



11TH TO 17TH APRIL, 2021

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INTERNATIONAL

U.S. IMPOSES NEW SANCTIONS ON RUSSIA

The United States announced sanctions against Russia on Thursday and the expulsion of 10 diplomats in retaliation for what *Washington says is the Kremlin's U.S. election interference, a massive cyberattack and other hostile activity*. President Joe Biden's broadside against Russia came the same week as he offered to meet President Vladimir Putin for their first summit. In an executive order, *Mr. Biden widened restrictions on U.S. banks trading in Russian government debt, expelled 10 diplomats who include alleged spies, and blacklisted 32 individuals accused of meddling in the 2020 presidential election*. Mr. Biden's order "sends a signal that the U.S. will impose costs in a strategic and economically impactful manner on Russia if it continues or escalates its destabilising international action," the White House said.

Response 'inevitable'

The Kremlin said on Thursday that sanctions would not "help" momentum for a summit and once the White House unveiled its measures, the Russian Foreign Ministry warned a Russian response was "inevitable." *"The United States is not ready to come to terms with the objective reality that there is a multipolar world that excludes American hegemony,"* spokeswoman Maria Zakharova said. The latest tension comes amid worries both in the U.S. and its European allies over Russia's recent troop build up on the border of Ukraine. The imprisonment of Alexei Navalny, who is effectively the last open political opponent to Mr. Putin, has further spiked concerns in the West. The White House statement listed in first place Moscow's "efforts to undermine the conduct of free and fair democratic elections and democratic institutions in the U.S. and its allies and partners." *This referred to allegations that Russian intelligence agencies mounted disinformation and dirty tricks campaigns during the 2016 and 2020 presidential elections, in part to help Donald Trump's candidacy. The White House said the sanctions likewise respond to "malicious cyber activities against the U.S. and its allies and partners," referring to the massive so-called SolarWinds hack of U.S. government computer systems last year. The statement also called out Russia's extraterritorial "targeting" of dissidents and journalists and undermining of security in countries important to U.S. national security. In addition, the Department of Treasury, together with the EU, Australia, Britain and Canada, sanctioned eight individuals and entities associated with Russia's occupation of Crimea in Ukraine. In Brussels, the NATO military alliance said U.S. allies "support and stand in solidarity with the U.S., following its announcement of actions to respond to Russia's destabilising activities".*

AFTER US EXIT FROM AFGHANISTAN

The announcement by President Joe Biden that the US will withdraw all its troops from Afghanistan by September 11, 2021, the 20th anniversary of the 9/11 attacks, has sent tremors through the region's fault-lines. Unlike the Trump Administration, which made its troop withdrawal by May 1 conditional — on Taliban taking steps to prevent al-Qaeda or any other group from sheltering in Afghanistan, and agreeing to a dialogue on power sharing with the Afghan government — the *Biden plan has no strings attached*. There are about 2,500-3,500 US troops in Afghanistan at present, plus a NATO force of under 8,000. A co-ordinated withdrawal is expected to begin soon.

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The impact of this announcement on various actors within Afghanistan and outside is bound to be far-reaching. It can be said with certainty that no country in the region will remain untouched.

Afghanistan: advantage Taliban

Biden's announcement has removed all incentives for the Taliban to agree for a dialogue with the Afghan government. In a statement on Thursday, the Taliban indicated as much: "The Islamic Emirate will under no circumstance ever relent on complete independence and establishment of a pure Islamic system, and remain committed to a peaceful solution to the Afghan problem following the complete and certain end of occupation. *The proposal by US Secretary of State Anthony Blinken in March is now almost certainly dead in the water. It included a 90-day ceasefire; talks under the auspices of the UN for a consensus plan for Afghanistan among the US, Russia, China, Pakistan, Iran and India; and a meeting in Turkey between the Taliban and Afghan government towards an "inclusive" interim government, an agreement on the foundational principles of the future political order and for a permanent ceasefire.* Turkey has scheduled the talks for April 24, and the Biden Administration has said it remains committed to finding a political solution. But the Taliban are now in a different zone. The Taliban declared in the statement that the "American officials have understood the Afghan situation" but as the withdrawal had been put off "by several months" to September, rather than stick to the Doha Agreement (signed between the Trump Administration's special envoy Zalmay Khalilzad and the Taliban last March) date of May 1, America had violated the agreement. This had "opened the way" for the Taliban to take "counter-measures", and the American side "will be held responsible for all future consequences, and not the Islamic Emirate". According to the Long War Journal (a project of the US-based Foundation for the Defense of Democracies), *of Afghanistan's 325 districts, the Taliban are in control of 76 or 19%, and government forces 127 or 32%. The remaining are contested.* According to the Council of Foreign Relations, the Taliban are stronger now than at any point since 2001, when US forces invaded Afghanistan. After the full withdrawal of troops, Taliban are likely to see the war, which they believe they have already won, to its completion. The recently published US Threat Assessment Report, an annual US intelligence briefing, said prospects for a peace deal are dim, *the Taliban are confident of victory in the battlefield, and the Afghan government will struggle to hold them at bay.* President Ashraf Ghani tweeted the stoic message that his government "respects the US decision and we will work with our US partners to ensure a smooth transition". But he and others who have invested in a democratic Afghanistan know the country is close to losing all the gains of the last 15 years. *There is deep apprehension of a return to the 1990s, although there is also a view that the Taliban too have changed over 25 years, and would not want to alienate the international community as they did when they ruled Afghanistan during 1996-01.* Earlier, Ghani had proposed that if the Taliban were ready to talk, he would give up what remained of his presidential term, and hold a re-election in which the Taliban were free to participate. *The Taliban have always rejected elections as un-Islamic, and the government of Afghanistan as a "puppet" of the US. Ghani's proposal gained no traction.*

Pakistan: gains, concerns

This is a moment of both vindication and concern in Islamabad. *The Taliban are a creation of the Pakistani security establishment.* After the US invasion of Afghanistan, they removed themselves to safe havens in Pakistan territory, and the Taliban High Council operated from Quetta in Balochistan. *It was Pakistan that persuaded the Taliban to do a deal with the Trump Administration.*



For the Pakistani Army, which has always seen Afghanistan in terms of “strategic depth” in its forever hostility with India, *a Taliban capture of Afghanistan would finally bring a friendly force in power in Kabul after 20 years. India, which has had excellent relations with the Karzai and Ghani governments, would be cut to size. But a US withdrawal also means Pakistan will need to shoulder the entire burden of the chaos that experts predict.* Civil war is not ruled out and with it, *the flow of refugees into Pakistan once again*, even as the country struggles with refugees from the first Afghan war. All this at a time when the economy is flailing, and Pakistan stays afloat on an IMF loan with strict conditionalities. Plus, *the Taliban are not a monolith, and have recently shown streaks of independence from Pakistan.* It has to guard against instability in Afghanistan from spilling over the border. Pakistan’s eastern front with India is quiet at the moment, so that is one headache less, but it would remain a concern for the Pakistan Army.

India: time to be wary

New Delhi, which was hoping to be part of the Blinken initiative, would be nervous about the US withdrawal. India was on the outer edges of the Trump drive to exit Afghanistan that culminated in the Doha Accord, and was a reluctant supporter of the “intra-Afghan talks” between the Taliban and Afghan government. When the Biden Administration came in, India was hopeful of a US reset. *The Blinken proposal gave India a role, by recognising it as a regional stakeholder, but this proposal seems to have no future.* The Haqqani group, fostered by the ISI, would have a large role in any Taliban regime. *Another concern would be India-focused militants such as Lashkar-e-Toiba and Jaish-e-Mohamed, which the Indian security establishment already believes to have relocated in large numbers to Afghanistan.*

Russia, China & Iran

China would have much to lose from instability in Afghanistan as this could have an impact on the China Pakistan Economic Corridor. A Taliban regime in Afghanistan might end up stirring unrest in the Xinjiang Autonomous region, home to the Uighur minority. Conversely, as an ally of Pakistan, it could see a bigger role for itself in Afghanistan. *The US exit is for Russia a full circle after its own defeat at the hands of US-backed Mujahideen and exit from Afghanistan three decades ago.* In recent years, Russia has taken on the role of peacemaker in Afghanistan. But both the Taliban and the Afghan government have been wary of its efforts. *After a conference in March of Russia, US, China and Pakistan, along with Taliban and Afghan delegates, a joint statement by the four principals said they did not support the establishment of an Islamic Emirate, leaving the Taliban angry.* Russia’s growing links with Pakistan could translate into a post-US role for Moscow in Afghanistan. *As a country that shares borders with Pakistan and Afghanistan, Iran perceives active security threats from both.* And a Taliban regime in Kabul would only increase this threat perception. But Iran, with links to the Hazaras in Afghanistan, has of late played all sides. *Despite the mutual hostility and the theological divide between the two, Iran opened channels to the Taliban a few years ago, and recently, even hosted a Taliban delegation at Tehran.*

IRAN SAYS IT HAS STARTED ENRICHING URANIUM TO 60%

Iran began enriching uranium on Friday to its highest level ever, edging closer to weapons-grade levels to pressure talks in Vienna aimed at restoring its nuclear deal with world powers after an attack on its main atomic site. A top official said only a few grams an hour of uranium gas would

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be enriched up to 60% purity — triple the level it once did but at a rate far slower than what Tehran could produce. International inspectors already said Iran planned to do so above-ground at its Natanz nuclear site, not deep within its underground halls hardened to withstand airstrikes. *The move is likely to raise tensions even as Iran negotiates in Vienna over a way to allow the U.S. back into the agreement and lift the crushing economic sanctions it faces.* However, its scope also provides Iran with a way to quickly de-escalate if it chose. The announcement also *marks a significant escalation after the attack that damaged centrifuges at Natanz, an attack this past weekend suspected of having been carried out by Israel. While Israel has yet to claim it, it comes amid a long-running shadow war between the two rivals.* While 60% is higher than any level Iran previously enriched uranium, it is still lower than weapons-grade levels of 90%. Iran had been enriching up to 20%— even that was a short technical step to weapons grade. The deal limited Iran's enrichment to 3.67%.

Iran blamed Israel on Monday for a sabotage attack on its underground Natanz nuclear facility that damaged its centrifuges and vowed it would take “revenge”. Israel has not claimed responsibility for the attack. It rarely does for operations carried out by its secret military units or its Mossad intelligence agency. However, Israeli media widely reported that the country had orchestrated a devastating cyberattack that caused a blackout at the nuclear facility. While the extent of the damage at Natanz remains unclear, a former Iranian official said the assault set off a fire while a spokesman mentioned a “possible minor explosion”. The attack also further strains relations between the U.S., which under President Joe Biden is now negotiating in Vienna to re-enter the nuclear accord, and Israel, whose Prime Minister Benjamin Netanyahu has vowed to stop the deal at all costs.

U.S. CLIMATE ENVOY KERRY IN FIRST CHINA VISIT

In the first significant visit by an official of the Biden administration to China, Special Presidential Envoy for Climate John Kerry arrived in Shanghai for talks with senior Chinese officials. Mr. Kerry will meet China's top climate official, Xie Zhenhua, and may also meet with other senior officials including Politburo member and top diplomat Yang Jiechi and Foreign Minister Wang Yi. The first visit from the new administration in Washington follows last month's dialogue in Alaska, where officials from both sides traded barbs publicly in an unusual exchange played out in front of the cameras. Despite that beginning, the visit underlines the Biden administration does plan to seek a meeting ground with China on some issues, including climate change as well as Iran and North Korea. *The U.S. State Department said the visit was aimed at discussing “raising global climate ambition ahead of President Biden's Leaders Summit on Climate” which will be held virtually on April 22 and 23, to which 40 world leaders, including Prime Minister Narendra Modi and Chinese President Xi Jinping, have been invited.* The climate summit will push for an agreement to keep the 1.5 *degrees Celsius-global warming limit “within reach”.* Just as Mr. Kerry landed in Shanghai, the White House also announced an “unofficial delegation” to Taiwan comprising former senator Chris Dodd and former deputy secretaries of state Richard Armitage and Jim Steinberg, to send “an important signal about the U.S. commitment to Taiwan and its democracy”. That brought a sharp response from China, with Foreign Ministry spokesperson Zhao Lijian saying on Friday “the Taiwan question bears on China's sovereignty, territorial integrity and core interests.”



IN CLIMATE CHANGE NOISE, INDIA'S ROLE AS CONDUCTOR

The recent visit to India by United States Special Presidential Envoy for Climate John Kerry gave an opportunity for both sides to discuss cooperation on climate change and the balance between near-term priorities and long-term targets. U.S. President Joe Biden's 'Leaders' Summit on Climate' scheduled for April 22-23 will also set the stage for major countries to outline their plans. One thing is clear: *Climate action and climate leadership are being increasingly measured against a planetary imperative of emissions reducing to net-zero by 2050.* This presents a conundrum for fast-growing developing countries such as India. They need the carbon space to develop but they are also among the most vulnerable countries to climate change. Is there an equitable way to achieve net-zero greenhouse gas emissions for the planet? Recent debates on whether India should declare a net-zero year or withstand mounting pressure have centred around two alternative strategies. The first is to delegitimise long-term targets. *This view proposes focusing on measurable near-term progress, and paints the long-term (the year 2050 and beyond) as too far to be meaningful in terms of progress towards a deeply decarbonised world.* The alternative approach argues that without long-term targets, the path to decarbonisation has little certainty.

Fine points

This polarised debate needs some nuance. Consider the analogy of a retirement plan. It is a must for everyone. However young, we need to start saving now to meet the goals of a financially secure retirement. It would be foolish to not have a retirement plan on the grounds that it is in the distant future, that medical sciences might advance, or that we could consider retirement properly when we are richer in middle age. To only focus on smaller savings in our youth would ignore the compounding effect that actions today have in the long run. Planning for emissions mitigation is similar: The short- and the long-term cannot be delinked. *Ambitious renewable energy targets, improvements in energy efficiency and fast penetration of electric vehicles are among India's critical low-carbon objectives in the next decade.* Yet, rapid advances in these do not substitute for the need to set a clear direction of travel with the aim to reduce emissions to net-zero. Avoiding this choice makes India look like a climate laggard when its actions actually speak louder than the words of many developed countries.

India needs to replan

India should, instead, reframe the net-zero debate from the perspective of the planet and for the prosperity of its people. India had ensured that "climate justice" was inserted in the preamble to the Paris Agreement. As the climate crisis unfolds, climate justice should imply that humanity respects the planetary boundary of permissible greenhouse gases but also ensures that countries assume equitable responsibility based on their past and future emissions. This approach would be different from merely blaming developed countries for historical emissions and, instead, would establish the criteria by which economic advancement and climate responsibility could go hand-in-hand. We propose a formulation that combines per capita income and aggregate emissions. The *World Bank classifies a high-income economy as one with gross national per capita income of \$12,536 or more in 2019 prices. Any high-income country should not get more than 15-20 years to achieve net-zero emissions from 2020 onwards. This would imply that the European Union or the United States reach net-zero no later than 2035-40, rather than 2050 as they currently propose. China will enter this income category after 2025, so it should achieve net-zero by 2045, rather than*

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2060 as it proposes. India is expected to become a high-income economy around 2050, and it should target net-zero close to 2070. As a recent Council on Energy, Environment and Water report (<https://bit.ly/2Qm7scN>) shows, today's high-income countries would still have a much longer transition period between peaking emissions and net-zero than India would get.

