that my association with the university may be considered a political liability. My public writing in support of a politics that tries to honour constitutional values of freedom and equal respect for all citizens, is perceived to carry risks for the university. In the interests of the university, I resign," he wrote to University Vice-Chancellor Malabika Sarkar. He added that "a liberal university will need a liberal political and social context to flourish" and expressed hope that the university would play a role in securing that environment. "In light of the prevailing atmosphere, the founders and the administration will require renewed commitment to the values of Ashoka, and new courage to secure Ashoka's freedom," he wrote.

Earlier, in a solidarity statement, the faculty said they were troubled by the "plausible" scenario that Prof. Mehta's resignation was a direct consequence of his role as a public intellectual and critic of the government.

### Chilling precedent

Even more troubling is the possibility that our university may have acceded to pressure to remove Professor Mehta or to request and accept his resignation," said the faculty statement, adding that it would "set a chilling precedent for future removals of faculty, curtailing our sense of who we are as researchers and teachers." The University's Student Government and Alumni Council also gathered signatures for a solidarity statement, demanding transparency from the administration and founders. Historian Ramachandra Guha, who is a former member of Ashoka's Academic Council had tweeted, "In its journey thus far, Ashoka University had shown much promise. They may have frittered all that away by the spinelessness of their Trustees, who have chosen to crawl



when asked to bend." *In a report, Ashoka's student newspaper, The Edict, quoted a source claiming that Ashoka's founders endorsed the resignation, "motivated by an understanding that if Prof. Mehta resigned, the university's efforts to acquire a new plot of land to expand the campus would get much smoother. Additionally, formal recognition for the fourth-year PG diploma, Ashoka Scholars' Programme, was also hinted at being part of the deal."*

#### V-C refutes charges

However, Dr. Sarkar refuted these allegations, saying that the university had already acquired the land several years ago, and that permissions for the four-year programme were also under way. The students demanded an independent inquiry into Prof. Mehta's ouster.

### WHAT WAS THE SIGNIFICANCE OF MAHATMA GANDHI'S DANDI MARCH?

*On the 91st anniversary of the historic salt march led by Mahatma Gandhi from Sabarmati Ashram to Dandi in Gujarat, Prime Minister Narendra Modi flagged off a symbolic 386-kilometre 'Dandi march', following the same route on Friday.* The PM also launched *Azadi ka Amrit Mahotsav to celebrate 75 years of India's Independence.* The 24-day march from March 12 to April 5, 1930 was a tax resistance campaign against the British salt monopoly. Based on Gandhi's principle of non-violence or Satyagraha, the march marked the inauguration of the civil disobedience movement. The Dandi march was easily the most significant organised movement against the British Raj after the non-cooperation movement of the early 1920s. In all the attention that it drew from the national and international media and world leaders, it was truly a turning point in the Indian Independence movement.

#### Why did Gandhi call for the Dandi March?

*The 1882 Salt Act gave the British a monopoly in the manufacture and sale of salt. Even though salt was freely available on the coasts of India, Indians were forced to buy it from the colonisers.* Gandhi decided that if there was any one product through which the civil disobedience could be inaugurated, then it was salt. "Next to air and water, salt is perhaps the greatest necessity of life," he said, explaining his choice, even though many in the working committee of the Congress were not too sure about it. The British government, including the Viceroy Lord Irwin too did not take the prospect of a campaign against the salt tax too seriously. Addressing a massive gathering in Ahmedabad on March 8, Gandhi declared his decision to break the salt laws. "That is for me one step, the first step, towards full freedom," he said as quoted in historian Ramachandra Guha's book, 'Gandhi: The years that changed the world (1914-1948)'. Guha wrote, "Gandhi wanted this to be a long march, or pilgrimage perhaps, where his leisurely progress would enthuse people along the way and attract wider publicity too." Finally, he decided on Dandi to be the point at which the salt law would be broken.

#### What happened during the march?

There was great excitement in Ahmedabad on the eve of the march. A large crowd gathered around Sabarmati ashram and stayed through the night. Gandhi wrote to Nehru that night, informing him about rumours of his arrest. That did not happen though and Gandhi woke up a free man the following day. *He gathered his walking mates, a group of 78 men, who were bona fide*



*ashramites. These included Manilal Gandhi from South Africa and several others from all across India. "There were thirty-one marchers from Gujarat, thirteen from Maharashtra, lesser numbers from the United Provinces, Kerala, Punjab and Sindh, with Tamilnad, Andhra, Karnataka, Bengal, Bihar and Orissa sending one man apiece. The diversity was social as well as geographical, for among the chosen marchers were many students and khadi workers, several 'untouchables', a few Muslims and one Christian," wrote Guha. Even though women too wanted to be part of the march, Gandhi preferred to keep it restricted to men alone.* They started out at 6:30 AM, amidst a large group cheering them along with flowers, greetings and rupee notes. On their way they stopped at a number of villages, where Gandhi addressed large crowds with fiery speeches on the need to boycott the salt tax. Newspapers of the day reported on how at every stop Gandhi was greeted by enthusiastic followers. "Indescribable scenes of enthusiasm marked the progress of the march of the Swaraj Army on this fourth day. . . . The rich and the poor, millionaires and mazurs [workers], 'caste' Hindus and so-called untouchables, one and all, vied with one another in honouring India's great liberator," noted a report in the *Bombay Chronicle*. Other newspapers, particularly the *international ones like the Time magazine and The Daily Telegraph, though provided a much bleaker picture of the march.* Gandhi reached Dandi on *April 5.* The *following day, early morning he proceeded along with the other marchers to the sea, where he picked up lumps of natural salt lying in a small pit.* The act was symbolic, but was hugely covered by the press, and was the beginning of several other acts of civil disobedience in other parts of India. "With this, I am shaking the foundations of the British Empire," said Gandhi while picking up the salt in his hand. "Now that the technical or ceremonial breach of the Salt Law has been committed it is open to any one who would take the risk of prosecution under the Salt Law to manufacture salt wherever he wishes and wherever it is convenient. My advice is that the workers should everywhere manufacture salt to make use of it and to instruct the villagers to do so," he told a representative of the Free Press.

#### **What was the significance of the Dandi march?**

The popularity gained by the march shook up the British government. It responded by arresting more than 95,000 people by March 31. *The following month Gandhi proceeded to Dharasana salt works from where he was arrested and taken to the Yerawada Central Jail.* As Gandhi broke the salt laws in Dandi, similar acts of civil disobedience took place in other parts of India. In Bengal, for instance, volunteers led by Satish Chandra Dasgupta walked from Sodepur Ashram to the village of Mahisbathan to make salt. K.F Nariman in Bombay led another group of marchers to Haji Ali Point where they prepared salt at a nearby park. The illegal manufacture and sale of salt was accompanied by the boycott of foreign cloth and liquor. What started as salt satyagraha soon grew into mass satyagraha. Forest laws were flouted in Maharashtra, Karnataka and the Central Provinces. Peasants in Gujarat and Bengal refused to pay land and chowkidari taxes. Acts of violence too broke out in Calcutta, Karachi and Gujarat, but unlike what happened during the non-cooperation movement, Gandhi refused to suspend the civil disobedience movement this time. *The Congress Working Committee decided to end the Satyagraha only in 1934.* Even though it did not immediately lead to self rule or dominion status, the Salt Satyagraha did have some long term effects. "Indian, British and world opinion increasingly recognised the legitimate claims of Gandhi and the Congress for Indian Independence," wrote Richard L. Johnson who authored the book, 'Gandhi's experiments with truth: Essential writings by and about Mahatma Gandhi'. Moreover, the British also realised that control over India now depended completely on the consent of the Indians.



## ENERGY MEET CALLS FOR FASTER SHIFT TO RENEWABLES

### **Pandemic offers an opportunity: IRENA**

The COVID-19 crisis offers an unexpected opportunity for countries to decouple their economies from fossil fuels and accelerate the shift to renewable energy sources, says the World Energy Transitions Outlook report, brought out by the *International Renewable Energy Agency (IRENA)*. *Previewed at the virtual Berlin Energy Transition Dialogue, which began on Tuesday, the report proposes energy transition solutions for the narrow pathway available to contain the rise of temperature to 1.5 degree Celsius. Highlighting the need for countries to change direction with careful recalibrating of stimulus packages and recovery measures, director general of IRENA Francesco La Camera said, "The COVID-19 crisis has highlighted the cost of tying economies to the fate of fuels prone to price shocks. Amid this, renewables have shown remarkable resilience." IRENA observed that the emergence of a new energy system based on renewable technologies and complemented by green hydrogen and modern bioenergy. It estimated that by 2050, 90% of total electricity needs would be supplied by renewables, followed by 6% from natural gas and the remaining from nuclear. The agency has identified 30 innovations for the integration of wind and solar PV in power systems. Ugandan climate activist Vanessa Nataka, who delivered the keynote address, criticised the leaders for continuing to invest in fossil fuel commitments, saying, "We cannot eat coal and we cannot drink oil."*

## CENTRE RECONSTITUTES PANEL ON MYTHICAL SARASVATI RIVER

The Centre has reconstituted an advisory committee to chalk out a plan for studying the mythical Sarasvati river for the next two years, after the earlier panel's term ended in 2019. The Archaeological Survey of India (ASI) on March 10 issued a notification for *"reconstitution of the Advisory Committee for the Multidisciplinary Study of the River Sarasvati"*. The ASI had first set up the committee on December 28, 2017 for a period of two years. *The committee would continue to be chaired by the Culture Minister and include officials from the Culture, Tourism, Water Resources, Environment and Forest, Housing and Urban Affairs Ministries; representatives of the Indian Space Research Organisation; officials from the governments of Gujarat, Haryana and Rajasthan; and an ASI official. Among the "non-official members" of the 27-member panel are archaeologists B.R. Mani, Vasant Shinde, K.N. Dixit and K.K. Muhammed, and historian Balmukund Pandey. The committee includes Madan Gopal Vyas, Ratnesh Tripathi, Prabhu Sundarji Bhai Thakkar, S. Kalyan Raman, Prashant Bhardwaj, Amit Rai Jain, V.M.K. Puri and Mukesh Garg. One of the officials in the panel said the committee would review the work done by the previous panel and then formulate a plan. The committee would advise the Government Departments conducting research.*

## ENVIRONMENTALISTS, RESIDENTS AGAINST LEGALISATION OF MINING IN ARAVALIS

Ahead of the hearing of a petition by Haryana government seeking permission for mining in Aravalis in Gurugram and Faridabad in the Supreme Court, environmentalists and the residents are strongly opposed to mining being legalised and demand that forest cover be increased in the State. In an email campaign to the *Chief Justice of India, the residents have been demanding that no mining and real estate be allowed in the Aravalis. Instead, the government should come out with a three-year roadmap to take the legal native forest cover in the State to 20%, as per the Haryana*

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





*Forest Department policy target and an all-India average. The other demands include demolition of all illegal construction in the Aravalis, planting of native sablings, notifying 50,000 acre of the Aravalis as deemed forest and retaining the Aravalis in South Haryana as Natural Conservation Zone.*

#### **Pollution issue**

The residents, in the email, argued that destruction of the Aravalis would worsen the air pollution situation in the NCR and the mountain range is the only natural barrier against desertification. *The Aravalis, with their natural cracks and fissures, have the potential to put two million litres of water per hectare in the ground every year. Besides, the mountain range is a biodiversity hotspot with 400-odd species of native trees, shrubs and herbs; 200-odd native and migratory bird species; 100-odd butterfly species; 20-odd reptile species and 20-odd mammal species, including leopards, says the email. As per the Economic Survey of Haryana 2020-21, as many as 58 mines out of the total 119 have been allocated. More than 26,000 cases of illegal mining, including 1,358 till September 2020 for the current financial year, have been reported. Besides, the collection from mining for 2020-21, till January, is ₹770.00 crore – the highest since 2005-06.*

#### **DELHI REMAINS MOST POLLUTED CAPITAL**

*Delhi remained the most polluted capital city in the world but India, on the whole, had improved its average annual PM2.5 (particulate matter) levels in 2020 than in 2019, according to a report from IQ Air, a Swiss air quality technology company specialising in protection against airborne pollutants, and developing air quality monitoring and air cleaning products. Delhi's PM2.5 concentration level, based primarily on data from the Central Pollution Control Board, was 84.1 µg/m<sup>3</sup> in 2020, a 15% improvement from the 98.6 µg/m<sup>3</sup> recorded in 2019 when the city was ranked the world's most polluted capital for the second straight year. Average pollution levels were 51.9 µg/m<sup>3</sup> in 2020 compared with 58.1 µg/m<sup>3</sup> in 2019, making India the third most polluted country in 2020, unlike in 2019, when its air was the fifth most noxious.*

#### **India ranked third**

Bangladesh and Pakistan were the countries in 2020 with worse average PM2.5 levels than India, said the report. *China ranked 11th in the latest report, a deterioration from the 14th in the previous edition of the report. In the 2020 report, 106 countries were evaluated.* The pollution levels are weighted averages, meaning that the population of a country influences the pollution values reported. In 2020, 84% of all monitored countries observed air quality improvements. Other improvements in major cities over 2019 included a 11% drop in Beijing, a 13% drop in Chicago, a 17% drop in Paris and a 16% drop in London and Seoul. However, of the 106 monitored countries, only 24 met the World Health Organization annual guidelines for PM 2.5, the report underlined. When ranked by cities, Hotan in China was the most polluted, with an average concentration of 110.2 µg/m<sup>3</sup>, followed by Ghaziabad in Uttar Pradesh at 106. Of the 15 most polluted cities, 13 were in India. In spite of being a pandemic year, 2020 was a particularly severe for agricultural burning. Farm fires in Punjab increased 46.5% over 2019.



## LABOUR PAINS

*Even as leading economic indicators seem to suggest that the Indian economy is recovering to pre-COVID levels, the stress in the labour market does not appear to be receding at an equal pace.* In fact, going by the state of the labour market in Delhi, the distress in large sections of the labour force continues unabated. As reported in this paper, *a Delhi government commissioned survey shows that even after economic activities began to gain traction with the easing of the lockdown restrictions, the unemployment rate stood at a steep 28.5 per cent in October-November 2020, as compared to 11.1 per cent in January-February, before the pandemic had hit. In the case of women, it had worsened from 25.6 per cent before the pandemic to 54.7 per cent in October-November. This is an alarming situation.* The extent of the labour market scarring during this period has been enormous. *The periodic labour force survey released by the National Statistical Office had shown a sharp rise in the unemployment rate in urban areas during April-June 2020. The unemployment rate for those aged 15 years and above had risen to 20.8 per cent during April-June 2020, from 9.1 per cent during January-March 2020. Even the labour participation rate had fallen during this period, indicating that many workers simply opted out of the labour force.* As economic activities gained traction in the months thereafter, at the national level, the unemployment rate is likely to have declined. But this recovery is unlikely to have been even across various segments of the labour force, and the situation in Delhi likely mirrors trends in other parts of the country. *In rural areas too, data on work demanded under MGNREGA suggests continuing labour market distress. In February the number of additional households demanding work was around 64 lakh, indicative of a continuing lack of absorptive capacity in rural areas.* Yet during this period, when more government support was needed, many state governments cut back on spending. Data from PRS Legislative Research shows that the Delhi government also spent 9 per cent less than what it had budgeted for in 2020-21. Given the extent of the labour market scarring, far greater policy support is needed.