Issue of aggregate emissions

However, per capita income cannot be an excuse for inaction in correcting emissions-intensive development pathways. Aggregate emissions also matter. The historical (past century) and future (this century) aggregate emissions of each country not yet in the high-income category should aim to be progressively smaller than those which have achieved high-income status. This approach acknowledges the potential to tap into technological advances and cost reductions and reinforces the need to give a long-term net-zero signal. (This is how India benefited from falling solar costs over the past decade and was able to aim higher for its renewable energy ambitions.) This approach would trigger a rethink about each country's sustainable development priorities and sectoral pathways — and create the conditions for further innovation and investment in climate-friendly infrastructure, technologies, business models, and lifestyle and behavioural changes. As the suite of mitigation technologies becomes more widely available and cheaper, all countries could achieve net-zero much earlier. The debate between prioritising only near-term actions versus announcing long-term net-zero goals presents a false binary. Both are needed to establish certainty of action, credibility of promises and create incentives for markets to respond. The real debate should be about climate justice for people and the planet. India would do well to propose alternative formulations that establish equity, differentiate the pace of desired action, and yet be progressive in its ambitions.

THE ROOTS OF A DECENTRED INTERNATIONAL ORDER

The International Institute for Strategic Studies puts the overall estimate of China's military budget at \$230 billion (<https://bit.ly/3sofrDw>). The intentions for global supremacy are apparent, chiefly to outrun the Pentagon. The primary geopolitical rivals, namely Russia and China may possibly provide the strategic and tactical counterbalance to the hegemony of America. Moreover, the international order is under threat of the rising economic power of the BRICS nations, with China dominating in its economic and military capacity.

Rising powers and an agenda

Though it is a far cry from surpassing the United States in its military prowess, particularly Russia which has no ambitions of a global outreach, it is apparent that the future of global politics requires a significant programmatic agenda in the hands of the rising powers that are aggressively building a parallel economic order envisaging new centres of hegemonic power. It forebodes the final decline of American ascendancy that began after the end of British imperialism in the aftermath of the Suez Crisis (1956) when a wrap on the knuckles by America led to the withdrawal of Britain and France. Pax Britannica gave way to Pax Americana. From the Renaissance period onwards, 14th-15th century Europe began its hegemonic ambitions through trade and commerce, taking almost 500 years to colonise and influence nations across the world. The tectonic shifts in the postcolonial era saw the interrogation of Eurocentrism and its biased accounts of the East, especially with the appearance of Fanon's *The Wretched of the Earth* and Edward Said's *Orientalism* which began to



propel freedom struggles against western-centric perspectives inherently inadequate and biased for the understanding of the emerging new world order. *It was the Bandung Conference of 1955, a meeting of Asian and African states, most of which were newly independent, that set the schema for the rise of Asia, politically and economically. The confrontational stance was therefore the expected corollary in third world struggles to create a parallel order.*

Dents to American supremacy

Nevertheless, in all likelihood, America will continue to play a prime role in international affairs though its image representing universal brotherhood has sharply declined under the Trump regime, particularly his *foreign policy of threatening to withdraw from the North Atlantic Treaty Organization (NATO) and withdrawing from the Paris Agreement on climate change*. Furthermore, his bare-faced racist obsession and his handling of the marginalised immigrants has left the democratic world aghast. *The rising tide of far-right ultra-nationalism and ethnic purity experienced in the Brexit phenomena, in Trumpism and in the promotion of the right-wing agenda in India, has set in motion the wearing down of liberal democracy*. Other threats such as terrorism, ethnic conflicts and the warning of annihilation owing to climate change necessarily demand joint international action where American *"exceptionalism" becomes an incongruity and an aberration. This indeed has chipped away at the American global supremacy*. The world is, as a result, witness to a more *decentred and pluralistic global order, a rather compelling vision of the empowerment of liberal forces standing up for an international order incentivised by long-term structural shifts in the global economy, indicating the evolving nature of power and status in international politics, especially in the context of the rising impact of Asian Regionalism on international trade and commerce*.

Direction by China

This is the evolutionary path the developing nations are already embarking on, though the current raging novel coronavirus pandemic has retarded economic development and sent many economies such as *Brazil, India, Turkey and South Africa into a downward spiral*. It is hoped that in the *post-pandemic period, these economies would rise to meet the American-led liberal hegemonic world order*. With China *spearheading Asian regionalism, a serious challenge is possible but there is deep scepticism about China's self-enhancing economic and military greed reflecting its personal economic rise*. China must strengthen the opposition to the West through the promotion of regional multilateral institutions. Its self-centred promotion of building its own stature through the recent concentration on principle of the *Belt and Road Initiative and the Silk Road project has, indeed provoked an understandable clash with India and Japan*. More than having individual partners or allies, *China must embrace and give a push to multilateral affiliations in order to not further exacerbate regional tensions. Power rivalry in a multipolar world would remain a possibility with military conflict not ruled out. It would be overly optimistic to imagine that the threat of war is behind us, though it can be safely said that it is unlikely*. Regional military activity can be seen in *Russia's assertion of power in Georgia and Ukraine, Turkey in the east of the Mediterranean, India's disputes with Pakistan and China's infiltration into India as well as its rivalry within its periphery*. History is a witness to nations beginning to flex their muscles once economic rise is assured and recognised across the world. Indeed, the international state of affairs is rather fuzzy and frenzied. However, the capabilities of the rising economies cannot be underestimated. *China and India clearly have the age-old potential to lead as, historically, they have been pioneers of some of the*



oldest civilisations in the world. Whereas, China's military capabilities must not make China lose its bearings, economically it must spearhead the challenge to the established western world that has ingrained its superiority in the consciousness of the developing world for centuries. China indeed is a valuable bedfellow for the launching of a union which could be a formidable challenge to the West at a stage when multifaceted transnational threats confront the world and need the collective universal attention. *The fragmentation of global governance consequently can no longer be handled solely by America. Thus, a more nuanced understanding of power in the circumstance of the declining authority of the West has to be arrived at especially when China is still far from approaching U.S. power in just about any area, particularly in its economic or military strengths, its multinationals that lead just about in every category.* Its defence advantages that are unparalleled. China, on the other hand, is indisputably a serious rival to the U.S. in the South China Sea, a world leader in renewable energy, and a formidable actor on the global stage of investment and trade, penetrating India, Israel, Ethiopia and Latin America. *As Tongdong Bai writes in his book Against Political Equality, China has risen in its global power by "adopting the idea of absolute sovereignty and following the nation-state model, which is in conflict with the Western ideal that human rights override sovereignty.... But it cannot continue to rise by doing what it has been doing and it must eventually follow the liberal democratic models".* China must remember that its growing power has compelled Anthony Blinken, the current U.S. Secretary of State, *to encourage NATO members to join the U.S. in viewing China as an economic and security threat.* Thus, a kind of dualism persists in the world order with no clear hegemony that can be bestowed on one single nation. *Global power gradually extends across a wider range of countries, restoring contestation necessary for the smooth working of a balanced world order, thereby allowing multiple narratives to co-exist on the international level. This has implications for the functioning of a civilisation that is not controlled by the indomitable will of one.*

On sharing and treaties

The emphasis, therefore, would be a move towards restructuring and advancement, as well as adopting an oppositional posture as a robust replacement of subservience to western hegemony. *The challenges of the 21st century can be met head on through mutual sharing of knowledge and more ground-breaking inclusive treaties.* It is feared that there could be a possibility of a *multipolar world turning disordered and unstable, but it is up to the rising nations to attempt to overcome territorial aspirations and strike a forceful note of faith on cultural mediation, worldwide legitimacy, and the appeal of each society in terms of its democratic values.* Interestingly, the sun is now setting on the empire and the rising nations are gradually waking up to a new experience of freedom and self-confidence.

EGYPT PRESSES FOR \$900 MILLION COMPENSATION, SEIZES MEGASHIP

The megaship which blocked Egypt's Suez Canal and crippled world trade for nearly a week has been "seized" on court orders until the vessel's owners pay \$900 million, canal authorities said on Tuesday. The 2,00,000-tonne MV Ever Given got diagonally stuck in the narrow but crucial global trade artery in a sandstorm on March 23, triggering a mammoth six-day-long effort by Egyptian personnel and international salvage specialists to dislodge it. Maritime data company Lloyd's List said the blockage by the vessel, longer than four football fields, held up an estimated \$9.6 billion-worth of cargo between Asia and Europe each day it was stuck. *Egypt also lost between \$12 and*



\$15 million in revenues for each day the waterway was closed, according to the canal authority. The MV Ever Given “was seized due to its failure to pay \$900 million” compensation, Suez Canal Authority (SCA) chief Osama Rabie was quoted as saying by Al-Ahram, a state-run newspaper. Mr. Rabie did not explicitly cite the Japanese owners Shoen Kisen Kaisha, but a different source at the SCA said on Tuesday that negotiations over damages between that company, insurance firms and the canal authority were ongoing. *The Japanese-owned, Taiwanese-operated and Panama-flagged ship was moved to unobstructive anchorage in the canal’s Great Bitter Lake after it was freed on March 29.* The compensation figure was calculated based on “*the losses incurred by the grounded vessel as well as the flotation and maintenance costs,*” Mr. Rabie said.

A SECOND CHANCE FOR NEPAL’S YOUNG DEMOCRACY

Among the key factors of the ongoing political stalemate in Nepal are certain rigid constitutional provisions that have made it possible for Mr. Oli to take cover behind a shield and continue, as getting into election phase or looking for the possibility of a caretaker coalition government is a very difficult proposition. Instead of incorporating the provision of a no-confidence motion in its true spirit as a multi-party democracy, *Nepal gets an unusual clause (Article 100(4)) in its new Constitution that allows a no-confidence motion only two years after the formation of the government — and even this can happen only when one fourth of the total number of existing members of the House of Representatives may table a motion of no-confidence in writing that the House has no confidence in the Prime Minister. Article 100(5) is even more perplexing which necessitates the motion of no-confidence shall also indicate the name of a member proposed for the Prime Minister.* Overcoming such arduous challenges is surely very tough for the three leading parties (Nepali Congress, Maoist Centre and Janata Samajbadi Party) seen in the race to bring the Oli government down. Even to exercise the choice of a no-confidence motion, two parties of these three have to be on the same front for getting the magical number of 68 Parliamentarians. With no consensus or ethical obligations among the wary political parties, the hiatus is likely to sustain itself. The three major parties opposing Mr. Oli’s continuance as the Prime Minister have 142 seats in Parliament, a number that is well sufficient to end the deadlock, enter into a post-Oli era and form a new government. *However, Mr. Oli has astutely managed to outwit his political opponents both within his party and the Opposition by playing on their differences.* While the Nepali Congress is facing an endemic limitation with the decision-making process, its leadership has not shown any clear temptation to explore the possibility of playing any significant role in the ongoing crucial phase in Nepali politics. The Baburam Bhattarai-led Janata Samajbadi Party was expected to be playing an active role in coalition experiments with the Maoist Centre, Nepali Congress and Madhes-based parties, however, no such action was noticed from this camp as well. Maoist Centre Chairman Pushpa Kamal Dahal and Baburam Bhattarai and former Co-Chair with Mr. Oli in the erstwhile Nepal Communist Party formed an informal alliance with Madhav Kumar Nepal as they both wanted Mr. Oli to be unseated in the wake of his decision to dissolve the House of Representatives on December 20 and demanded his resignation. Their demands were limited only to Mr. Oli’s resignation and were not oriented toward the building of an alternate front, which gave a much needed respite to Mr. Oli. After the Supreme Court of Nepal reinstated Parliament in February this year, it came out with the next historic verdict on March 7 in which the top court had scrapped the legal status of the ruling Nepal Communist Party. This led to a formal division in the united communist alliance, besides ensuring a split in the Dahal-Nepal faction. Mr. Nepal, along with other UML leaders loyal to him, was left with no option but to return to the old party. Mr.

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Dahal had to revert to his old party, the Maoist Centre, even as four of its law makers defected to Mr. Oli's UML. Mr. Dahal has also missed taking a political step, in playing safe.

A way out

The political muddle apart, this is no time for elections, especially with a second wave of COVID-19 infections. Nepal also stares at a lack of sufficient numbers of vaccines which has left the population vulnerable. Also, good governance cannot be ensured by a government that is caught up in survivalist compulsions. The best way forward would be in giving democracy a good chance. For now, this can be made possible by the political parties alone. They have to aspire to ensure peace, progress and stability; the easiest option would be to work towards a consensus government with all the major parties joining hands and running it collectively.

THE REBEL PRINCE

When Jordan's *King Hussein was on his deathbed, fighting cancer, he surprised the nation by dismissing his brother Hassan bin Talal as Crown Prince in favour of his son Abdullah. Prince Hassan had been Crown Prince for more than three decades and was almost sure to ascend the throne.* But he accepted the King's decision and when Hussein died on February 7, 1999, *Abdullah became the new monarch. As per the dying wishes of his father, King Abdullah II appointed his half brother Hamzah bin Hussein as the new Crown Prince.* Hussein, who sacked his brother from the line of throne for his son, may have hoped that power would transfer from his one son to another in the future. But history repeated in a few years. In 2004, after consolidating power both within the royal court and the Hashemite family, King Abdullah stripped Hamzah of the Crown Prince status. In 2009, the King named his 15-year-old school-going son, Hussein bin Abdullah, the new Crown Prince. Prince Hamzah, like his uncle Hassan, accepted the King's decision. But he did not stay silent forever. He occasionally raised criticism over the way the country was run. The growing discord in the royal family burst into the open last week when Prince Hamzah and a few other officials were detained for targeting the country's "security and stability". Intelligence sources told western media that the Prince was put under house arrest over a plot to unseat the monarch. *Born in 1980 to King Hussein's fourth wife, the American-born Queen Noor, Prince Hamzah was one of the favourite sons of the late monarch. King Hussein often described him as "the delight of my eye"..*

'Stable kingdom'

The Hashemite Kingdom has long projected itself as an oasis of stability in a volatile region. *Jordan has been an important American ally for years. The palace feud has cut open the long-simmering wounds within the Hashemites, who claim their ancestry to the Prophet Mohammed.* A key challenge King Abdullah faces is the growing anger among Jordanians about government policies. There are widespread corruption allegations. As a stable country in the middle of a conflict zone, Jordan has accepted millions of refugees from around the region over the years, which has stretched its finances. The economic woes mounted in recent months after COVID-19 struck the country. About 7,000 died due to the virus in a country of 10 million people. When nine COVID-19 patients died after a government hospital in Salt, a hillside town near Amman, ran out of Oxygen last month, anti-government protests broke out. Later Prince Hamzah visited the town, met the families of the deceased and consoled them. Local people invited the Prince for a traditional feast two weeks later. Within a few weeks, the palace crackdown on Prince Hamzah unfolded. King Abdullah now



says the crisis has been resolved. But it is unlikely so. Even when he was detained, Prince Hamzah remained defiant, as the leaked messages show. He refused to keep quiet and accused the government of corruption, nepotism and misrule. The monarch may have bought peace for now. But can he keep Prince Hamzah away from politics forever?