## GOVT. QUESTIONS GLOBAL HUNGER INDEX METHOD

*Union Minister of State for Agriculture Parshottam Rupala, in the Rajya Sabha on Friday, questioned the methodology and data accuracy of the Global Hunger Index (GHI) report, which has placed India at 94th among 107 countries in 2020.* Mr. Rupala claimed that children considered healthy were also counted to determine the ranking. The Minister said the government had written to the NGO, *Welthungerhilfe*, which compiles the report, expressing concerns about their methodology, data accuracy and sample size and was yet to hear from them. Mr. Rupala was responding to a question by Sanjay Singh of the Aam Aadmi Party who pointed out that the Minister's written reply showed that India's ranking had improved from 102 in 2019 to 94 in 2020. Mr. Singh sought to know *why India was ranked below countries such as Nepal, Bangladesh and Myanmar, when it was among top 10 food-producing countries in the world.* Whenever a street dog gives birth in our village, even though it bites, our women provide it with sheera (sweet dish). So, in a country where such a tradition exists when an NGO comes and releases such a report about our children, we should not be sensitive to such reports. As far as these surveys are concerned, even healthy and strong children are counted... there should be awareness in society, our dynamic minister Smriti [Irani] ji has started a jan andolan, and 13 crore events have been done." In a written reply, the Ministry stated that according to the National Family Health Survey (NFHS)-4, the percentage of wasted,



stunted and malnourished children in 2015-16 stood at 21, 38.4 and 35.7, respectively. It said that compared to NFHS-4 data, the Comprehensive *National Nutrition Survey (CNNS) of 2017-18 showed an improvement of 4%, 3.7% and 2.3% in wasted, stunted and malnourished children respectively. The first-ever CNNS was commissioned by the government in 2016 and was conducted from 2016-18, led by the Union Health Ministry, in collaboration with the UNICEF.* The findings were published in 2019. *CNNS includes only nutrition data, whereas NFHS encompasses overall health indicators. Women and Child Development Minister Smriti Irani informed the Rajya Sabha on Wednesday that 10 lakh children were malnourished in the country. According to the GHI website, the data for the indicators come from the United Nations and other multilateral agencies, including the World Health Organization and the World Bank. GHI is a peer-reviewed annual report, jointly published by Concern Worldwide, an Ireland-based humanitarian group, and Welthungerhilfe, a Germany-based NGO, designed to comprehensively measure and track hunger at the global, regional, and country levels. It says the aim of publishing the report is to trigger action to reduce hunger around the world.*

#### COVID MAY HAVE DOUBLED POVERTY IN INDIA

*India's middle class may have shrunk by a third due to 2020's pandemic-driven recession, while the number of poor people — earning less than ₹150 per day — more than doubled, according to an analysis by the Pew Research Center. In comparison, Chinese incomes remained relatively unshaken, with just a 2% drop in the middle class population,* it found. The report, released on Thursday, uses World Bank projections of economic growth to estimate the impact of COVID-19 on Indian incomes. The lockdown triggered by the pandemic resulted in shut businesses, lost jobs and falling incomes, plunging the Indian economy into a deep recession. China managed to avoid a contraction, although growth slowed, the report said. “The middle class in India is estimated to have shrunk by 3.2 crore in 2020 as a consequence of the downturn, compared with the number it may have reached absent the pandemic,” said the report, *defining the middle class as people with incomes of approximately ₹700-1,500 or \$10-20 per day.*

#### NREGA demand up

“Meanwhile, *the number of people who are poor in India (with incomes of \$2 or less a day) is estimated to have increased by 7.5 crore because of the COVID-19 recession. This accounts for nearly 60% of the global increase in poverty,*” the report added, *estimating an increase from almost 6 crore to 13.4 crore poor people. It also noted the record spike in MGNREGA participants as proof that the poor were struggling to find work. The vast majority of India's population fall into the low income tier, earning about ₹150 to 700 per day.* Pew's projections suggest this group shrank from 119.7 crore to 116.2 crore per day, with about *3.5 crore dropping below the poverty line.* The *middle income group is likely to have decreased from almost 10 crore to just 6.6 crore,* while the *richer population who earn more than ₹1,500 a day also fell almost 30% to 1.8 crore people.* Pew warned that the situation may actually be worse than estimated. “*The methodology in this analysis assumes that incomes change at the same rate for all people,*” it said. “*If the COVID-19 recession has worsened inequality, the increase in the number of poor is likely greater than estimated in this analysis.* The middle class may have shrunk by more than projected,” it added.



## ALLAYING CONCERNS

*A little over 392 million doses of vaccine have been administered globally, according to the Bloomberg Vaccine Tracker, with India accounting for around 9% of them. In the last week, there have been a flurry of reports from Europe, of blood clots developing in a very small fraction of those vaccinated and leading to a cascade of European countries announcing a temporary halt to their vaccination programmes involving the AstraZeneca (AZ) vaccine. WHO and the European Medicines Agency have underlined that there is no causal link between vaccines and the occurrence of such clots. In fact, there are less than 40 such occurrences reported so far, and that is much below the background of about 1,000 to 2,000 blood clots every single day in the general population, say studies based on the U.S. population.* These organisations advocate that the ongoing vaccination drives continue, even accelerate, as the rate of vaccination is not keeping pace with what is required to control the pandemic. However, there are good reasons too for the countries to have called for a temporary halt. *The AZ, Pfizer and Moderna vaccines have been released under emergency use authorisations, meaning that the entire profile of risks associated with them have not been thoroughly studied.* History is replete with instances of vaccines that have been taken off even years after approval after a slight increase in untoward complications. As of now, the risk of dying from serious COVID-19 far outweighs that from vaccine reactions and it is such a calculation that weighs on the minds of regulators before approving vaccines. *Unlike drugs administered to the sick, vaccines have a higher bar of proving themselves safe as they are given to the healthy.* Regulators of all countries rely on the experiences of others, as exemplified in India alone where it was AZ trials in the United Kingdom that paved the way for approval in India. Therefore, a warning in one country must immediately activate the sensors in another. *India has a long experience with vaccinations as well as expertise in evaluating risk; however, transparency and prompt data sharing, thereby building public trust, is not one of its strong suits.* This was evidenced by *the approval of vaccines in spite of scant efficacy data. There is almost no information by the National Committee on Adverse Events Following Immunisation on the nature of serious adverse events following immunisation. This is in contrast to the frequent analyses shared by organisations such as the U.S. Centers for Disease Control and Prevention on adverse events. Public trust is a key ingredient to successful vaccination programmes and this can be only earned by the government's zealous attention to allaying concerns.*

## THE COVID-19 VACCINES INDIA IS MAKING, TESTING AND SUPPLYING

With Covid-19 cases on the rise in India once again and the nationwide immunisation drive against the SARS-CoV-2 virus aiming to cover 300 million people by August, the government has increased its demand for Covishield and Covaxin — the two vaccines currently in use here. However, the companies making these shots are expected to supply doses to other countries as well. At least one of them has said that India's demand has surpassed the doses it expected to earmark for the country, impacting its ability to fulfil its commitments to other countries and a global Covid-19 vaccine programme in a timely manner. At a time supplies of several vaccines around the world could take a hit due to instances of vaccine and raw material nationalism, the question is whether the existing supplies will be enough to cover the requirements of India and the other countries relying on these shots going forward. However, given that India has emerged a major hub for manufacturing Covid-19 vaccines, there is optimism that other vaccines in the



pipeline may be able to ease this burden. The major Covid-19 vaccines being made, tested or supplied in the country:

#### **Sputnik V**

**Company:** Russian Direct Investment Fund in collaboration with Dr Reddy's Laboratory (for testing) as well as Hetero Biopharma and Gland Pharma (for manufacturing)

**Platform:** Non-replicating human adenovirus vector

**Number of doses:** 2 (each dose uses a different adenovirus)

**Efficacy:** 91.6%

**Capacity:** Up to 352 million doses per year

**Status:** Dr Reddy's is completing a bridging study on 1,500 participants in India, after which it will have to submit complete data on the safety and ability of the vaccine to prompt an immune response. The company is seeking emergency use approval in the country.