PAK. TO BAN RADICAL ISLAMIST PARTY

Pakistan on Wednesday decided to ban a radical Islamist party under the Terrorism Act after its supporters clashed with the law enforcement agencies for the third consecutive day, leaving seven persons dead and over 300 policemen injured. Interior Minister Sheikh Rashid Ahmed told the media that the *Tehreek-i-Labaik Pakistan (TLP) was being banned under the Rule 11-B of Anti-Terrorism Act of 1997*. "I have approved a proposal sent by the government of Punjab to ban the TLP," he said. "We have also warned those who are funding the TLP." Mr. Ahmed said that at least two police officials were killed and 340 others injured in clashes with the protesters during the last two days. The announcement came hours after the Pakistani Rangers cleared the major thoroughfares of the country following sporadic clashes with TLP supporters in some towns and cities. The TLP had launched the country-wide protest on Monday after the arrest of its *chief Saad Hussain Rizvi ahead of April 20 deadline the Islamists had given to the Imran Khan government demanding expulsion of the French Ambassador over the French government's support for Charlie Hebdo magazine to republish cartoons of the Prophet Mohammed — a move deemed blasphemous by many*.

Rizvi's arrest

The TLP, which bagged 2.5 million votes in the 2018 general elections, blocked the roads across the country following the arrest of Saad Rizvi, son of Khadim Hussain Rizvi who died a few months ago. The Minister said that all motorways and highways had been cleared and the main choking point in major cities had also been cleared for traffic. Over 800 Indian Sikhs, who arrived in Lahore via Wagah border on Monday to attend Vaisakhi festival in Gurdwara Panja Sahib Hassanabdal, Rawalpindi, finally reached their destination on Wednesday morning, after being escorted by police. The law enforcement agencies claim to have arrested over 2,000 TLP workers. There are reports of seven death, including two policemen. TLP claimed that 12 of its workers have been killed. A spokesperson for the Punjab police said that two policemen were killed and over 300 suffered injuries in the province.



NATION

(V) INDIAN, INTERNATIONAL LAW AND US ASSERTION

The US Navy announced on April 7 that the USS John Paul Jones from its 7th Fleet had “asserted navigational rights and freedoms approximately 130 nautical miles west of Lakshadweep Islands, inside India’s exclusive economic zone, without requesting India’s prior consent, consistent with international law”. It said “India requires prior consent for military exercises or manoeuvres in its exclusive economic zone or continental shelf, a claim inconsistent with international law”, and the “freedom of navigation operation (“FONOP”) upheld the rights, freedoms, and lawful uses of the sea recognized in international law by challenging India’s excessive maritime claims”. The Ministry of External Affairs responded that the government’s stated position on the UN Convention on the Law of the Sea (UNCLOS) “is that the Convention does not authorise other States to carry out in the Exclusive Economic Zone and on the continental shelf, military exercises or manoeuvres, in particular those involving the use of weapons or explosives, without the consent of the coastal state”.

FONOP: Simply put, the Freedom of Navigation Operations involves passages conducted by the US Navy through waters claimed by coastal nations as their exclusive territory. According to the US Department of Defense (DoD), the FON Program has existed for 40 years, and “continuously reaffirmed the United States’ policy of exercising and asserting its navigation and overflight rights and freedoms around the world”. The DoD says these “assertions communicate that the United States does not acquiesce to the excessive maritime claims of other nations, and thus prevents those claims from becoming accepted in international law”. *While this is not the first time something like this has happened, this is the first time the US Navy has issued a public statement giving details of the operation. Usually, in the past, the DoD has mentioned all FONOP challenges and assertions in its annual report to Congress.*

7TH FLEET: It is the largest of the US Navy’s forward deployed fleets. According to its website, “at any given time there are roughly 50-70 ships and submarines, 150 aircraft, and approximately 20,000 Sailors in Seventh Fleet”, which is commanded by a 3-star Navy officer. *India had a close encounter with the 7th fleet during the 1971 war with Pakistan.* According to military historian Srinath Raghavan, US President Richard Nixon and Henry Kissinger “believed that there was an outside chance for a ceasefire before the Pakistan army caved in on the eastern front”. Nixon instructed his Chief of Navy “to assemble an impressive naval task force and move it off the coast of South Vietnam, into the Malacca Straits, and onward to the Bay of Bengal”. Task Group 74 included the largest aircraft carrier in the US navy, the USS Enterprise. (1971: A Global History of the Creation of Bangladesh)

EEZ: According to UNCLOS, the EEZ “is an area beyond and adjacent to the territorial sea, subject to the specific legal regime” under which “the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention”. As per India’s Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976, the EEZ of India *“is an area beyond and adjacent to the territorial waters, and the limit of such zone is two hundred nautical miles from the baseline”*. India’s *“limit of the territorial waters is the line every point of which is at a distance of twelve nautical miles from the nearest point*



of the appropriate baseline". Under the 1976 law, "all foreign ships (other than warships including sub-marines and other underwater vehicles) shall enjoy the right of innocent passage through the territorial waters", innocent passage being one that is "not prejudicial to the peace, good order or security of India".

Understanding the law

UNCLOS binds all its signatories and customary international law binds all states, subject to exceptions like the doctrine of persistent objector. *Most of the provisions of the UNCLOS are the result of codification of the existing rules of customary international law. India is a party to the UNCLOS while the U.S. is not.* As per the UNCLOS, EEZ is an area adjacent to the territorial waters of a coastal state where the sovereign coastal state has rights and duties relating to management of natural resources; establishment and use of artificial islands, installations and structures; marine scientific research; and protection of the marine environment. *The present difference in legal interpretation brings into the picture Articles 58 and 87 of the UNCLOS.* Article 58 (1) provides that in the EEZ, all States, whether coastal or landlocked, enjoy, subject to the relevant provisions of this Convention, the freedoms referred to in Article 87 of navigation and overflight and of the laying of submarine cables and pipelines as well as other internationally lawful uses of the sea. Article 87 provides for freedom of the high seas under which all states have the freedom of navigation. However, the freedom of navigation is subject to the conditions laid down under the UNCLOS and other rules of international law. In addition to it, Article 58 (3) stipulates another qualification: *"In exercising their rights and performing their duties under this Convention in the exclusive economic zone, States shall have due regard to the rights and duties of the coastal State and shall comply with the laws and regulations adopted by the coastal State..."* *The relevant Indian law in this regard is the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones of India Act, 1976.* Section 7 sub-section 9 of this Act recognises the freedom of navigation of the ships of all States but makes them subject to the exercise of rights by India within the zone. The declaration by India in 1995 also states that India "understands that the provisions of the Convention do not authorize other States to carry out in the exclusive economic zone and on the continental shelf military exercises or manoeuvres, in particular those involving the use of weapons or explosives, without the consent of the coastal State". An ancillary question that emerges is the legal effect of such declarations. Article 310 of the UNCLOS does permit states to make declarations in order to explain the relationship between the Convention and their own laws, but such declarations should not "purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State".

Negotiating concerns

On a conjoint reading of Articles 58, 87 and 310, it can be argued that freedom of navigation cannot be read in an absolute and isolated manner. Given the nature of EEZ and the activities that a coastal state conducts in its EEZ, non-consensual military activities that hinder the lawful enjoyment of such rights need not be permissible. Also, a coastal state is naturally concerned about military exercises and manoeuvres posing a risk to its coastal communities, its installations or artificial islands, as well as the marine environment. Thus, any state which wishes to conduct such exercises must do so only in consultation with the coastal state since the coastal state is the best judge of its EEZ. Both India and the U.S. should negotiate such concerns for the maintenance of international peace and security. *Riding roughshod over international obligations premised either in an erroneous*



interpretation of the law or the scope of its application will not only threaten friendly relations but also undermine the progress made towards codification and development of international law in an area such as the law of the sea, which is particularly complex.

United Nations Convention on the Law of the Sea (UNCLOS) was adopted in 1982. While the U.S.'s decision to conduct "Freedom of Navigation Operations" (FONOPs) is not new, as it regularly carries out such operations in order to "assert" international law off the coasts of 19 countries, most notably China, what appears to be new is the statement issued by the U.S. Navy itself. The government, which responded to the operation on April 9, said it had expressed its "concerns" to the U.S. government through diplomatic channels. In addition, India contested the U.S. claim about international law, saying that UNCLOS did not authorise military manoeuvres on the continental shelf or EEZ, as the 7th fleet had carried out, without prior consent. While the matter has been disposed of diplomatically for the moment, it is clear that the government must prepare to grapple with the issue with the U.S. in the long term. The U.S.'s announcement indicates that a new SOP (Standard Operating Procedure) for these FONOPs is being adopted. To begin with, the government must clearly explain its own position, making it clear to all partners how the Indian law governing maritime claims is in line with international law. Next, it must analyse the U.S.'s motivations for this belligerence, and chart out a course accordingly. Primarily, the U.S. naval actions maybe a message to China, whose maritime claims are increasingly coming into conflict with those of the U.S. and its allies, but Washington is attempting to send a broader message that it will not tolerate any other country's claims. As New Delhi contends with this new reality, it must seek answers from Washington about how their newly intensified Quad partnership, especially their stated objective to cooperate on keeping a "free and open Indo-Pacific", can co-exist with the open challenge the U.S. Navy has posed.

When it ratified the convention in 1995, New Delhi stated, "India understands that the provisions of the Convention do not authorize other States to carry out in the exclusive economic zone and on the continental shelf military exercises or manoeuvres, in particular those involving the use of weapons or explosives without the consent of the coastal State." This position is consistent with India's domestic law — the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones of India Act of 1976 — and remains unchanged.

Lakshadweep: A smart choice

The choice of Lakshadweep for the FONOP doesn't seem incidental. U.S. planners are likely to have known that a U.S. naval foray close to the 'strategic' Andaman and Nicobar Islands would be controversial. Besides necessitating a response from New Delhi, it could have exposed a wrinkle in the relationship that both sides have so far been discreet about: the disagreement over interpretation of the UNCLOS. U.S. planners are likely to have calculated that a naval operation in the waters off Lakshadweep would be unremarkable. With maritime boundaries around the Lakshadweep more settled than the Andaman and Nicobar Islands (where straight baselines on the Western edge of the islands have in the past raised uncomfortable questions), Indian officials could even afford to ignore the operation. To guard against any misreading of intent, the U.S. Navy coupled its FONOP in Indian waters with another sail through the territorial seas of the Maldives, a country with which the U.S. signed a defence agreement in 2020. *The idea, ostensibly, was to signal to China that the U.S. Navy is committed to uphold the rules-based order in the waters of*



opponents and partners alike. Alas, the U.S. 7th Fleet erred in releasing a press statement that set the issue ablaze. Once social media picked up the story, it took on a life of its own.

Bridging the divide

There are lessons for both India and the U.S. from l'affaire Lakshadweep. The U.S. must recognise that FONOPs have implications for New Delhi that go beyond the infringement of Indian jurisdiction in the near seas. Such operations normalise military activism close to India's island territories that remain vulnerable to incursions by foreign warships. *The U.S. Navy's emphasis on navigational freedoms in the EEZs encourages other regional navies to violate India's domestic regulations in the waters surrounding the Andaman and Nicobar Islands.* U.S. hectoring on the subject isn't acceptable as Washington is yet to ratify the UNCLOS. *But New Delhi, too, must rethink its stand on freedom of navigation in the EEZs. It isn't enough for Indian officials and commentators to say U.S. FONOPs are an act of impropriety. The reality is that India's domestic regulation is worryingly out of sync with international law. India's declaration of straight baselines delineating zones around the Andaman and Nicobar Islands (on the Western edge), in particular, is a discrepancy that cannot be explained as a minor departure from the provisions of the UNCLOS.* The U.S. Navy sail through the waters off Lakshadweep highlights a gap in the Indian and American perception of navigational freedoms, complicating an already complex domain of international maritime law. Yet it is not the betrayal of a friend that many have sought to portray the FONOP to be.

S-400 DELIVERY TO BEGIN BY NOVEMBER

The delivery schedule for the S-400 long-range air-defence systems was on track for the end of 2021 despite the COVID-19 pandemic, a senior defence official said. "The deal is on track, and deliveries are expected to begin by November," the official said. Two officials independently stated that efforts were made to speed up the deal but the Russian side had conveyed this was not possible. Two official sources, also speaking independently, *dismissed concerns over possible U.S. sanctions on the deal under the Countering America's Adversaries Through Sanctions Act (CAATSA), stating this deal met national security considerations.* In October 2018, India had signed a \$5.43-billion deal with Russia for five S-400 regiments despite objections from the U.S., with deliveries scheduled to begin by 2021-end. U.S. officials on several occasions raised concerns over the deal as India deepened its defence cooperation with the U.S. and acquired several frontline military platforms such as transport aircraft, helicopters, artillery and drones. Indian officials had reiterated that all payment-related issues had been resolved and the deal was well under way. Responding to questions on the issue at a press conference during his visit to India in February, U.S. Secretary of Defence Lloyd Austin had said that there had been no delivery of an S-400 system, and "the issues of sanctions is not one that's been discussed". He also stated, "But we did address with the Minister of Defence the issue of the S-400."

U.K. NOD FOR EXTRADITION OF NIRAV MODI IN PNB CASE

The U.K.'s Home Department has approved the extradition of diamond merchant Nirav Modi to India in connection with the *₹13,758 crore Punjab National Bank (PNB) fraud, about two months after the Westminster Magistrates' Court in London ruled that a prima facie case was made out against him.* "The Secretary of State for the U.K.'s Home Department, Priti Patel, has cleared Mr.



Nirav Modi's extradition," said a CBI official on Friday. The accused now has the legal recourse of approaching the U.K. High Court within 14 days to seek permission for moving an appeal against the Secretary of State's decision. "Unless there is an appeal, a requested person must be extradited within 28 days of the Secretary of State's decision to order extradition (subject to any appeal)," according to the U.K. government's website. In its order dated February 25, the Westminster Magistrates' Court found sufficient grounds warranting Mr. Modi's trial in India. It also took on record the evidence furnished by the Central Bureau of Investigation and the Enforcement Directorate, alleging that he had conspired to destroy the proof against him and intimidate witnesses.