#### **ZyCov-D**

**Company:** Zydus Cadila

**Platform:** DNA plasmid

**Number of doses:** 3

**Efficacy:** Not available yet

**Capacity:** Approximately 150 mn doses a year

**Status:** Currently in phase 3 trials in India

#### **Covovax**

**Company:** Serum Institute of India in collaboration with Novavax

**Platform:** Protein subunit

**Number of doses:** 2

**Capacity:** Targeting upwards of 40-50 million doses a month

**Efficacy:** 96.4% against the original virus strain

**Status:** On February 3, SII received approval to conduct a bridging study of this vaccine, which was developed by Novavax, on the Indian population. It is expected to begin this study soon.

#### **BECOV2A, BECOV2B, BECOV2C, BECOV2D**

**Company:** Biological E in collaboration with Baylor College of Medicine



**Platform:** Recombinant protein vaccine containing SARS-CoV-2 receptor binding domain

**Number of doses:** 2

**Capacity:** Around 1 billion doses a year

**Efficacy:** Not available yet (phase 3 trial yet to begin)

**Status:** Phase 1 and 2 human trials in India completed. Depending on findings, expected to be published soon, the company will approach India's drug regulator for permission to conduct phase 3 trials.

#### **BV154**

**Company:** Bharat Biotech in collaboration with Washington University School of Medicine

**Platform:** Non-replicating chimpanzee adenovirus (intranasal route)

**Number of doses:** 1

**Capacity:** Not available

**Efficacy:** Not available yet (phase 3 trial yet to begin)

**Status:** On February 3, Bharat Biotech received approval to conduct a phase 1 trial on 175 participants. The trial is currently open to recruitment, as per the company's filing on the Clinical Trial Registry of India.

#### **HGCO19**

**Company:** Gennova Biopharmaceuticals

**Platform:** mRNA

**Number of doses:** 2

**Capacity:** 360 million installed per year (with parent company Emcure)

**Efficacy:** Not available yet (phase 3 trials yet to begin)

**Status:** Approval received on December 11 for phase 1 and 2 trials. Company expects to begin trial as soon as it submits additional pre-clinical testing data sought by regulator.

#### **Janssen Ad26.CoV2.S**

**Company:** Biological E in collaboration with Janssen Biopharmaceutica (Johnson & Johnson)

**Platform:** Non-replicating human adenovirus vector

**Number of doses:** 1



**Capacity:** Earlier around 600 million, but expected to go up to 1 billion a year with additional funding and support from the US and Japan following the Quad Summit this month.

**Efficacy:** Around 66% across all its trials

**Status:** Not being tested in India at the moment. It is not clear whether government plans to procure doses of this vaccine for use in India.

#### **Covid-19 vaccines already rolled out in India**

##### **Covishield**

**Company:** Serum Institute of India in collaboration with AstraZeneca-University of Oxford

**Platform:** Non-replicating chimpanzee adenovirus vector

**Number of doses:** 2

**Efficacy:** 53.28% if the second dose is given less than 6 weeks after the first dose — the regimen approved for India.

**Capacity:** 840 million to 1.2 bn a year

**Status:** Received permission on January 3 for restricted use in an emergency situation. Covishield, the Indian version of the AZD1222 vaccine from AstraZeneca-Oxford, is currently in use in India's vaccination programme.

##### **Covaxin**

**Company:** Bharat Biotech

**Platform:** Inactivated (killed virus)

**Number of doses:** 2

**Efficacy:** 80.6%

**Capacity:** 150 million doses a year (planned)

**Status:** Received permission on March 11 for restricted use in an emergency situation. Before this, it had received restricted permission "in clinical trial mode" on January 3, allowing the government to use the vaccine in its vaccination programme.

#### **GREGARIOUS BAMBOO FLOWERING IN WAYANAD POSES THREAT**

*The "gregarious flowering of bamboo" inside the Wayanad Wildlife Sanctuary (WWS) and the nearby Mudumalai Tiger Reserve and Gudalur forest division in Tamil Nadu this year may pose a threat to wildlife in the Nilgiri biosphere, a major tiger and elephant habitat. The bamboo groves in the Wayanad forest are the mainstay of herbivores in the Nilgiri biosphere during summer. With the advent of the season, migration of wild animals starts from the adjacent sanctuaries in Karnataka and Tamil Nadu to Wayanad due to shortage of fodder and water. "The gregarious flowering may*

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adversely affect migration, *especially by elephants, wild gaur, and other lower herbivores owing to the mass destruction of bamboo groves after the flowering,*” S. Narendra Babu, wildlife warden, WWS, said. “Bamboo groves, which grow in more than 500 hectares of the 344.44 sq km of the sanctuary, have fully bloomed, a phenomenon said to occur once in the life cycle of bamboo plants,” he added. Moreover, pointing to a threat to wildlife as well as the ecology of the Nilgiri biosphere, it is reported that over 25% of bamboo groves in the WWS and nearby sanctuaries have bloomed since 2010, and the phenomenon is continuing. *Thorny bamboo (Bamboosa bambos) is a monocarpic (flowering only once) plant belonging to the Poaceae family (grass family), and its flowering cycle varies from 40 to 60 years.* Profuse natural regeneration occurs from seeds after gregarious flowering. Seeds have no dormancy, and it helps germination under favourable conditions soon after seed fall, Mr. Babu said. But protection from fire and grazing is essential for proper establishment of seedlings, he observed. Fire incidents have been comparatively low in the sanctuary for the past five years owing to summer rain and conservation measures implemented by the Forest Department.

## SIX TIGERS ‘MISSING’ IN RANTHAMBORE

*Six tigers — four adults and two sub-adults — have been unaccounted for since March 2020 in the Ranthambore tiger sanctuary, Rajasthan.* However, State forest officials are not willing to label them “missing” and denied reports that they may have been poached. Independent wildlife groups such as Tiger Watch have alleged that the tigers have been missing for over a year and that *“negative human intervention being a cause [poaching]” could not be ruled out. The National Tiger Conservation Authority, a wing of the Union Environment Ministry, has constituted a committee to ascertain the disappearance of the tigers.* R.P. Gupta, Secretary, Environment Ministry, said while a report was still awaited from the State, it was not unusual for tigers to move outside the reserve — even as far as Mathura, Uttar Pradesh; Bharatpur in Rajasthan and Dati in Madhya Pradesh — but they have not ruled out other causes. There have been no camera trap images of the six creatures since March, T.C. Verma, Chief Conservator of Forests, Ranthambore Tiger Reserve, told The Hindu. Ranthambore’s estimated 70 tigers exceeded its carrying capacity, he said, and newer tigers were driving out older ones and so the tigers had possibly branched out of their territories. “We have conducted searches for over the last one year and have so far come across no carcasses or any other sign of them. But we have had instances of a tiger disappearing for many years and then re-emerging. I would say no harm has come to them and they have probably moved to adjoining forests.” Qamar Qureshi, scientist at the Wildlife Institute of India, Dehradun, said the disappearance of tigers was a cause for concern. “The details are sketchy but generally established adults don’t venture very far. So if it is this category of tigers and so far not captured on camera, then there is cause for concern. Also the particular territories in Ranthambore are notorious for poaching,” he told The Hindu. *The Ranthambore Reserve is the only source of tigers in the territory with about 53 tigers constituting over 90% of the population in this block, as per the latest census made public last year. India has 2,967 tigers, a third more than in 2014, according to results of a census made public on July 29 last year. Ranthambore, according to this exercise, had 55 tigers. Madhya Pradesh has the highest number of tigers at 526, closely followed by Karnataka (524) and Uttarakhand (442). Chhattisgarh and Mizoram saw a decline in tiger population and all other States saw an increase.*