Employees confined

The agencies alleged that he kept his employees, some of whom were dummy directors in the firms floated by him, in illegal confinement in Cairo. He also disposed of their mobile phones in Dubai. A Dubai-based server, in which information on the electronic communications between the accused persons was stored, was also destroyed. The U.K. court did not find any merit in Mr. Nirav Modi's submissions on the state of his mental health and the condition of barrack 12 in Mumbai's Arthur Road Jail, where he would be kept after extradition. Based on a video inspection, the court observed that the prison was spacious enough and had sufficient security. The court was also convinced that he would get a fair trial in India. The businessman had fled the country on January 1, 2018. On India's request, he was arrested in London on March 19, 2019, and he has since then been in judicial custody there. The CBI had registered the first case against the diamond merchant and others on January 31, 2018, alleging that they cheated the PNB of about ₹6,498 crore by getting Letters of Undertaking (LoUs) issued fraudulently to overseas banks for securing buyer's credit in favour of his three firms. Months later, the agency filed a charge-sheet against him and 24 others. Subsequently, in August 2018, the first extradition request was sent to the U.K. via diplomatic channels. The second chargesheet was submitted against 30 accused, including some companies, on December 20, 2019, regarding 150 outstanding LoUs that caused a loss of about ₹6,805 crore to the bank. Based on the CBI case, the ED also carried out a money laundering probe and attached assets worth hundreds of crores in India and abroad.

BIMSTEC NEEDS TO REINVENT ITSELF (RAJIV BHATIA - DISTINGUISHED FELLOW, GATEWAY HOUSE AND A FORMER AMBASSADOR TO MYANMAR)

The foreign ministers of BIMSTEC (the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation) met virtually on April 1. That they made time to hold their 17th meeting is good news. They advanced the agenda, which had been arrested by the pandemic, since the last ministerial meeting held in August 2018. Their major task was to pave the way for the next summit, the grouping's fifth, due to be held in Sri Lanka in the "next few months". While most multilateral groupings from G20 to ASEAN (Association of Southeast Asian Nations) and SCO (Shanghai Cooperation Organisation) held their deliberations at the highest political level in the midst of the COVID-19 pandemic in 2020, BIMSTEC leaders failed to do so. In contrast to a meeting of even SAARC (South Asian Association for Regional Cooperation) leaders held at India's initiative a year ago, BIMSTEC could not arrange its ministerial meeting until April 2021. This is due as much to contextual factors as the diplomatic environment prevailing today.



Unfolding rejuvenation

Established as a grouping of four nations — India, Thailand, Bangladesh and Sri Lanka — through the Bangkok Declaration of 1997 to promote rapid economic development, BIMSTEC was expanded later to include three more countries — Myanmar, Nepal and Bhutan. It moved at a leisurely pace during its first 20 years with only three summits held and a record of modest achievements. But it suddenly received special attention as New Delhi chose to treat it as a more practical instrument for regional cooperation over a faltering SAARC. The BIMSTEC Leaders' Retreat, followed by their Outreach Summit with the BRICS leaders in Goa in October 2016, drew considerable international limelight to the low-profile regional grouping. This also opened up the path for its rejuvenation. The fourth leaders' summit, held in Kathmandu in August 2018, devised an ambitious plan for institutional reform and renewal that would encompass economic and security cooperation. It took the important decision to craft a charter to provide BIMSTEC with a more formal and stronger foundation. The shared goal now is to head towards "a Peaceful, Prosperous and Sustainable Bay of Bengal Region". At the second swearing-in of the Modi government in May 2019, the leaders of BIMSTEC, not SAARC, were invited as honoured guests. Soon thereafter, External Affairs Minister S. Jaishankar observed that India saw a mix of "energy, mindset and possibility" in BIMSTEC.

Recent decisions

Two and a half years after the Kathmandu Summit, the grouping stands ready to move forward. The foreign ministers cleared the draft for the BIMSTEC charter, recommending its early adoption. They endorsed the rationalisation of sectors and sub-sectors of activity, with each member-state serving as a lead for the assigned areas of special interest. The ministers also conveyed their support for the Master Plan for Transport Connectivity, which will be adopted at the next summit. Preparations have been completed for the signing of three agreements relating to mutual legal assistance in criminal matters, cooperation between diplomatic academies, and the establishment of a technology transfer facility in Colombo. What has been missing from recent deliberations is a reference to the lack of progress on the trade and economic dossier. A January 2018 study by the Federation of Indian Chambers of Commerce and Industry had suggested that BIMSTEC urgently needed a comprehensive Free Trade Agreement to be a real game changer. Ideally it should cover trade in goods, services and investment; promote regulatory harmonisation; adopt policies that develop regional value chains; and eliminate non-tariff barriers. Also lacking was an effort to enthuse and engage the vibrant business communities of these seven countries, and expand their dialogue, interactions and transactions. On this score, BIMSTEC remains a work in progress. Over 20 rounds of negotiations to operationalise the BIMSTEC Free Trade Area Framework Agreement, signed in 2004, are yet to bear fruit. In contrast, much has been achieved in Humanitarian Assistance and Disaster Relief and security, including counterterrorism, cyber security, and coastal security cooperation. India has led through constant focus and follow-up — to the extent that some member-states have complained about the 'over-securitisation' of BIMSTEC. The trick to ensure balance is not to go slow on security but to accelerate the pace of forging solid arrangements for economic cooperation. Similarly, while national business chambers are yet to be optimally engaged with the BIMSTEC project, the academic and strategic community has shown ample enthusiasm through the BIMSTEC Network of Policy Think Tanks and other fora.



Hurdles

The goal now should be to overcome the obstacles leading to BIMSTEC's success. First, a strong BIMSTEC presupposes cordial and tension-free bilateral relations among all its member-states. This has not been the case, given the trajectory of India-Nepal, India-Sri Lanka, and Bangladesh-Myanmar ties in recent years. Second, uncertainties over SAARC hovers, complicating matters. Both Kathmandu and Colombo want the SAARC summit revived, even as they cooperate within BIMSTEC, with diluted zeal. Third, China's decisive intrusion in the South-Southeast Asian space has cast dark shadows. A renowned Bangladeshi scholar argued at a recent conference that BIMSTEC would make progress if China is accepted as its principal interlocutor and partner. This perspective has hardly any takers in India and its friendly partners in the grouping. Finally, the military coup in Myanmar, brutal crackdown of protesters and continuation of popular resistance resulting in a protracted impasse have produced a new set of challenges. Despite them, the BIMSTEC foreign ministers could meet virtually — but will it be as easy for the summit to be held, with the much-maligned Commander-in-Chief Min Aung Hlaing in attendance at Colombo? As BIMSTEC readies itself to celebrate the silver jubilee of its formation next year, it faces a serious challenge: to effect “a paradigm-shift in raising the level of our cooperation and regional integration”, as Mr. Jaishankar said on April 1. The grouping needs to reinvent itself, possibly even rename itself as ‘The Bay of Bengal Community’. It should consider holding regular annual summits. Only then will its leaders convince the region about their strong commitment to the new vision they have for this unique platform linking South Asia and Southeast Asia.

INDIA RESTORES E-VISA FOR 156 COUNTRIES

The Union Home Ministry has restored the electronic visa (e-visa) facility for foreigners from 156 countries who intend to visit India for business, conferences and medical reasons, including for medical attendants. E-visa for tourists is yet to be restored. Though available to people of 171 countries before restrictions were announced in 2020, the facility has been restored only for 156. China, the U.K., Canada, Hong Kong, Indonesia, Iran, Malaysia and Saudi Arabia are notable exclusions. In an order on March 30, the Ministry said, “e-Visa under the following categories viz. e-business visa, e-medical visa, e-medical attendant visa and e-conference visa has been restored with immediate effect.” The relaxation comes in the wake of a deadly second wave of the COVID-19 pandemic. The number of persons infected with COVID-19 increased from 59,118 on March 25 to nearly two lakh on Thursday. India had earlier relaxed visa restrictions on October 22, 2020 enabling foreigners to come to India for business, conferences, employment, education, research and medical purposes on getting regular visas from missions and embassies abroad. An e-visa is provided in five categories — tourist, business, conference, medical, and medical attendant. Under the arrangement, a foreigner can apply online four days prior to travel. After the details are verified, an electronic travel authorisation (ETA) is generated, which has to be presented at the immigration checkpost on arrival. Entry through e-visas is allowed only at 28 designated international airports and five major seaports in India. International air travel to and from 107 immigration checkposts was suspended by the Ministry on March 23, 2020, a day before the lockdown in view of the pandemic. Later in the year, the Ministry allowed foreign nationals from the U.S., the U.K, Germany and France on “business, medical and employment” visas under an air bubble scheme.



ON 'REFUGEES' AND 'ILLEGAL IMMIGRANTS', HOW INDIA'S STANCE CHANGES WITH CIRCUMSTANCES

*Last week, the Supreme Court appeared to accept the Centre's contention that the Rohingya people in India are illegal immigrants when it refused to order the release of 300 members of the community, most of whom are in a detention camp in Jammu, and others in Delhi. It said they should be deported according to procedures under the *Foreigners Act, 1946*.*

Illegal immigrant vs refugee

*Under the 1951 UN Convention on the Status of Refugees and the subsequent 1967 Protocol, the word refugee pertains to any person who is outside their country of origin and unable or unwilling to return owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. Stateless persons may also be refugees in this sense, where country of origin (citizenship) is understood as 'country of former habitual residence'. The UN has said the flight of the Rohingya following the Myanmar military crackdown in Rakhine state in 2017 had created the world's biggest refugee crisis. *Cox's Bazaar in Bangladesh is the biggest refugee camp in the world today.* Myanmar maintains that the Rohingya, who are predominantly Muslim, are illegal immigrants from Bangladesh. During a visit to Bangladesh last month, "Prime Minister Narendra Modi expressed appreciation at the generosity of Bangladesh in sheltering and providing humanitarian assistance to the 1.1 million forcibly displaced persons from the Rakhine State of Myanmar", according to a joint statement. Bangladesh Prime Minister Sheikh Hasina asked India to play a strong role in the "repatriation" of the Rohingya to Myanmar. Modi told her India wants a "return of the refugees in a sustainable manner", according to a PTI report. But *when it comes to dealing with some 40,000 Rohingya who fled to India, the government's response has been ambiguous. The government had allowed the UN High Commissioner for Refugees (UNHCR) to carry out verification and provide some of them with identity cards. Some 14,000 Rohingya have been identified as refugees in this way. In the Supreme Court however, Solicitor General Tushar Mehta referred to them as illegal immigrants. Combined with public and political rhetoric about terrorism and communal slurs, there is a demand that they be "deported" immediately.**

India & UN convention

India has welcomed refugees in the past, and on date, nearly 300,000 people here are categorised as refugees. But *India is not a signatory to the 1951 UN Convention or the 1967 Protocol. Nor does India have a refugee policy or a refugee law of its own.* This has *allowed India to keep its options open on the question of refugees.* The government can declare any set of refugees as illegal immigrants — as has happened with Rohingya despite the UNHCR verification — and decide to deal with them as trespassers under the Foreigners Act or the Indian Passport Act. *The closest India has come to a refugee policy in recent years is the Citizenship Amendment Act, 2019, which discriminates between refugees on the basis of religion in offering them Indian citizenship.*

Myanmar coup

Since the Myanmar Army seized power on February 1, there has been an influx of people into Mizoram. Many of them are democracy activists belonging to the Chin ethnic group, or policemen



who said they disobeyed orders to shoot at protesters. They fear the Myanmar Army will kill them if they go back. In refugee terms, there is no real difference between Rohingya and these new arrivals. Both have fled the Myanmar Army, although in different circumstances. The only difference is that Myanmar accepts one lot as citizens while it rejects Rohingya, who are stateless. New Delhi's response to those seeking shelter in Mizoram and Manipur will be keenly watched by the Rohingya. So far, New Delhi's confusion about this situation in the Northeast has been evident. It directed security forces to stop more people from crossing over, a decision opposed by the Mizoram government. The Chief Minister has expressed solidarity with those arriving from Myanmar and held a meeting with members of the "democratic government in exile", blindsiding Delhi again. *In Manipur, a government order asking people not to provide food or shelter to anyone from Myanmar had to be hastily withdrawn after it was widely criticised.*

Deportation, non-refoulement

While the Supreme Court has ordered "deportation" of Rohingya "following all procedures" under the Foreigners Act, this is much more complex than it sounds. This is evident from the failed attempt by the Assam government to send back a 14-year-old Rohingya girl, separated from her parents in a Bangladesh refugee camp. The girl was detained while entering Assam at Silchar two years ago. She has no family left in Myanmar, but last week, Assam officials took her to the Moreh border at Manipur to be deported. Myanmar did not accept her. *The bottom line to legal deportation — as opposed to just pushing people back over the border — is that the other country must accept the deportee as its national.* Over the last four years, all efforts by Bangladesh to persuade Myanmar to take back the Rohingya at Cox's Bazaar have been unsuccessful. India managed to send back a handful with much difficulty. But in terming Rohingya in India as "illegal" (in contrast to calling them refugees in Bangladesh) and pledging to send them back to Myanmar, India is going against *the principle of "non-refoulement", to which it is bound as a signatory to other international treaties such as the International Covenant on Civil and Political Rights.* Non-refoulement means no refugee shall be returned in any manner to any country where he or she would be at risk of persecution. India made the case at the UN as recently as 2018 that this principle must be guarded against dilution, and also argued against raising the bar for granting of refugee status, saying this leaves out a lot of people "pushing them into greater vulnerability". *How India deals with refugees from different countries differently is also evident in the case of Sri Lankan Tamil refugees, many of them in camps in Tamil Nadu. The state government provides them an allowance and allows them to seek jobs, and their children to attend school. After the end of the Sri Lanka civil war in 2009, India has encouraged return through the method of voluntary repatriation — they decide for themselves in consultation with an agency like the UNHCR, if the situation back home is safe. This method adheres to the principle of non-refoulement.* UNHCR says it is its priority "to create an enabling environment for voluntary repatriation... and to mobilize support for returnees." Which means it requires the "full commitment of the country of origin to help reintegrate its own people". Myanmar is right now far from the point where Rohingya or pro-democracy activists would want to voluntarily return home.

INDIA'S SOUTH ASIAN OPPORTUNITY

The statement issued by the Director Generals of Military Operations of India and Pakistan, in late February, that they agree to strictly observe all agreements between the two countries, coincided



with a statement made by Pakistani Prime Minister Imran Khan in Colombo that “our only dispute is Kashmir and it can only be resolved through dialogue.” This was later strongly endorsed by Pakistan’s Army Chief, General Qamar Bajwa. This shows that there is a growing, but unstated, realisation that neither country can wrest parts of Kashmir that each controls from the other. Rather, it is best to focus on resolving issues that blight the entire subcontinent — poverty, malnutrition and an unconscionable neglect of the young. It is a realisation that the India-Pakistan animosity hurts regionalism and South Asian growth.