## SC BATS FOR GREAT INDIAN BUSTARD

*The Supreme Court on Monday intervened on behalf of the critically endangered Great Indian Bustards over the birds falling dead after colliding with power lines running through their dwindling natural habitats in Gujarat and Rajasthan. A Bench led by Chief Justice of India Sharad A. Bobde will examine on a priority basis whether overhead power cables can be replaced with underground ones to **save one of the heaviest flying birds on the planet**. Attorney General K.K. Venugopal, appearing for the Power Ministry, however submitted that **only low voltage lines can go underground but not the high voltage ones**. The court found further that an alternative mechanism — **to install flight bird divertors — to guide the birds away from the power lines would be expensive. The court discovered that the divertors, with their recurring costs, would end costing more than installing and maintaining underground lines**. But the court suggested treading the middle path. **“Wherever there is high voltage power lines, they can use flight bird divertors even if the recurring costs are high**. Wherever there are overhead low voltage lines, these lines can be placed underground,” Chief Justice Bobde remarked. **Senior advocate A.M. Singhvi, appearing for some power companies, objected to the court passing any sort of blanket ban which would affect over 50 lakh jobs. Mr. Singhvi said the greater threat to the birds was from their diminishing habitat, flattened for agriculture. The court agreed to further hear the case next week.***

## RESPONSIBLE AI — THE NEED FOR ETHICAL GUARD RAILS (RENATA DESSALLIEN - UN RESIDENT COORDINATOR, INDIA)

*Since Czech writer Karel Čapek first mentioned robots in a 1920s play, humans have dreamed about intelligent machines. What if robots take over policing? What if nanny-bots look after our children and elderly? What if — and this has been rich fodder for dystopian literature — they became more intelligent than us? Surrounded as we are by the vestiges of our analogue world, to many of us, these wonderings may seem decades from fruition. **But artificial intelligence (AI), the engine of the Fourth Industrial Revolution, is already very much with us.***

### AI's exponential growth

It is embedded in the recommendations we get on our favourite streaming or shopping site; in GPS mapping technology; in the predictive text that completes our sentences when we try to send an email or complete a web search. It promises to be even more transformative than the harnessing of electricity. **And the more we use AI, the more data we generate, the smarter it gets**. In just the last decade, AI has evolved with unprecedented velocity — from beating human champions at Jeopardy! in 2011, to vanquishing the world's number one player of Go, to decoding proteins (<https://go.nature.com/30N9BQz>) last year. **Automation, big data and algorithms will continue to sweep into new corners of our lives until we no longer remember how things were “before”**. **Just as electricity allowed us to tame time, enabling us to radically alter virtually every aspect of existence, AI can leapfrog us toward eradicating hunger, poverty and disease — opening up new and hitherto unimaginable pathways for climate change mitigation, education and scientific discovery.**



### For better or for worse

*Already, AI has helped increase crop yields (<https://bit.ly/3cAUv67>), raised business productivity, improved access to credit and made cancer detection faster and more precise (<https://go.nature.com/3qRmfb0>). It could contribute more than \$15 trillion to the world economy by 2030 (<https://pwc.to/3tvmJq1>), adding 14% to global GDP. Google has identified over 2,600 use cases of “AI for good” worldwide (<https://bit.ly/3qSmsM2>). A study published in Nature (<https://go.nature.com/3tlzJyj>) reviewing the *impact of AI on the Sustainable Development Goals (SDGs)* finds that AI may act as an enabler on 134 — or 79% — of all SDG targets. We are on the cusp of unprecedented technological breakthroughs that promise to positively transform our world in ways deeper and more profound than anything that has come before. *Yet, the study in Nature also finds that AI can actively hinder 59 — or 35% — of SDG targets.* For starters, *AI requires massive computational capacity, which means more power-hungry data centres — and a big carbon footprint* (<https://bit.ly/3lms0f4>). Then, *AI could compound digital exclusion.* Robotics and AI companies are building intelligent machines that perform tasks typically carried out by low-income workers: self-service kiosks to replace cashiers, fruit-picking robots to replace field workers, etc.; but the day is not far when many desk jobs will also be edged out by AI, such as accountants, financial traders and middle managers. *Without clear policies on reskilling workers, the promise of new opportunities will in fact create serious new inequalities. Investment is likely to shift to countries where AI-related work is already established* (<https://bit.ly/2NnrMt7>), widening gaps among and within countries. *Together, Big Tech’s big four — Alphabet/Google, Amazon, Apple and Facebook — are worth a staggering \$5 trillion, more than the GDPs of just about every nation on earth. In 2020, when the world was reeling from the impact of the COVID-19 pandemic, they added more than \$2 trillion to their value.* The fact is, just as AI has the potential to improve billions of lives, *it can also replicate and exacerbate existing problems, and create new ones.* Consider, for instance, the documented examples (<https://bit.ly/30Ny8VI>) of *AI facial recognition and surveillance technology* discriminating against people of colour and minorities. Or how *an AI-enhanced recruitment engine, based on existing workforce profiles, taught itself that male candidates were preferable to female.**

### Privacy worries

*AI also presents serious data privacy concerns. The algorithm’s never-ending quest for data has led to our digital footprints being harvested and sold without our knowledge or informed consent.* We are constantly being profiled in service of customisation, putting us into *echo chambers of like-mindedness*, diminishing exposure to varied viewpoints and eroding common ground. Today, it is no exaggeration to say that with all the discrete bytes of information floating about us online, *the algorithms know us better than we know ourselves.* They can nudge our behaviour without our noticing. Our level of *addiction to our devices, the inability to resist looking at our phones*, and the *chilling case of Cambridge Analytica* — in which such algorithms and big data were used to alter voting decisions — should serve as a potent warning of the individual and societal concerns resulting from current AI business models. In a world where the algorithm is king, it behoves us to remember that it is still humans — with all our biases and prejudices, conscious and unconscious — who are responsible for it. We shape the algorithms and it is our data they operate on. Remember that *in 2016, it took less than a day for Microsoft’s Twitter chatbot, christened “Tay”, to start spewing egregious racist content, based on the material it encountered.*



### Ensuring our humane future

How then do we ensure that AI applications are as unbiased, equitable, transparent, civil and inclusive as possible? How do we ensure that potential harm is mitigated, particularly for the most vulnerable, including for children? *Without ethical guard rails, AI will widen social and economic schisms, amplifying any innate biases at an irreversible scale and rate and lead to discriminatory outcomes.* It is neither enough nor is it fair to expect AI tech companies to solve all these challenges through self-regulation. First, they are not alone in developing and deploying AI; governments also do so. Second, only a “whole of society” approach to AI governance will enable us to develop broad-based ethical principles, cultures and codes of conduct, to ensure the needed harm-mitigating measures, reviews and audits during design, development and deployment phases, and to inculcate the transparency, accountability, inclusion and societal trust for AI to flourish and bring about the extraordinary breakthroughs it promises. Given the global reach of AI, such a “whole of society” approach must rest on a “whole of world” approach. *The UN Secretary-General's Roadmap on Digital Cooperation (<https://bit.ly/3cDBrV2>) is a good starting point: it lays out the need for multi-stakeholder efforts on global cooperation so AI is used in a manner that is “trustworthy, human rights-based, safe and sustainable, and promotes peace”.* And *UNESCO has developed a global, comprehensive standard-setting draft Recommendation on the Ethics of Artificial Intelligence to Member States (<https://bit.ly/3cC4pEH>) for deliberation and adoption.* Many countries, including India, are cognisant of the opportunities and the risks, and are striving to strike the right balance between AI promotion and AI governance — both for the greater public good. *NITI Aayog's Responsible AI for All strategy (<https://bit.ly/30LMXiv>), the culmination of a year-long consultative process, is a case in point.* It recognises that our digital future cannot be optimised for good without multi-stakeholder governance structures that ensure the dividends are fair, inclusive, and just. Agreeing on common guiding principles is an important first step, but it is not the most challenging part. It is in the application of the principles that the rubber hits the road. It is where principles meet reality that the ethical issues and conundrums arise in practice, and for which we must be prepared for deep, difficult, multi-stakeholder ethical reflection, analyses and resolve. Only then will AI provide humanity its full promise. Until then, AI (and the humans who created it) will embody the myth of Prometheus: the Titan who shared the fire of the gods with mortals, and the trickster whose defiance of Zeus led to Pandora opening her box.

DreamIAS



## BUSINESS & ECONOMICS

### INDIAN MARKET, AFTER FEDERAL RESERVE MOVE

*In a reprieve for the debt and equity markets, the Federal Reserve on Wednesday announced that the interest rates are being kept near zero. While it maintained that it will continue the flow of credit to households and businesses and support the economy, it indicated that there may not be any interest rate hike through 2023.* While that boosted investor sentiment and led to a rise in major indices around the world, the Indian market fell by over 1% on Thursday, despite opening on a strong note. Market participants feel that while the market may be witnessing some correction on account of *concerns over rise in bond yields and domestic factors including rise in Covid-19 numbers over the last week*, the trajectory for the market remains upwards and investors should stay put and invest on dips.

#### What has the Fed announced?

*The Federal Reserve maintained that the path of the economy will depend significantly on the course of the pandemic and progress on vaccinations. The Federal Open Market Committee (FOMC) said that it expects to maintain an accommodative stance in its monetary policy until it achieves maximum employment and inflation of 2% over the longer run. "The Committee decided to keep the target range for the federal funds rate at 0 to 1/4 percent and expects it will be appropriate to maintain this target range until labour market conditions have reached levels consistent with the Committee's assessments of maximum employment and inflation has risen to 2 percent and is on track to moderately exceed 2 percent for some time. In addition, the Federal Reserve will continue to increase its holdings of Treasury securities by at least \$80 billion per month and of agency mortgage-backed securities by at least \$40 billion per month until substantial further progress has been made toward the Committee's maximum employment and price stability goals," the statement read.* It said these asset purchases will help foster smooth market functioning and accommodative financial conditions, thereby supporting the flow of credit to households and businesses. While the Fed has announced it will keep interest rates near zero, market experts say the issue hovers around the rise in bond yields which impacts the equity markets, and that is where there is a disconnect between market and central banks. *While central banks can keep their policy rates low, the long-term bond yields are getting determined by factors such as expectations of higher growth and inflation.* "If the yields start rising then they start competing with equities, and that impacts equity market movement," said Pankaj Pandey, head of research at ICICIdirect.com.

### LOOKING BEYOND PRIVATISATION (RAJMOHAN UNNITHAN - AN MP FROM KASARAGOD, KERALA)

In the recent Budget session, the Union government announced its intent to privatise Public Sector Banks (PSBs). *While improving efficiency has been cited as the reason for this move, it is not clear whether privatisation brings efficiency or reduces associated risks.* Around the world, innumerable private banks have failed, thus challenging the notion that only private banks are efficient. Similarly, if private enterprises are the epitome of efficiency, why do private corporate entities have such large volumes of NPAs? Bank nationalisation ushered in a revolution for India's banking sector. *Before nationalisation, barring the State Bank of India, most banks were privately owned and*

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*they largely benefited the rich and the powerful.* The nationalisation of 14 private banks in 1969, followed by six more in 1980, transformed the banking sector, created jobs, extended credit to the agriculture sector and benefited the poor. Areas that had so far been neglected, including agriculture, employment-generating productive activities, poverty alleviation plans, rural development, health, education, exports, infrastructure, women's empowerment, small scale and medium industry, and small and micro industries, became priority sectors for these banks.

### Equitable growth

The move also helped in promoting more equitable regional growth, and this is evident from RBI data. *There were only 1,833 bank branches in rural areas in the country in 1969, which increased to 33,004 by 1995 and continued to grow over the next decades. Banking services also reduced the dependence on moneylenders in rural regions. Nationalised banking improved the working conditions of employees in the banking sector, as the state ensured higher wages, security of services, and other fringe benefits. As an institution, PSBs are vehicles of the Indian economy's growth and development, and they have become the trustees of people's savings and confidence.* The PSBs played a huge role in making the country self-sufficient by supporting the *green, blue, and dairy revolutions*. They have also contributed significantly to infrastructural development. Public sector banks in India are currently earning considerable operating profits, to the tune of ₹1,74,390 crore in 2019-20 and ₹1,49,603 crore in 2018-19. Why is the government then, instead of strengthening PSBs, starving them of the required capital and human resources through disinvestment and the proposed privatisation? Placing such a huge network of bank branches and the infrastructure and assets in the hands of private enterprises or corporates may turn out to be an irrational move. It could lead to denial of convenient and economical banking services to the common man; the risks of monopoly and cartelisation may only complicate the issue.

### Stringent laws

Furthermore, in the context of privatisation and efficiency, it is unfair to blame PSBs alone for the alarming rise of NPAs. On the contrary, stringent measures are required to recover large corporate stressed assets, which is a key concern for the entire banking sector. This must include *strong recovery laws and taking criminal action against wilful defaulters*. So far, the government has not exhibited a firm willingness to implement these measures. *Wilful default by large corporate borrowers and subsequent recovery haircuts, imposed through the ill-conceived Insolvency and Bankruptcy Code, has resulted in a heap of write-offs, putting a big dent on the balance sheets of PSBs.* This has not only affected the profitability of the banks, but has also become an excuse to allege inefficiency. There is an urgent and imperative need to bring in a suitable statutory framework to consider wilful defaults on bank loans a "criminal offence". A system to examine top executives of PSBs across the country will also help in improving accountability. But privatisation of PSBs is not a definitive panacea for the problems of the banking sector in India.

## PRICE TO PAY

*Inflationary pressures in the Indian economy appear to be rising. Data on wholesale prices, released on Monday, and on retail prices, released last week, suggests that the increase in prices is not a one-off movement, but a more broad-based phenomenon. It is especially worrying that core inflation continues to remain elevated.* Higher commodity prices, the normalisation of domestic demand,



and an increase in the pricing power of producers, signal that these pressures are unlikely to moderate in the near term. *The data released by the government shows that the wholesale price index (WPI) rose to a 27 month high of 4.2 per cent in February, up from 2 per cent in January. Similarly, retail prices, as measured by the consumer price index (CPI), have risen to a three-month high of 5 per cent in February, up from 4.1 per cent in January. Part of the rise in inflation at both the wholesale and retail level is due to food prices. Food prices, at the wholesale level, rose to 3.3 per cent in February, after falling by 0.3 per cent in the previous month. At the retail level, the food price index rose to 3.87 per cent in February, up from 1.96 per cent in January. Core inflation, which strips away food and fuel, has hardened at both the retail and wholesale level, driven in part by rising global commodity prices, and an increase in pricing power on the back of strengthening of demand. Going forward, the hardening of crude oil prices is a matter of concern. According to data from the Petroleum Planning and Analysis Cell, the Indian crude oil price basket has risen from \$54.79 per barrel in January to \$61.22 in February, and is likely to rise further, as production cuts by oil producers have been extended, in the midst of a recovery in global demand. As both global and domestic demand strengthens, a faster rollout of the vaccine programme will provide a fillip, core inflation is unlikely to moderate in the near term. And with governments unlikely to cut taxes on fuels, inflationary pressures are unlikely to abate. Elevated inflation, with upside risks, limits the policy choices before the monetary policy committee (MPC), which is slated to meet early next month. While economic activity has picked up, the recovery is not yet on a firm footing, suggesting that the MPC will continue to maintain the status quo.*