Economic integration

A fair peace between India and Pakistan is not just good for the two states but for all the nations constituting the South Asian Association for Regional Cooperation (SAARC). Reports such as the World Bank publication titled ‘A Glass Half Full’ and others from the Asian Development Bank and the European Union conclude that there is explosive value to be derived from South Asian economic integration. *While SAARC has facilitated limited collaborations among its members, it has remained a victim of India-Pakistan posturing.* As External Affairs Minister S. Jaishankar observed in a December 2020 interview to this newspaper: “If SAARC is a serious regionalism initiative, and [Pakistan] blocks trade and connectivity and people-to-people ties... what regionalism are we speaking of?” Now, given that the two countries have agreed to maintain ceasefire, it is time for India to seize the moment and become more South Asia-concerned and much less Pakistan-obsessed. An economically transformed and integrated South Asian region could advantageously link up with China’s Belt and Road Initiative and even join the Regional Comprehensive Economic Partnership, the world’s largest trading bloc of 15 countries, accounting for 30% of its GDP, as a much valued partner. Writing in a commemorative volume in honour of the late Sri Lankan economist Saman Kelegama, Professor Selim Raihan of the University of Dhaka brings out India’s overwhelming ‘size imbalance’ in South Asia: “The shares of India in the total land area, population, and real GDP of South Asia in 2016 are 62%, 75%, and 83%, respectively. The two other big countries in South Asia are Pakistan and Bangladesh with shares in regional GDP of only 7.6% and 5.6%, respectively.” Given its size and heft, only India can take the lead in transforming a grossly under-performing region like South Asia. Collectively with a population of slightly over 1.9 billion, South Asia has a GDP (PPP) of \$12 trillion. Contrast this with the Association of South East Asian Nations (ASEAN). Numbering nearly 700 million, ASEAN has a GDP (PPP) of around \$9 trillion and a per capita income which, at \$14,000 (PPP), is closing in on China, with member states like Vietnam starting to grow spectacularly.

India’s moment

This is the moment for India to think big and act big by ambitiously aiming to engineer a South Asian economic miracle in half the time China did. If this sounds impossible, so did China’s rise in 1972. But for that to happen, India needs to view a peace with Pakistan not as a bilateral matter, to be arrived at leisurely, if at all, but as essential and urgent, all the while viewing it as a chance of a lifetime, to dramatically transform South Asia for the better, no less.

UNFPA’S POPULATION REPORT LAUNCHED

Nearly half the women from 57 developing countries do not have the right to make decisions regarding their bodies, including using contraception, seeking healthcare or even on their sexuality,

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according to the United Nations Population Fund's (UNFPA) flagship State of World Population Report 2021 titled 'My Body is My Own' launched on Thursday. This is the first time a United Nations report has focused on bodily autonomy, defined as the power and agency to make choices about your body without the fear of violence or having someone else decide for you. The report shows that in countries where data is available, only 55% of women are fully empowered to make choices over healthcare, contraception and the ability to say yes or no to sex. It also highlights that only 75% of countries legally ensure full and equal access to contraception. *Some examples of violation of bodily autonomy include, child marriage, female genital mutilation, a lack of contraceptive choices leading to unplanned pregnancy, unwanted sex exchanged for a home and food or when people with diverse sexual orientations and gender identities cannot walk down a street without fearing assault or humiliation. Under its ambit also fall people with disabilities stripped of their rights to self-determination, to be free from violence and to enjoy a safe and satisfying sexual life.* "Women around the world are denied the fundamental right of bodily autonomy with the COVID-19 pandemic further exacerbating this situation... *Realising bodily autonomy is essential to achieving the UNFPA's goals of ending the global unmet need for contraception, preventable maternal deaths, gender-based violence and harmful practices by 2030...* We are committed to the cause," Argentina Matavel Piccin, India's UNFPA Representative and Country Director, Bhutan, said.

STATE OBLIGED TO FACILITATE ACCESS TO EDUCATION, SAYS SUPREME COURT

Access to professional education is not government largesse, the Supreme Court said in a judgment. A Bench of Justices D.Y. Chandrachud and M.R. Shah pronounced the verdict in favour of two students from Ladakh, who were nominated by the Union Territory administration for MBBS studies. They were allocated seats in the prestigious Lady Hardinge and Maulana Azad Medical Colleges. However, they were not admitted. The students moved the top court for justice, saying their fundamental right to education was at the whims and fancies of the government authorities. The court said the State has an "affirmative obligation to facilitate access to education at all levels". "This obligation assumes far greater importance for students whose background (by virtue of such characteristics as caste, class, gender, religion, disability and geographical region) imposes formidable obstacles on their path to accessing quality education," the recent judgment read. "We would like to take this opportunity to underscore the importance of creating an enabling environment to make it possible for students, such as the petitioners, to pursue professional education. While the right to pursue higher (professional) education has not been spelt out as a fundamental right in Part III of the Constitution, it bears emphasis that access to professional education is not a governmental largesse," Justice Chandrachud wrote in the judgment authored for the Bench.

Panel's vision

The court referred to the vision envisaged by the Committee on Economic, Social and Cultural Rights. "As an empowerment right, education is the primary vehicle by which economically and socially marginalised adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities," the court said, referring to one of the Committee's clauses. The court ordered that the students be admitted within a week. It was government policy last November to allot one seat each at Lady Hardinge and Maulana Azad medical colleges from the Central pool. The court noted that India was a signatory to the United Nations International Covenant on Economic, Social and Cultural Rights. "Pursuant to these obligations, which India has



undertaken by being a signatory to the covenant, the Union shall ensure proper coordination so that students allocated colleges under the Central pool seats are not put to hardship in enrolling once they have been duly allocated their seats," the court noted. "Financial hardship should not prevent the students from getting admission in terms of the allocation which has been made in their favour legitimately under the Central pool seats," it added.

Nodal officer

The top court further recommended the appointment of a nodal officer to ensure that students duly nominated under the Central pool seats were admitted in their chosen course of study. "Such an institutional framework will ensure that students are not left in the lurch due to lack of help in securing their legitimate admission to the appropriate course," the court reasoned.

HER LORDSHIP

If there is one thing about the Indian judiciary that is beyond contest, it is this: It needs many more women on the bench. *In 70 years of its existence, the Supreme Court has seen only eight women judges; no woman has been appointed chief justice.* Currently, in 25 High Courts in the country, the ratio of women to men judges (81 to 1,078) speaks of an appalling structural inequality. This needs to be fixed not only to address *a representation deficit, but because the equitable presence of women in courts is fundamental to the conception of justice.* Therefore, the Chief Justice of India's comments that the judiciary does not need an "attitudinal" change but "more capable" candidates, and his lament that women advocates invited to become judges often decline the role because of domestic responsibilities strike a jarring note. The CJI was responding to a plea filed by Supreme Court Women Lawyers Association, seeking the court's intervention to consider more women for appointment as judges in high courts. From universities to the military and Parliament, all institutions are faced with the challenge of designing their systems to reflect greater inclusiveness of gender and caste. *The judiciary, which has upheld and expanded ideas of constitutional equality in landmark judgments, cannot be an exception. The failure to do so can derail justice. As the attorney-general recently pointed out to the Supreme Court, there is a link between the disproportionate domination of men in judiciary and the persistence of patriarchal injustice, like the Madhya Pradesh High Court's insistence that a victim of sexual assault tie a rakhi to her offender or cases in which judges attempt to settle a case of sexual violence by matchmaking between assailant and victim.* As the highest, most pre-eminent court of the land, the Supreme Court shapes governance and politics, and is called upon to intervene in the most contentious contemporary issues. *As more women occupy public spaces and push back against constraints that stand in the way of their fullest potential, these contestations will most likely be about gender roles. From the Sabarimala temple entry to same-sex marriage, from marital rape to sexual harassment at workplace, the negotiation between a patriarchal society and changing norms of sexuality and power will play out in courtrooms as much as in the family and the political arena.* In these battles, the absence of gender equity in the judiciary will increasingly imply giving veto powers over the idea of justice to an all-male elite. The judiciary needs to cast a wider net, beyond entrenched networks of privilege and power, in district courts and bar associations. It must realise that women take a longer path to success that is often interrupted by childbirth and childcare. That does not imply that they do not have the appetite for judicial responsibility, but that the institution needs to do what it takes to bring them on board. That is the demand of justice.



IT'S TIME TO ENACT A SIRAS ACT (FAISAL C.K. - INDEPENDENT RESEARCHER)

A law to accord an ex post facto pardon to those who were convicted under Section 377 of the Indian Penal Code (IPC) would do poetic justice to the LGBTQ+ community and Professor Ramachandra Siras. What happened to Siras is a perfect example of the persecution faced by the LGBTQ+ community in India. He was a Professor and head of the Department of Modern Indian Languages at Aligarh Muslim University. On a winter night in 2010, two men trespassed into Siras' house and caught him having consensual sex with another man. Siras was suspended by AMU for "gross misconduct". *Hansal Mehta's critically acclaimed biopic, Aligarh (2015), portrayed the social ostracism and mental trauma suffered by Siras. Even though he won his case against the university in the Allahabad High Court and got his job back, Siras died a mysterious death on April 7, 2010.*

Alan Turing law

From Oscar Wilde to Alan Turing, many well-known as well as unknown people were haunted by anti-LGBTQ+ laws, and many jurisdictions repented later. A memorial in honour of the gay and lesbian victims of National Socialism stands in the city of Cologne in Germany today. *The U.K. passed the Alan Turing law in 2017, which grants amnesty and pardon to those convicted of consensual same-sex relationships. The law is named after Alan Turing, the computer scientist who was instrumental in cracking intercepted coded messages during World War II and was convicted of gross indecency in 1952. The Alan Turing law provides not only a posthumous pardon but also an automatic formal pardon for living people.* R. Raj Rao, in *Criminal Love?: Queer Theory, Culture and Politics in India (2017)*, says homosexuality has always been looked upon with disfavour by three agencies universal to mankind: *religion, law and medicine*. Among them, the law committed the "most unkindest cut of all". *From 1862, when Section 377 of the IPC came into effect, until September 6, 2018, when the Supreme Court of India ruled that the application of Section 377 of the IPC to consensual homosexual behaviour between adults was "unconstitutional, irrational, indefensible and manifestly arbitrary", the LGBTQ+ community was treated as a criminal tribe in India.*

Resurrection of Naz Foundation

The Delhi High Court's verdict in Naz Foundation v. Govt. of NCT of Delhi (2009) resulted in the decriminalisation of homosexual acts involving consenting adults. The Court held that Section 377 offended the guarantee of equality enshrined in Article 14 of the Constitution, because it creates an unreasonable classification and targets homosexuals as a class. Justice A.P. Shah observed in the judgment that discrimination is the antithesis of equality and that it is the recognition of equality which will foster the dignity of every individual. "Specifically, *Naz Foundation understood that in promising non-discrimination and equal treatment before the law, the Constitution spoke to a past — and a present — where certain personal characteristics had become the sites of structural and systemic exclusion, marginalisation, disadvantage, and indignity.* The jurisprudence of Naz Foundation was an attempt to fulfil the constitutional purpose of redressing this reality," *writes Gautam Bhatia in The Transformative Constitution: A Radical Biography in Nine Acts (2019).* In a retrograde step, the Supreme Court, *in Suresh Kumar Koushal vs. Naz Foundation (2013), reinstated Section 377 in the IPC.* Fortunately India witnessed the resurrection of *Naz Foundation through the apex court's judgment in Navtej Singh Johar & Ors. v. Union of India (2018).* *The spirit of Navtej Singh Johar should be pushed further. To make amends for the excesses committed against the LGBTQ+ community in the past and present, the Indian state should enact a 'Siras Act' on the lines of the Alan*

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Turing law. Ex post facto pardon may be a novel concept in India, but it would do justice, even though delayed, to the prisoners of sexual conscience and Siras.

INSTITUTIONS, CASTE AND THE VITAL COG OF TRUST

Trust impacts income and growth through markets and public institutions. There is a positive relationship between trust and the development of financial markets. Operation of these markets is contingent on trustworthiness of debtors, as legal methods of recovery of dues are fraught with delays and heavy expenses. Turning to labour markets, higher trust manifests in 'higher levels of cooperative relations between labour and management and higher levels of unionisation. In fact, firms that have unions representing their employees are better able to adapt to new management methods, and show better productivity. Evidence suggests a strong positive correlation between trust and the quality of the legal system. There is a similar correlation between trust and the quality of governance'. Here, our focus is on whether trust in institutions such as state government, judiciary and police varies by caste. We rely on the India Human Development Survey 2015 (IHDS).

Key term is confidence

A unique feature of the 2005 and 2012 rounds of the IHDS is that they ask a question on trust. Trust in public institutions is measured in terms of levels of confidence: a great deal of confidence, only some confidence and hardly any confidence. Caste hierarchy reflects socio-economic status. Brahmins are at the top, followed by High Castes, Other Backward Classes/OBCs, and then the deprived including Scheduled Castes/SCs and Scheduled Tribes/STs. The residual category of Others is mixed but akin to High Castes. Hence, General combines Brahmins, High Castes and Others, while other castes are as stated. Although affirmative action (e.g., quotas for SCs, STs and OBCs in education and public sector employment) has benefited these groups, segments of SCs and STs are still among the most deprived and vulnerable to poverty. A vast majority of households surveyed lacked confidence in State governments in 2012. There is a sharp reversal in the case of the judiciary. A large majority reported a great deal of confidence, a moderate proportion had only some confidence and an extremely small proportion had hardly any confidence. Yet another contrast emerged in the case of the police. A low proportion had a great deal of confidence in it, a majority had only some confidence and a more than moderate proportion had hardly any confidence. Thus among these institutions, the most trusted was the judiciary, followed by State governments and then police. To avoid circularity, trust in institutions is for 2012 and the caste hierarchy is for 2005. In the composite caste category, General, the highest proportion (under half) had only some confidence, under 30% had a great deal of confidence while about a quarter had hardly any confidence. A high proportion of OBCs also reported a great deal of confidence, a much higher proportion displayed a great deal of confidence and a much lower proportion had hardly any confidence. In sharp contrast, among SCs, the highest proportion (under 45%) displayed a great deal of confidence, a smaller proportion had only some confidence, and a much smaller proportion with hardly any confidence. STs, however, display a pattern not dissimilar to OBCs.



Quota as a reason

An important issue is why do SCs display so much confidence in State governments? One reason is quotas. Another is a conjecture. While those higher-up in the socio-economic hierarchy are likely to have other options (stemming from relative affluence), SCs are largely reliant on state munificence. STs, in contrast, while also dependent on quotas, are so isolated that they have limited experience of social safety nets. In striking contrast to trust in State governments, trust in the judiciary is highly pervasive with a slight variation across castes. For each caste, a large majority displayed a great deal of confidence, with nearly three-fourths of STs reporting a great deal of confidence. The proportion of those with hardly any confidence was extremely low, ranging between 5% and 7%. These findings are indeed surprising given the judicial overload of cases and prolonged delays. Yet another striking contrast emerged for the police as a law enforcement agency. A great deal of confidence varied within a narrow range of 13%-18%, with the lowest among STs. Over 30% displayed hardly any confidence, with the highest among SCs and STs. This is not surprising given rampant corruption and discrimination against lower castes.

Need for inclusion

One component of trust is shaped by beliefs inherited from earlier generations, and another by a contemporaneous environment. Trust in these institutions rose between 2005 and 2012. However, recent accounts indicate a sharp erosion of trust, presumably because of State government policies that are far from inclusive, judicial verdicts that do not conform to high standards of autonomy and fairness, and police actions that violate rights of citizens, and are often brutal. While inculcation of initial beliefs is bound to be slow, transition to a policy environment that is inclusive and transparent is daunting too but growing awareness among the citizens is likely to facilitate it.

PROBING THE SLEUTHS

The Supreme Court's order tasking the CBI to look into the Justice *D.K. Jain committee report* on the action to be taken against those who implicated space scientist *Nambi Narayanan in the 'ISRO espionage case' of 1994* is a logical and much-needed step forward in ensuring accountability for the suspected frame-up. *Representing a dark, but brief, chapter in the annals of police investigation in the country, the case was based on unfounded suspicion sparked by the arrest of two Maldivian women and the claims they made in their statements to the police. The Kerala Police arrested Mr. Narayanan based on suspicion that he was among those sharing official secrets relating to space technology and missions to foreign agents. After the investigation was transferred to the CBI in a matter of weeks, the central probe agency recommended that the case be closed, highlighting grave lapses in the probe and the complete lack of evidence.* When the Supreme Court awarded a *compensation of ₹50 lakh to the scientist in 2018*, taking into account the damage to his honour and dignity following the arrest on grave charges and the interrogation that followed, it was widely expected that police officers who framed him ought to be proceeded against too. *The Court formed a committee headed by Justice Jain, a retired apex court judge, for the purpose.* The panel's report was submitted recently, and the Centre supported the demand for follow-up action. Significantly, the Court has mandated that the report's contents be kept confidential while being forwarded to the CBI for a decision on how to proceed further. The element of secrecy may seem odd, but avoiding any contestation on its findings, which are to be treated as the outcome of a preliminary

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enquiry, will indeed be helpful in the agency proceeding on merits. When it awarded compensation, the Court was quite convinced that the initial probe was malicious. "The criminal law was set in motion without any basis. It was initiated... on some kind of fancy or notion," it had observed. *It is rare in India that those falsely implicated or maliciously arrested on grave charges get justice. The police are given to using questionable methods, and treat the gravity of the charge as something that necessitates stronger and more persuasive means of investigation.* That Mr. Narayanan has succeeded in the battle for restoring his honour is a matter of relief, but it should be noted that *the Kerala government has been resisting calls for disciplinary action against the erring police officers. It opposed the CBI's closure report and tried to revive the investigation by its own police, but thankfully, the effort was shot down by the Supreme Court.* It would be in the fitness of things if there is no further impediment to the CBI in proceeding with its investigation against the officers concerned, and that the process of restorative justice leads to its logical conclusion.

CHANDRA APPOINTED CHIEF ELECTION COMMISSIONER

He is set to assume charge today

President Ram Nath Kovind on Monday appointed Election Commissioner *Sushil Chandra as the next Chief Election Commissioner.* The incumbent CEC Sunil Arora's tenure ended on Monday. In a statement, the Law Ministry said: *"The President has appointed Shri Sushil Chandra, the seniormost Election Commissioner, as the Chief Election Commissioner in the Election Commission of India."* Mr. Chandra would assume charge from Tuesday. A notification to that effect was issued by the Legislative Department on Monday. Mr. Chandra took office as an Election Commissioner on February 15, 2019, after retiring as the chairman of the Central Board of Direct Taxes. A 1980 batch Indian Revenue Service officer, Mr. Chandra had worked in the areas of international taxation and investigation.

HARYANA GARMENTS UNITS OPPOSE QUOTA IN JOBS

After the information technology sector in Gurugram expressed strong reservations about the new law *guaranteeing 75% jobs in private sector to the local population, the garments industry, employing close to 10 lakh people in the State, has also given a thumbs down to the legislation and demanded exemption from it.* A survey by the Garments Exporters and Manufacturers Association (GEMA) among its members has revealed that more than 82% may not consider Haryana for expansion in case the new law is not repealed, or the industry is not exempted from its provisions. An equal number believes that they would not be able to source adequate skilled strength from *Haryana only and none of the major employers, who generate employment of more than 3,000 people, believe that they would be able to source people only from the State. The survey also disclosed that a big majority has less than 20% employees based in Haryana.* GEMA general secretary Animesh Saxena said the industry body also sent a representation to Deputy Chief Minister Dushyant Chautala on Wednesday, requesting exemption from the provisions of the new law due to high skill and precision requirements.



Skill requirement

In a press statement, *GEMA claimed that the website of Haryana Skill Development Mission has only 4,508 trained persons available across all the 33 job roles of apparel sector like tailors, cutters and supervisors and not all of them may be willing or be fully suitable for the actual roles. They may not even fulfil the domicile criterion of the law.* “Industrial Training Institutes in Haryana did not offer much training courses in apparel industry trades historically... This indicates that perhaps some vocations in Haryana may not be preferred. Forcing the population to adopt a different practice would more be a wishful thinking than a practical solution,” said the statement.

THE ‘ARMED STRUGGLE’ THAT GOES NOWHERE

Hurt by incarcerations and “encounter” killings of senior leaders, facing desertions due to surrenders by cadres to security forces in various States, unable to build a workable organisation in new areas, and hemmed into what seems to be their last stronghold — South Bastar — such has been the status of the Indian Maoists lately. But this did not deter the insurgent group’s audacious ambush and killing of more than 20 paramilitary personnel in the Tarrem area in the Bijapur-Sukma district border in southern Chhattisgarh in early April, suggesting that the Communist Party of India (Maoist) might be down but was certainly not out. The Tarrem attacks is believed to have been led by the heavily armed Battalion 1 belonging to the Maoists’ People Liberation Guerrilla Army (PLGA) and is led by a tribal guerrilla leader, Hidma. This ambush raised the number of security forces killed in the Bastar region to more than 175 since the killing of 76 CRPF personnel in the Chintalnar attack in April 2010.

Turning point

The Maoists have also been at the end of strong attacks by paramilitary and police forces in areas such as the Andhra-Odisha border that is close to south Chhattisgarh, in Gadchiroli in Maharashtra and even as far as the western ghat forests in the tri-state junction between Kerala, Tamil Nadu and Karnataka. The Chintalnar attack might have marked a turning point in the offensive by the Indian state against the insurgents — with a focus on a no-holds barred military campaign against the guerrillas even as governments sought to increase developmental work and infrastructure building in the remote areas with a strong presence and influence of the PLGA and Maoist organs to undercut any popular support. The CPI (Maoist) came into being following the merger of two of the strongest Naxalite groups — the Peoples’ War Group (PWG) and the Maoist Communist Centre — in 2004. The PWG was formed in 1980 by Kondapalli Seetharamaiah from the splinter groups that had broken away from the Communist Party of India (Marxist-Leninist), led by general secretary Charu Mazumdar in the early 1970s. The PWG had a sizeable following in the 1980s and 90s in undivided Andhra Pradesh as it had led mass agitations on various issues, including peasant wages and land struggles. It had also graduated into a military force by forming guerrilla zones in northern Telangana, extending up to the Nallamalla forests. Anticipating state actions, a group from the PWG had already moved to present-day Chhattisgarh in the early 1990s and had formed mass organisations in the tribal areas in the southern part of the State. Mass organisations of the PWG included the Dandakaranya Adivasi Kisan Mazdoor Sangathan (DAKMS), which focussed on mobilising tribal villagers for rights to collect forest produce, besides some developmental work. While doing so, armed cadres of the PWG also used the difficult terrain to build guerrilla zones. Today, in places such as the Abujmarh forested areas in southern Chhattisgarh, the Maoists claim

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to have set up “janathana sarkars” — local government units. The merger with the MCC, another armed Naxalite group that was founded by Kanai Chatterjee in 1975 and had strongholds in the Jharkhand forests, gave a fillip to the newly formed CPI(Maoist). By 2010, the Indian government already identified the Maoists as the “single biggest internal security challenge”.

Military force

While the PWG, in its initial years, combined mass activism with guerrilla warfare and violent attacks on police, the group, especially after its merger into the CPI(Maoist), had largely evolved into a military force. The Indian Maoists have steadfastly held that violent armed struggle is a must in its aims to achieve a socialist revolution in India and have sought to follow the Chinese path to revolution in the 1920s that sought to mobilise peasants in an armed struggle to overthrow the state and to form a one-party communist government. The CPI(Maoist) rejects Indian democracy and electoral politics as they term India to be a semi-colonial, semi-feudal country and the Indian state beholden to “imperialism, comprador big bourgeoisie [big business that is subordinate to foreign big capital] and feudalism” and which necessitates its recourse to armed struggle from the countryside to later encircling cities and capturing power. This is right from the playbook of the Chinese communists led by Mao Zedong in the 1920s. Yet, far from mobilising peasantry or even gaining their sympathies, the Indian Maoists have been reduced to seeking refuge in remote forested areas which offer them the camouflage and difficult terrain to engage in guerrilla warfare and to seek support from tribal people living in areas that are either under-developed or have limited access to the institutions of the Indian state. In Bastar, the Indian government’s recourse to counter-mobilisation of tribals into armed resistance groups such as Salwa Judum was brought to a closure by the Supreme Court in 2011 following the resultant militant backlash that severely affected the tribal population. Tribal disenchantment with both severe state repression as well as Maoist violence had increased in the last decade, a fact that is also lamented by the Maoists in their internal documents and has limited their support and growth. Despite severe reversals and setbacks — the capture and deaths of influential senior leaders and desertions by activists — the Maoists remain committed to militant insurgency even as they reject any call for a recourse to peaceful agitations or to enter the democratic process to further their goal. The elevation of Nambala Keshava Rao, a senior leader of the Maoists’ Central Military Commission, to the general secretary of the party in 2018 after replacing aged leader Muppala Lakshmana Rao was an indication that the proscribed outfit will continue to focus on military tactics and what it terms “strategic defence”. This is despite its inability to graduate from guerrilla warfare and to build base areas where they could offer alternative governance — a key step for advance that has eluded them for decades. In other words, the Maoists refuse to change their understanding of the nature of the Indian state and continue to deny that conditions and aspirations of the poor necessitate alternative political work that do not draw from revolutions elsewhere. The Maoist movement in India seems headed in the same direction that several violent and failed insurgencies, inspired by the Chinese revolution, went — from the Shining Path in Peru to the Communist Party of the Philippines. There have been exceptions — the Nepali Maoists, for example, managed to partake in power after peacefully ending the civil war — but if the Indian Maoists’ denunciation of these steps taken by their Nepali counterparts are any indication, such a step does not seem to be in the offing.



POLITICS, POWER AND PANGOLINS

As we wind our way down to Diphu from Guwahati through large farms and rolling hills, our driver tells us that this “vastness” is what attracts Bangladeshi immigrants to India. “They think all this is free land,” he says. We can sense his simmering resentment towards immigrants, a sentiment that contributes significantly to the politically charged atmosphere of this region. The district of Karbi Anglong, Assam’s largest district, is home to a diversity of human cultures that include tribes such as Karbis, Bodos, Kukis, Dimasas, Hmars, Garos, Rengma Nagas, Tiwas, and Man. This district also has a history of political unrest. It is administered by the Karbi Anglong Autonomous Council (KAAC) and has seen a long-drawn struggle for the creation of an autonomous State within Assam. Caught in the middle of this socio-political turmoil is a silent entity: wildlife. Located adjacent to Kaziranga National Park on one side and Nagaland on the other, Karbi Anglong has an official forest cover of over 40%. And the district is home to tigers, rhinos, leopards, elephants, pangolins and more.

Interplay of power

We are here to study how illegal wildlife trade features in the day-to-day politics that play out along the Indo-Myanmar border; to understand how wildlife trade is used to construct political identities; and how it features in the interplay of power between different people. The prized rhino horns are poached in Kaziranga in Assam, carried through Karbi Anglong, transported across Nagaland, and then sent to the border town of Moreh in Manipur. From Moreh, traffickers are said to transport the horn to the town of Tamu across the border in Myanmar, and eventually to the Golden Triangle. In June 2020, the Karbi Anglong police arrested three people for their involvement in a rhino poaching case in Kaziranga. This January, one person was arrested at the district’s Dilai check post for the illegal possession of a rhino horn, which was believed to be on its way to be sold in Dimapur in Nagaland. As we try to understand the role of political unrest and economic instability in facilitating illegal wildlife trade, we piece together a troubling narrative. “Normally, politicians don’t see this [wildlife trade] as an issue at all,” says an activist-turned-politician, who requests anonymity. “If it does become an issue, it’s not for the love of wildlife but a purely political blame-game about how a particular party wasn’t able to control poaching.” Poaching, according to him, is not a natural option for local people. “They don’t want to kill animals and sell horns. But sometimes, they get induced by easy money or are forced by circumstances. If people have a reliable source of income, they won’t go in for this option. Those who are involved get protection from powerful people.”

Nature at the apex

As we walk across Diphu, a town painted in the traditional Karbi colours of black, red and white, and proudly displaying the Jambili Athon on cross-roads, walls and parks, we realise how the lives of the people of these hills and their natural surroundings are inextricably intertwined. The Jambili Athon, with its central axis and a whorl of four branches with different species of birds perched on them, is a recurring reminder of the significance of nature in Karbi tribal art. At the apex of the axis is the racket-tailed drongo, locally known as vojaru, and below this are grey-capped pygmy woodpeckers. A tea vendor tells us that the drongo’s tail feathers are used as decorative head-gear for men during important rituals. In traditional Karbi homes, these feathers are often safely stored in the hollow of a bamboo hung from the roof. “If these are passed down

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



over generations, new birds aren't hunted, but we do see the feathers sold during local festivals," says the tea vendor. Such traditional interrelationships between Karbi culture and wildlife prevail in many aspects of life here, including in the use of animal parts in rituals and medicines. A 2014 study lists 19 mammals, 10 insects, nine birds, and four reptiles used by Karbi healers to treat 54 diseases, including asthma, cancer and respiratory problems. The discourse on hunting in these parts is shaped by dynamic social norms that try to negotiate the complexities of tradition, indigenous medicine, an emerging conservation ethos, and the law. Hunting in several parts of the Northeast is viewed as a traditional right. Historically, hunting has been regulated through taboos in order to safeguard against over-hunting. A study on hoolock gibbons finds that Karbis do not normally hunt and eat these apes as they consider them kin — a 'Karbi sent to the jungle for his misdeeds'. Hunting traditions are now formally outlawed. We ask an official from the KAAC Forest Department how the discordance between traditional culture and law affects the implementation of the Wildlife Protection Act, 1972. "Yes," he says, "hunting has always been part of Karbi culture but not the commercial part of it." This is pertinent given that the Northeast has increasingly become a hotspot for illegal trade, with reports of various species crossing the border in these parts. Between August 2019 and March 2021, we recorded from media reports over 80 cases of wildlife crime in the Northeast, involving over 12 species including pangolins, elephants, rhinos, tigers and leopards. The Forest Department officer also speaks of an administrative gap. "We don't have a wildlife division here due to political reasons," he says. Indeed, despite the four notified wildlife sanctuaries that form roughly 3.5% of the district's geographical area, there is no wildlife division under the Forest Department.