#### SALUTARY REMINDER

*With just over two weeks left to the March 31 deadline for the government and RBI to complete the quinquennial review of the current inflation target under the monetary policy framework, the latest Consumer Price Index (CPI) reading provides a salutary reminder for policymakers to maintain a ceaseless vigil over price stability. Retail inflation, measured by the CPI, accelerated to a three-month high of 5.03% in February, data released by the National Statistical Office on Friday showed. The jump of almost 100 basis points from January's 4.06%, while partly attributable to a base effect given that price gains had relatively eased in February 2020, is a clear signal that food and fuel costs continue to pose a threat to broader price stability in the economy. Specifically, *the RBI's early February prognostication of continuing pressures in the prices of pulses and edible oils has been borne out by the last two months' CPI data.* Inflation of both essential food products has persisted in the double digits during the period, and in the case of the latter, accelerated disconcertingly to 20.8% last month. Price gains with respect to two other key sources of protein, meat and fish and eggs, also remain stuck above 11%. And *the deflation in vegetable costs, which had helped offset the generalised pressure in food inflation, also waned considerably in February to minus 6.7% from minus 15.8% in January.* The upshot was that food and beverages as a combined category, with a weight of 54.2% in the CPI, witnessed an almost 160 basis points quickening in inflation to 4.25% last month, from January's 2.67%. Another equally worrisome source of inflationary pressure is the continuing upward trajectory in the prices of petroleum products. Transport and communication, which directly reflect these prices, saw inflation rocket by more than 200 basis points to 11.4% in February, from 9.3% the preceding month. *Diesel, the main fuel for freight carriage, is now hovering around ₹85 per litre in many parts and will most certainly feed into the costs of everything requiring to be transported. Brent crude oil futures have surged by close to 40% in the three-month period through March 11 in the wake of output cuts by major oil**

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*producing nations, another worrying portent for inflation. With the RBI's own researchers having so cogently laid out the case for persisting with the current flexible inflation targeting regime of ensuring that price gains stay within the 2% to 6% band in the central bank's first Report on Currency and Finance in eight years, policymakers must stay laser focused on keeping price stability front and centre of their fresh framework for the next quinquennium. Any effort to dilute the focus in a purported bid to prioritise growth, risks putting the economy on a perilous path that may secure neither objective.*

#### SPECIFY REASONS FOR REJECTING HEALTH CLAIMS

*The Insurance Regulatory and Development Authority of India (IRDAI) has cautioned insurers against not being transparent to policyholders while rejecting health insurance claims. "Insurer shall ensure that the repudiation of the claim is not based on presumptions and conjectures," the IRDAI said in a circular to Life, General and Standalone Health Insurance Companies as well as TPAs. IRDAI said when a claim is denied or repudiated, the insurer should communicate the same, specifically mentioning reasons and also referring to the corresponding policy conditions.*

#### DELHI HC STAYS FUTURE ON RELIANCE DEAL

*In a major victory for U.S.-based e-commerce giant Amazon, the Delhi High Court on Thursday ruled that Future Retail Limited (FRL) and its promoters including Kishore Biyani "deliberately and wilfully" violated the order of an emergency arbitrator (EA) restraining FRL from going ahead with its assets sale deal with Reliance Retail. Noting that the intention of FRL and its promoters "do not appear to be honest", the high court directed attachment of the assets of Future Coupons Private Limited (FCPL), FRL, Mr. Biyani and 10 other promoters. Justice J.R. Midha also directed Mr. Biyani and the other promoters to be present before the court on the next date of hearing on April 28. It additionally issued show-cause notices to all the promoters "to show cause why they be not detained in civil prison for a term not exceeding three months" for violation of the emergency arbitrator's order. The high court also imposed a cost of ₹20 lakh on Future Group which will be deposited in the Prime Minister's Relief Fund for providing COVID-19 vaccines to senior citizens of Below Poverty Line (BPL) category. It directed Future Group not to take any further action in violation of the interim order passed by the emergency arbitrator at the Singapore International Arbitration Centre (SIAC) on October 25, 2020. The high court's order came on a plea of Amazon, which has 49% stake in FCPL, seeking enforcement of the EA award. Amazon had contended that it had invested ₹1,431 crore in FCPL with the clear understanding that FRL would be the sole vehicle for its retail business and its retail assets would not be alienated without its consent and never to a Restricted Person, including the Mukesh Dhirubhai Ambani (MDA) Group. Amazon stated that FRL had taken various steps to transfer the retail assets to the restricted person, MDA Group, in violation of the EA order and that the firm was continuing with it.*

#### 'Breached agreements'

"The respondents (Future Group) have breached the agreements. However, there is no remorse. The intention of the respondents does not appear to be honest," the high court remarked. FCPL, which holds 9.82% in FRL, has objected to the enforcement of the EA award on various ground including that the EA is not an Arbitrator or Arbitral Tribunal. The high court rejected this saying,



“The interim order dated 25th October, 2020 is legal, valid and enforceable as an order of the Court”. FRL had also argued that Reliance was acquiring the retail and wholesale business as also the logistics and warehousing business from the Future Group as going concerns on a slump sale basis for a lumpsum aggregate consideration of ₹24,713 crore. The high court, however, rejected FRL’s argument that if this scheme fell through, it was inevitable that FRL would go into liquidation.

## BITCOIN HITS \$60,000 IN RECORD HIGH

Bitcoin, the world’s biggest cryptocurrency, on Saturday crossed a record high of \$60,000. Bitcoin has risen sharply this year, broadly outperforming conventional asset classes, partly due to broader acceptance as a form of payment.

### Raising money

In recent weeks, companies have taken advantage of its strength to raise hundreds of millions of dollars in funding, capitalising on improved market sentiment. A \$1.5-billion bitcoin bet last month by Tesla saw Elon Musk’s electric car company join business software firm MicroStrategy and Twitter boss Jack Dorsey’s payments company Square in swapping some traditional cash reserves for the digital coin. Coinbase, the biggest U.S. cryptocurrency exchange, filed last month for a Nasdaq listing. Regulatory approval would represent a landmark victory for cryptocurrency advocates seeking mainstream endorsement. Amid rising customer demand to own and invest in bitcoin, Goldman Sachs Group said it is exploring how to serve those clients while remaining on the right side of regulation. It recently restarted a cryptocurrency trading desk and this month it started dealing bitcoin futures and non-deliverable forwards.

# DreamIAS





## LIFE & SCIENCE

### WHAT IS 2001 FO32, THE LARGEST ASTEROID PASSING BY EARTH THIS YEAR?

*On March 21, the largest asteroid predicted to pass by Earth in 2021 will be at its closest. It won't come closer than 2 million km to Earth, but it will present a valuable scientific opportunity for astronomers who can get a good look at a rocky relic that formed at the dawn of our Solar System. It is called 2001 FO32.* There is no threat of a collision with our planet now or for centuries to come.

#### Speed & distance

Scientists know its *orbital path around the Sun very accurately, since it was discovered 20 years ago and has been tracked ever since. For comparison, when it is at its closest, the distance of 2 million km is equal to 5¼ times the distance from Earth to the Moon.* Still, that distance is close in astronomical terms, which is why 2001 FO32 has been designated a “*potentially hazardous asteroid*”. During this approach, *2001 FO32 will pass by at about 124,000 kph – faster than the speed at which most asteroids encounter Earth.* The reason for the asteroid's unusually speedy close approach is its *highly eccentric orbit around the Sun, an orbit that is tilted 39° to Earth's orbital plane. This orbit takes the asteroid closer to the Sun than Mercury, and twice as far from the Sun as Mars. As 2001 FO32 makes its inner solar system journey, the asteroid picks up speed.* In a statement announcing the upcoming approach, *NASA likened the asteroid's picking up of speed to a skateboarder rolling down a halfpipe. Later, the asteroid slows after being flung back out into deep space and swinging back toward the Sun. It completes one orbit every 810 days (about 2¼ years). After its brief visit, 2001 FO32 will continue its lonely voyage, not coming this close to Earth again until 2052,* when it will pass by at about seven lunar distances, or 2.8 million km. Even if it is at the smaller end of the scale, 2001 FO32 will still be the largest asteroid to pass this close to our planet in 2021. The last notably large asteroid close approach was that of 1998 OR2 on April 29, 2020. While 2001 FO32 is somewhat smaller than *1998 OR2, it will be three times nearer to Earth.*

#### Studying the visitor

*The March 21 encounter will provide an opportunity for astronomers to get a more precise understanding of the asteroid's size and albedo (i.e. how bright, or reflective, its surface is), and a rough idea of its composition. When sunlight hits an asteroid's surface, minerals in the rock absorb some wavelengths while reflecting others. By studying the spectrum of light reflecting off the surface, astronomers can measure the chemical “fingerprints” of the minerals on the surface of the asteroid. Over 95% of near-Earth asteroids the size of 2001 FO32 or larger have been discovered, tracked, and catalogued.* None of the large asteroids in the catalogue has any chance of impacting Earth over the next century, and it is extremely unlikely that any of the remaining undiscovered asteroids of this size could impact Earth, either. *Still, efforts continue to discover all asteroids that could pose an impact hazard.*

### MARTIAN ‘BLUEBERRIES’ FIND A PARALLEL ON EARTH

#### Similar haematite concretions have been found in Kutch, Gujarat



In 2004, NASA's Mars exploration rover 'Opportunity' found several small spheres on the planet, informally named Martian blueberries. Opportunity's spectrometers studied the *mineralogy and noted they were made of iron oxide compounds called haematites. This caused excitement, as the presence of haematites suggests that there was water present on Mars.* "The widely accepted formation mechanism of haematite concretion [hard solid mass] is precipitation from aqueous fluids. Haematite is known to form in oxidising environments, and based on our experience on Earth, we infer that water must have also played a crucial role in the formation of grey haematite on Mars," explains Dwijesh Ray from the Planetary Sciences Division of Physical Research Laboratory, Ahmedabad in an email to The Hindu. *He has been studying haematite concretions in Kutch. His recent paper notes that the 'blueberries' in India and Mars share similar characteristics.*

### Jhuran formation

The team has been studying *the Jhuran formation in Gujarat which is between 145 and 201 million years old. Detailed geochemistry and spectroscopic investigations of the haematite concretions in this area revealed that they resemble the ones on Mars. They have similar morphology – spherical, often doublet and triplet – and similar mineralogy – a mixture of haematite and goethite.* The results were published in Planetary and Space Science. "The haematites on Mars not just show the presence of water, they also indicate that the planet had an atmosphere with oxygen as haematites need oxygen to stabilise. We do not know if the concentration was high enough to permit lifeforms, but there was indeed more oxygen than the present day scenario," explains Saibal Gupta from the Department of Geology and Geophysics at IIT Kharagpur, one of the authors of the paper. About the age of the 'blueberries' on Mars, he explains: "The exact time correlation is not possible. Water is believed to have disappeared from Mars rocks about three billion years ago. Studies from the newly landed Perseverance rover may help find new clues and signs of life and other organic compounds, thus helping us paint a detailed picture of the history of Mars."

### Martian analogue

Several researchers have shown that the Kutch area is a potential Martian analogue locality. A 2016 paper argued that the *occurrences of hydrous sulphate in the Matanumadh area of Kutch, resemble Martian surficial processes. It has been also argued that the transformation from the wet and humid to dry and arid environment on Mars is mimicked by the history of Kutch.* Dr. Ray explains that there may be several other localities in Kutch that share a geologic history of the surface to near-surface processes that appear to be similar to ancient Mars. "The concretions in the Jhuran Formation of Kutch represent another data point that reinforces the need to use the Kutch area for further analogue studies of the Martian surface," he says.

## ADVANCED NATIONS FAILING WORLD ON CLIMATE CHANGE

Finance Minister Nirmala Sitharaman on Friday admonished advanced countries for failing to keep their financing commitments to help emerging economies cope with climate change, invoking the recent Uttarakhand disaster as an example of the vulnerabilities that need to be addressed. The government, she said, was committed to building infrastructure *that would not only revive the economy but also prove resilient to the risks of climate change.* "We are looking at innovative systems that can certify [that] the resilience of the infrastructure is established. A global standard for certification for resilient infra is also something we are thinking of," Ms. Sitharaman

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



*said at the International Conference on Disaster Resilient Infrastructure. Arguing that advanced economies had failed to fulfil their 'quantitative commitment' to provide \$100 billion a year to help smaller countries, she pointed out that this amount itself was 'meagre', to begin with.*

#### THE LAST NOTE

A songbird that has forgotten its song. It has come to light that some specimens of the regent honeyeater (*Anthochaera phrygia*), a critically-endangered bird endemic to southeastern Australia, have been singing songs which ecologist Ross Crates — who observed the phenomenon — described as “weird”. *They are not singing their own songs but are imitating songs of other species such as friarbirds and cuckooshrikes.* It doesn't sound like a big deal. It may even seem like an amusing oddity. But for this species, whose beautiful yellow markings earned it a name inspired by renowned gold embroidery of the ancient Phrygians, this development is potentially fatal. *If the male regent honeyeater doesn't sing the right song — its own song — females will reject it, thus dooming the future prospects not just of an individual, but of the whole species which currently numbers only about 300.* But why is this bird singing the wrong song? Because, by all accounts, given its drastically reduced population — thanks, mainly, to habitat loss — it's growing up in the wrong company. Young males are increasingly isolated from others of their species, including the adults from whom they learn their songs. The vicious cycle of isolation feeds on itself and, unless conservation efforts are stepped up, will stop only with the death of the last bird. Over the last one year, humankind has come to truly understand the mental and physical toll of social isolation. Many of us have gone weeks and months without seeing another human soul, a loss that doesn't feel real until it is experienced. Perhaps, this pandemic experience can help us understand the isolation that is now stilling the song and hastening the demise of an entire species.

#### GENETICS OF EYE COLOUR

*Human eye colour ranges from black, brown to blue, green, and even red. Eye colour is primarily determined by melanin abundance within the iris pigment epithelium, which is greater in brown than in blue eyes. There are two forms of melanin – eumelanin and pheomelanin – and the ratio of the two within the iris as well as light absorption and scattering by extracellular components are additional factors that give irises their colour.* Absolute melanin quantity and the eumelanin–pheomelanin ratio are higher in brown irises, while blue or green irises have very little of both pigments and relatively more pheomelanin. The researchers from King's College London also found that eye colour in Asians with different shades of brown is genetically *similar to eye colour in Europeans ranging from dark brown to light blue.* Previously a dozen genes (mainly HERC2 and OCA2) were found to influence eye colour. The researchers have now identified 50 new genes for eye colour (Science Advances). Genetic analysis of nearly 0.2 million people across Europe and Asia helped the researchers to identify the new genes. *The findings collectively explain over 53% of eye colour variation using common single-nucleotide polymorphisms. Overall, the study outcomes demonstrate that the genetic complexity of human eye colour considerably exceeds previous knowledge and expectations, highlighting eye colour as a genetically highly complex human trait, says a release.*

#### MOSQUITO PROTEIN INHIBITS NUMBER OF VIRUSES, RAISES HOPE AGAINST COVID TOO



*A mosquito protein, called AEG12, strongly inhibits the family of viruses that cause yellow fever, dengue, West Nile, and Zika, and also weakly inhibits coronaviruses, according to scientists at the US National Institutes of Health (NIH) and their collaborators. The researchers found that AEG12 works by destabilising the viral envelope, breaking its protective covering. The protein does not affect viruses that do not have an envelope. The findings, however, could lead to therapeutics against viruses that affect millions of people around the world, the NIH said in a press release. The research was published online in PNAS. Scientists at the US National Institute of Environmental Health Sciences (NIEHS), part of NIH, used X-ray crystallography to solve the structure of AEG12. NIH quoted senior author Geoffrey Mueller as saying that at the molecular level, AEG12 rips out the lipids (the fat-like portions of the membrane that hold the virus together). "It is as if AEG12 is hungry for the lipids that are in the virus membrane, so it gets rid of some of the lipids it has and exchanges them for the ones it really prefers," Mueller was quoted as saying.*

#### Long way to go

While the researchers demonstrated that *AEG12 was most effective against flaviviruses — the family of viruses to which Zika, West Nile, and others belong — they felt it is possible AEG12 could be effective against SARS-CoV-2, the coronavirus that causes Covid-19.* But, Mueller was quoted as saying that it will take years of bioengineering to make *AEG12 a viable therapy for Covid-19.* Part of the problem is *AEG12 also breaks opens red blood cells, so researchers will have to identify compounds that will make it target viruses only.*



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