Cries for autonomy

Even some of the areas contiguous with the Kaziranga Tiger Reserve that fall under the autonomous hill district of Karbi Anglong have not been notified. Therefore, funds under centrally sponsored schemes such as the National Tiger Conservation Authority do not trickle down to Karbi Anglong directly. A former KAAC member explains, "No share of that fund comes to us directly and it is for such issues that we have been demanding an autonomous State for a long time." The next leg of our journey takes us to West Karbi Anglong to meet the leader of one such group demanding autonomy and currently signatory to a ceasefire with the government. We have come across at least 17 media articles in the period between August 2015 and 2020 in which armed insurgent groups like this one have been directly or indirectly associated with rhino horn poaching and trade. Documented reports include incidents covering poaching and smuggling of rhino horn, weapons and cash, and related investigative arrests. But the leader says: "Groups like ours get named in such cases because the government wants to take our weapons. Rhino poachers do not belong to any group. Some surrendered people of certain groups may be involved. We have been subjected to different forms of divide and rule by everyone from the Home Ministry to corrupt local politicians. Our only focus is to get Article 244 (A) [that allows for the creation of an autonomous State within Assam]."

Cultural imposition

The group links its victimisation claims to the government's refusal to share constitutional authority; the imposition of Assamese culture on tribal people; and the migration of people from neighbouring areas to Karbi Anglong. "Once we get autonomy, we will take responsibility. We will protect the rhinos," the leader says. The tussle to protect and control natural resources further



strains the relationships between state and citizen and is occasionally marked by violence. As recently as March 4, a suspected timber smuggler was shot dead by the Forest Department staff of the Garampani Wildlife Sanctuary in Karbi Anglong. This was not a one-off incident — conflicts around the extraction of natural resources have led to casualties on both sides regularly over the years. While the political unrest continues to affect the smooth functioning of natural resource management, it is heartening to see the younger generation highly inclined towards conservation, initiating efforts to create awareness about the threats faced by endangered species such as the pangolin within their communities. On February 18, at the 47th Karbi Youth Festival in Diphu (one of the largest and oldest ethnic festivals in the country), a pangolin awareness campaign titled 'Save Karpu (pangolin), Save Karbi Pride' was launched. Joyhind Engleng, a filmmaker and social worker, says, "While working with the community I realised that we Karbis face similar disadvantages and challenges as the endangered pangolin does. I believe that we hold the power to mobilise conservation sentiments among ourselves." Kangjang Terang, chairman of Panchayat & Rural Development under the KAAC, says, "With time, the Karbi cultural connection with nature must change into action." Polling has just concluded in Assam. None of the manifestos of the contesting parties mentioned wildlife conservation or any other environmental issue. However, we can draw some little solace from the youth movements in the region. As Engleng says, "The future is full of hope. If we get opportunities to work together for a cause, the change will come from within us."

RAJYA SABHA POLL BEFORE KERALA ASSEMBLY RESULTS: EC POWERS, HC RULING

The Kerala High Court has directed the Election Commission (EC) to hold elections to three Rajya Sabha seats from the state before the term of the current Assembly ends. The EC, which had earlier paused the election, has now said the vote would take place on April 30. Counting of votes for the recent Assembly elections will take place on May 2.

How did this reach the High Court?

On March 17, the EC announced the election schedule for filling up three Rajya Sabha seats that fall vacant on April 21, with the retirement of Vayalar Ravi (Congress), K K Ragesh (CPM) and Abdul Vahab (UML). *The election was to be notified on March 24, with voting and the result scheduled on April 12. On March 24, instead of notifying the election, the EC issued a press release announcing it was being kept in abeyance. This was to examine a reference received from the Law Ministry. "Pending examination of the reference, the Commission has decided to keep the aforementioned proposed notification and schedule in abeyance till further orders," the release said. At this point, the EC did not elaborate on the contents of the reference.* Kerala Legislative Assembly Secretary S Sharma, a CPM MLA, challenged the EC's decision in the High Court.

What did the Ministry's reference contain?

On March 23, the Law Ministry wrote to the EC suggesting that it wait until May 2, when the new Assembly will be in place. The government argued that since voting in Kerala had ended on April 6, holding elections to the three Rajya Sabha seats on April 12 (before the announcement of results on May 2) "may not reflect the will of the people".



So, was the EC convinced by this argument?

The EC informed the court that it had kept the elections in abeyance since the Ministry had raised a “proprietary” issue and it was felt legal opinion should be sought. Although the EC didn’t name the lawyer whose legal opinion was sought, it said the expert agreed with the Ministry. The expert had opined that it would be “constitutionally just and proper” that the new Assembly, voting for which ended before the expiry of the term of the three Rajya Sabha members, should elect the three new MPs. However, the EC eventually decided that it would announce and notify the fresh schedule before the expiry of the term of the three MPs. “The Commission has stated that it is not concerned with which assembly votes for the election as its constitutional duty is to conduct the elections at the earliest and that the date of expiration of the current assembly though may be a relevant factor it cannot be the sole basis for determining the schedule of which ultimately affect the functioning of the Upper House,” the court order states.

What was the petitioner’s argument?

The petitioner had argued that since the 14th Legislative Assembly of Kerala is still in place, the EC has no justifiable reason for putting the elections on hold. Moreover, the petitioner told the court that the Commission is “bound to conduct the election before the expiration of the term of the three outgoing members” or else “there would be a shortage of three representatives for the State in the Council of States”.

On what legal principles did the court base its order?

*Referring to provisions in the Representation of People’s Act, read with provisions in Article 80 (4) of the Constitution, the court said: “... the intention is not to keep the seats unfilled but to complete the process of election before the retirement of the members, so as to have the full strength of members in the Upper House to represent the State. A different view is warranted only when there is any law-and-order situation or any practical impossibility. The power to amend or extend the schedule is not to be invoked normally. Such circumstances are not available in the present case.” The court ruled: “... the Commission, which is fully aware of its duty conferred under Article 324 of the Constitution of India in its true spirit, has therefore *to expedite the proceedings so as to see that the representation in the Upper House from Kerala is always in full swing and to avoid situations as pointed out by the petitioners, where the nomination is made by the existing Assembly and voting by another Assembly.* It is seen that at least after the EC arrived at the decision that it is its duty to see that the vacancies are filled up at the earliest, the Commission is yet to take any steps for the same.”*

Given the EC’s powers to decide the calendar of elections, where does the High Court come in?

Under Article 324 of the Constitution, deciding the calendar of an election is the exclusive domain of the EC and can’t be subject to any law framed by the Parliament. Once a schedule is announced, courts do not have the jurisdiction to make changes to it. However, the EC’s powers are not unbridled. In 1993, the Supreme Court had ruled that EC’s power is “judicially reviewable.” and the review can be done depending on the facts and circumstances of each case.



WRONG SHOTS

Five people were killed on Saturday during the fourth phase of polls in West Bengal, where the first three phases were largely eventless. While one person was allegedly killed by political rivals, four others were killed when security personnel fired more than 15 rounds in a span of two hours at Cooch Behar's Sitalkuchi Assembly constituency. The Election Commission of India (ECI) has concluded that the police action was necessary, and taken in "self defence," but the political storm kicked up by the episode continues to rage. Chief Minister Mamata Banerjee has alleged a conspiracy by the BJP to scare her supporters and called for the resignation of Home Minister Amit Shah. Mr. Shah, in turn, has said the Chief Minister's call to gherao personnel of the Central security forces led to the flare-up. The Trinamool Congress has alleged that Central forces are restricting it and helping the BJP in the campaign. It is unclear whether the force used to control the mob was proportionate and the deaths were avoidable. Elsewhere in the State, a group of people tried to stop the vehicle of a BJP MP. All these are bad omens, against the backdrop of an intensely competitive political battle between Ms. Banerjee's Trinamool and the BJP. The ECI's role in Bengal has been called into question by Opposition parties for various reasons. Its explanation for spreading the polls over eight phases over a month has not mitigated the concern that it gave undue advantage to the BJP. Its practice of redeploying civil and police officials is a time-tested measure to keep the election process fair. However, if redeployment leads to administrative chaos and partisanship, it is a matter of concern. *While the ECI has been proactive in acting on charges of religious appeals made by Trinamool leaders including Ms. Banerjee, such alacrity has been missing in its dealings with the BJP. BJP leaders have made brazen communal appeals and gone scot-free. ECI advertisements that invoked the sacrifices of security personnel amounted to the Commission overstepping its strictly apolitical role.* The personal role of the Prime Minister in a State election has made the task of the ECI much more difficult, and it has not risen up to the challenge. Ms. Banerjee may have gone over the top in trolling the ECI to "rename MCC as Modi Code of Conduct". But it is not the first time that a Chief Minister has questioned the ECI's impartiality. Narendra Modi himself had questioned the fairness of the ECI when he was Gujarat Chief Minister. Its reputation built over decades kept public trust intact, through all this. That trust is now being eroded, through acts of commission and omission. There are four more phases of polling in Bengal and the ECI must take measures to prevent violence, and keep the process fair and enabling for voters.

SKYMET FORECASTS A 'HEALTHY NORMAL' MONSOON

Skymet Weather, a private weather forecast company, said on Tuesday that the monsoon was likely to be 103% of the long period average (LPA) this year. The LPA refers to the average all-India monsoon rainfall of 88 cm, which is a 50-year mean. At the press conference, the agency classified the forecast as "healthy normal". The monsoon in 2019 and 2020 was only the third time in a century of back-to-back years of above normal rainfall (rainfall that is 5% above normal, or 105%) during the season in India. This year's forecast by Skymet falls a little short of the above normal mark. "The odds of an El Nino, characterised by a heating of the equatorial central Pacific over half a degree, are low this year. Currently, the Pacific is in a [converse] La Nina mode, and while it is expected to weaken a bit in the coming months, during the monsoon months [June-September], it is forecast to increase," G.P. Sharma, president-meteorology, Skymet Weather, said. "Overall, neutral



conditions are likely to prevail,” he said. An El Nino is historically associated, in many years, with a weakening of the monsoon over India. The monsoon is also expected to be fairly well-distributed, with even September (the month in which the season starts to recede) expected to post 10% more rainfall than normal. The India Meteorological Department (IMD), which provides the official forecasts, is expected to announce its forecast later this month. Last year, Skymet did not release its official monsoon forecast. In 2019, Skymet forecast below normal rainfall and the IMD “near normal”. In defiance of these calculations, India posted a record 10% excess rainfall. In terms of geographical risk, Skymet expects that the plains of North India, along with a few parts of northeast India, to be at risk of being rain deficient through the season. Also, interior parts of Karnataka face scare or scanty rain in the core monsoon months of July and August, the forecast said. Along with the El Nino, another ocean variable, the Indian Ocean Dipole, characterised by a temperature gradient in the western and eastern Indian Ocean, is expected to be slightly on the negative. A positive dipole usually aids the monsoon.

BENGAL NEEDS NO RADCLIFFE LINE OF HATRED (GOPALKRISHNA GANDHI - FORMER ADMINISTRATOR, DIPLOMAT AND GOVERNOR)

Within hours of those incendiary speeches, made on the eve of Direct Action Day in 1946 at the Maidan, in Calcutta, the city was bleeding. An estimated 4,000 people were killed. Very shortly thereafter, incitement and instigation doing their worst, the Noakhali region of East Pakistan saw appalling violence perpetrated on the Hindu minority there, with an estimated 5,000 killed. Bihar responded with matching fury, killing, according to information given to the British Parliament an equal number of its Muslim minority and, according to *The Statesman*, twice as many. A peace-cherishing province was leveraged thus into peace-shattering violence. Battered as it was, Bengal was ‘bettered’ by other areas. The worst instance of Partition-time violence among all regions, took place in Punjab. “Virtually,” says Wikipedia, “no Muslim survived in East Punjab (except in Malerkotla) and virtually no Hindu or Sikh survived in West Punjab.” All this was around the

The Partition years

The then Muslim League Premier of undivided Bengal, H.S. Suhrawardy, had much to explain for the violence that disfigured Bengal in 1946 and 1947. On Suhrawardy’s last day in that office, August 14, 1947, he had on his hands a challenging ‘guest’ — Gandhi, who was staying in Hydari Manzil, at the Muslim quarter of Beliaghata in Calcutta. At his prayer meeting that evening, over 10,000 people gathered in the grounds around that house to hear him. It was the month of Ramzan. Pyarelal records in his iconic biography (*Mahatma Gandhi – The Last Phase, Navajivan*, pp. 368-9), that some in the congregation shouted, “Where is Suhrawardy?” Suhrawardy was inside that house at the time, engaged in namaz. Gandhi told them that. After the prayer meeting gave over and Gandhi returned to the house, there was an uproar. Many had surrounded the house, which at Gandhi’s behest was un-policed, and demanded that Suhrawardy appear. Gandhi opened a window and got Suhrawardy to stand beside him, resting one hand on the outgoing Premier’s shoulder. One of the crowd to the Premier: “Are you not responsible for the Great Calcutta Killing?” Suhrawardy: “Yes, we all are.” “Will you answer my question, please?” “Yes, it was my responsibility”. Pyarelal writes: “This unequivocal, straight and candid answer by one who had made arrogance and haughtiness his badge and never known humility had a profound effect on the crowd.” But the incubating virus was working still. Riots broke out within days in Calcutta,



viciously. Two young men, Sachindranath Mitra, 37, and Smritish Banerjea, 38, interposing between rioting mobs, were killed on the spot. On hearing that a truck carrying Muslim labourers had a bomb thrown on it in the same area — Beliaghata — killing two of them, Gandhi went to the scene. A four anna piece was lying near one of them that had rolled out of the daily wagger's waist band. Gandhi started a defining fast. It was in complete and exact harmony with the mind and soul of Ramakrishna's, Vivekananda's and Tagore's Bengal. And equally, with the stoic Bengal of the two simple, humble but absolutely true Bengalis, Sachindranath and Smritish. "There should no longer be any more Hindu-Muslim riots in Calcutta..." the fasting Gandhi told Bengal's leaders who implored him not to fast. "I shall terminate my fast if all of you accept this responsibility." Seventy or so hours after his fast had begun, a group of leaders came to him to report that the innate good sense of the majority of the people of the city had prevailed over the furies let loose by the rioters. The mob that killed and burnt was not Bengal. The majority that stilled the mayhem, was. "We the undersigned," the leaders said in a paper they gave to him, "promise to Gandhiji that peace and quiet have been restored in Calcutta once again. We shall never again allow communal strife in the city. And shall strive unto death to prevent it." Among the signatories were Suhrawardy and N.C. Chatterjee, the Hindu Mahasabha leader. Netaji's elder brother, Sarat Chandra Bose, was a third.

ENEMY OF MODERNITY

Hind Swaraj (1909) is the only book that Gandhi wrote in Gujarati and translated himself. Even his autobiography, the work we know as The Story of My Experiments with Truth, was translated by somebody else — his secretary, Mahadev Desai. Hind Swaraj is written as a dialogue, with Gandhi himself asking questions as 'Reader' and replying as 'Editor'. It is a Socratic or Platonic work in that sense. He does say that it is a faithful record of conversations he had with someone in South Africa, but it seems obvious that this declaration is merely a means of contextualising pre-existing questions and answers. Like Savarkar's work Hindutva, Hind Swaraj is more a booklet than a book. It is a work of opinion, primarily, and is quite an eccentric work, if by eccentric we mean bizarre. Gandhi develops the idea of passive resistance quite well, and it is found fully formed here years before he returned to India in 1915. This is perhaps the book's only saving grace.

Real education

For Gandhi, real education is not the sciences but the development of character: "Our ancient school system is enough." Higher education is futile, for he says that he studied Geography, Astronomy, Algebra, Geometry, but could make no use of them. "I must emphatically say that the sciences I have enumerated above I have never been able to use for controlling my senses," he says. He gives another example of why education is useless: "A peasant earns his bread honestly. He has ordinary knowledge of the world. He knows fairly well how he should behave towards his parents, his wife, his children and his fellow-villagers. He understands and observes the rules of morality. But he cannot write his own name. What do you propose to do by giving him a knowledge of letters?" He dislikes all aspects of modernity, which he finds immoral. "Hospitals are institutions for propagating sin," he says. The railways are bad because they spread bubonic plague. Trains made pilgrimage accessible, thereby reducing the value of the penitent devotee ("Nowadays rogues visit them in order to practise their roguery"). Gandhi dislikes lawyers and doctors and wants the professions abolished: "My firm opinion is that the lawyers have enslaved India, have accentuated



Hindu-Mahomedan dissensions and have confirmed English authority." Men suffered under the modern justice system because "they became more unmanly and cowardly when they resorted to the courts of law." All this leads to the well-known conclusion that machinery is evil: "It is machinery that has impoverished India."

Hundred snakes

The following paragraph mixes his opinions, prejudices and distaste for anything that helped man out of his primitive state: "Machinery is like a snake-hole which may contain from one to a hundred snakes. Where there is machinery there are large cities; and where there are large cities, there are tram-cars and railways; and there only does one see electric light. English villages do not boast of any of these things. Honest physicians will tell you that where means of artificial locomotion have increased, the health of the people has suffered. I remember that when in a European town there was a scarcity of money, the receipts of the tramway company, of the lawyers and of the doctors went down and people were less unhealthy. I cannot recall a single good point in connection with machinery." *Hind Swaraj is brief but it is Gandhi's primary work of philosophy. He kept returning to it. As his fame grew, people began to wonder at its absurd pronouncements.* Gandhi felt the need to defend himself. *In 1933, he wrote in Harijan that his mind was evolving with time and his positions on some things he had spoken of in Hind Swaraj might have changed.* "I would like to say to the diligent reader of my writings and to others who are interested in them that I am not at all concerned with appearing to be consistent. In my search after Truth I have discarded many ideas and learnt many new things. Old as I am in age, I have no feeling that I have ceased to grow inwardly or that my growth will stop at the dissolution of the flesh." *Yet, in 1938 he wrote that in the 30 years since Hind Swaraj was written, "I have seen nothing to make me alter the views expounded in it."* There is much to admire in this great man and yet, on reading this seminal work, there is also a lot to be wary of. Hind Swaraj remains a remarkable document.

A CASE FOR CASH TRANSFERS

The Nyuntam Aay Yojana (NYAY) has become more relevant since it was first proposed two years back. By resurrecting it in its Kerala manifesto, the Congress has an opportunity to make the idea even more robust. Even the best policy proposals find it hard to survive an unsuccessful election campaign. So, it was unexpected to see a version of NYAY, the Congress's flagship 2019 scheme that proposed a monthly transfer of ₹6,000 to households living below the poverty line, resurface prominently in the Congress-led United Democratic Front's manifesto for the Kerala Assembly election. *Unconditional cash transfers to the poor is a resoundingly good idea. Of course, cash transfers lead to important short-term effects: better nutrition, less food insecurity, higher consumption, and so on. But their benefits extend beyond this.* Research shows that *by freeing people from being held hostage to hunger and insecurity and anxiety about basic needs, even a modest cash transfer can radically transform people's futures, unlocking stymied entrepreneurship, investment, and eventually a sustainable exit from poverty. It is hard to dream and plan on an empty stomach, and cash transfers help ease that problem. They are, thus, a powerful instrument for sustainable poverty reduction.*



Behavioural tools

NYAY was already a good idea in 2019. But the COVID-19 pandemic and the hardships endured by rural-urban migrants during the countrywide lockdown, followed by the crippling economic slowdown, have only made the case for it stronger. *Had a NYAY-like scheme been in place, migrant workers who found themselves thrown out of work by the lockdown might have had the wherewithal to remain where they were, rather than being forced to make perilous journeys home. Businesses that faced labour shortages might have found it easier to restart activity once restrictions eased, and cash in the hands of potential consumers could have helped in recovering from the dramatic economic slump that the pandemic set off.* This is not mere speculation. *A non-profit behavioural science research and design firm, ideas42, has been testing several 'nudges' to help people make the most of their government cash benefits, in partnership with the World Bank and governments in Africa.* Much of this work predated the pandemic, and it was being seen that the behavioural methods that were designed, consisting of a simple tool to help people articulate long-term goals and figure out how much money to set aside to achieve these goals (often things like purchasing livestock or inputs for a small business), helped people save more, make some productive investments, and pay off high-interest debt. After the pandemic hit, ideas42 was able to interview beneficiaries of cash transfer schemes in Kenya's rural areas — both those who had received only cash and those who had also received the behavioural 'planning tools'. Several months into the pandemic, everyone reported a loss of income and said the cash they had received helped them cope. However, those who received the "nudge" tools fared better because they had saved more, were more likely to have made productive investments, and were more optimistic about their future. Even during a pandemic, cash transfers helped people feel in control, and adding behavioural tools increased the cash's impact on people's well-being. A state-level implementation of a programme like NYAY facilitates the necessary tinkering and ironing out of logistical challenges. It also allows for strategically incorporating 'nudges' and other proven interventions that can help magnify the impact of cash transfers. Such interventions can help ensure that people receiving cash are not only able to meet their immediate needs, but are also able to set some money aside for contingencies, such as a pandemic or natural disasters. Whether or not NYAY sees the light of day in Kerala depends on the outcome of the election. But the Congress is right to stick with a concept that has become more significant now.

FACEBOOK DATA LEAK: HOW ARE INDIAN USERS AFFECTED, AND SHOULD YOU WORRY?

Earlier this year, it emerged that personal information of over 533 million Facebook users from 106 countries had been leaked online. In January, Alon Gal, CTO of cyber intelligence firm Hudson Rock, first reported that a Telegram bot was being used to sell phone numbers for free. The bot was using a vulnerability in a Facebook feature which allowed phone numbers linked to every account to be accessed for free. This is not the first time that a data leak from Facebook has been reported — there have been numerous such instances in the past, with the most controversial among them in recent memory being the *Cambridge Analytica* scandal in 2018 when it was reported that a political consulting and strategic communications firm had collected personal information of around 87 million people through a personality quiz app that many had accessed through Facebook. So, why is this data breach making news? What is unique about it and what are the potential implications? We explain.



What is the nature of the data that was compromised and how was it leaked?

The leaked data comprises personal information such as *names, Facebook ID, addresses, phone numbers, email addresses, names of workplaces, date of birth, date of account creation, relationship status and bio*. The data set did not include any financial information or passwords. The data was obtained through scraping whereby all the information was extracted by exploiting a vulnerability in Facebook's contact importer feature. Mike Clark, Product Management Director at Facebook, has stated in a blog post that the data was not stolen by hacking into its system but by *scraping its platform*. As the blog post states, *scraping is a common tactic that often relies on automated software to lift public information from the internet*. While scraping itself may not always be illegal, the manner in which the information was obtained in this case and later made available online was a violation of Facebook's terms of service. *In 2019, the Forbes reported that Facebook had confirmed that a newly discovered security vulnerability in Instagram's contact imports feature let an attacker access names, phone numbers, Instagram handles and account ID numbers*. Facebook had said back then that it was "already aware of the issue due to an internal finding". The current data leak is being connected to that vulnerability, with Facebook admitting that the data dates back to two years ago. Also, it had publicly acknowledged the breach back then. Cyber researcher Dave Walker, who had first drawn attention on social media to the fact that the leaked data set also contained the personal information and phone number of Facebook CEO Mark Zuckerberg, told indianexpress.com, "It's hard to be too forgiving towards Facebook because this issue was brought to their notice in 2017, which is two years before the data leak, when a 21-year-old Belgian security researcher demonstrated live on air to a radio station in Brussels how he could exploit a vulnerability in a Facebook feature to access the phone number of a senior politician. Facebook didn't agree with his findings then, and said there was no tangible security failure or privacy impact. Two years later, a user took half a billion people's data."

What is unique about this data breach?

Just the sheer number of Facebook accounts which were compromised and the amount of data which made its way online makes it one of the biggest-ever breaches of this kind. The exposed data includes personal information of over 533 million Facebook users from 106 countries, out of which there are 32 million records on users in the US and 11.5 million on users in the UK and 6 million on users in India. As many users on Reddit forums have pointed out, if the number of people affected by this breach were a country, it would be the third most populous in the world, behind China and India. Several interesting pointers emerged when indianexpress.com examined the leaked data set comprising accounts of over 61 lakh Indians. *While analysing the data, we found that among the metros, Delhi was the worst hit, with accounts of more than 1,55,000 being compromised. The leaked data also contained account details of over 1,36,000 people from Mumbai, over 96,000 from Kolkata, more than 39,000 from Chennai, over 48,000 from Hyderabad and around 50,000 from Bangalore*. Among those in India who had been hit by the data breach, there were more than 49 lakh men and over 12.5 lakh women. Troy Hunt, a security expert who runs HaveIBeenPwned, an online service for users to check if their information has been involved in a data breach, told indianexpress.com what makes the data set unique is the huge number of phone numbers that have been leaked. "Whenever there are data leaks of this nature, there are usually more email addresses. But in this case, a lot of phone numbers mapped to the Facebook account of users have been leaked. So, what



you have now is like *a giant global phone book which is available out there on the public domain,*” he said.

Where did the leaked data first become available?

The massive database containing the personal information of over 500 million Facebook users was first posted on the dark web — a haven for illegal activities and stolen information ranging from the sale of data to hacking tools to drugs and weaponry—for free, enabling cybercriminals from all over the world to exploit the data to target Internet users worldwide. Initially, operators of the database allowed Telegram users to query the database in exchange for a fee, enabling the latter to view phone numbers associated with millions of Facebook accounts. However, things got much worse recently when a hacker made the entire database available on a dark web forum for free, enabling anyone with basic data skills to view the personal information of 533 million Facebook users. Dave Walker told indianexpress.com that the data was available across a couple of forums, both on the dark web and other sharing platforms.

GAGGING IIM

*A proposed code of conduct for faculty at the Indian Institute of Management, Calcutta, reflects a prickliness to criticism and protest that has become a depressing feature of institutes of higher learning. If it comes into effect, the code will bar faculty members from any criticism of the institute or government, from joining protests that hurt “public order”, from signing petitions as a collective, put in place restrictions in speaking to the press — and bind them to a promise of “no politics”. It would also make it difficult for faculty members to organise, as they recently did, against the alleged high-handedness of the IIM-Calcutta director, which eventually resulted in her exit. Faculty members have, rightfully, pointed out that this is an attempt to sneak in directives similar to the Central Civil Services (Conduct) Rules, the code that binds government servants and bureaucrats, into an academic institution. This is a fundamental error. A 2013 Supreme Court judgment had upheld the distinction between government employees and college teachers. Teachers, unlike mandarins tasked with implementing government orders, should not be burdened by a demand of obedience. They are involved in the creation and dissemination of knowledge, which entails contestations and debate, dissent and critical thinking that cannot be concerned about the sensitivities of those in power. In 2018, teachers had pushed back against a similar directive from the University Grants Commission to impose CCS rules on universities, arguing that it amounted to a gag order and encroachment on their autonomy. Autonomy, of course, has been the distinctive feature of the IIM success story, one that the institution has fiercely guarded over the years. With the enactment of the IIM Act in 2017, the independence of the institutions was cast in law. Nevertheless, several recent instances have found the government and the IIMs on the opposing side, from the *refusal of the IIM-Ahmedabad to accede to a Ministry of Education directive to “review” a PhD thesis* that described the BJP as “a pro-Hindu upper-caste party” to the government’s attempts to empower itself to carry out an inquiry against the board of governors of the IIMs if they “violate” the IIM Act. The code is in line with attempts to encroach on the rights and freedoms of IIM-Calcutta. But, as this government’s New Education Policy has acknowledged, freedom to speak and disagree is a minimum condition of academic excellence, the feedback loop that keeps learning from turning into dead habit. *The IIM-Calcutta faculty have done well to set an example by opposing the restrictive code.* The board must heed their objections and withdraw it.*



THE ABOLITION OF FCAT

On April 4, the Centre notified the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021, issued by the Ministry of Law and Justice. The Tribunals Reforms Bill was introduced in the Lok Sabha in February, but was not taken up for consideration in the last session of Parliament. The President later issued the ordinance, which scraps the Film Certification Appellate Tribunal (FCAT), a statutory body that had been set up to hear appeals of filmmakers against decisions of the Central Board of Film Certification (CBFC), and transfers its function to other existing judicial bodies. Eight other appellate authorities have also been disbanded with immediate effect. The ordinance has amended The Cinematograph Act, 1952, and replaced the word 'Tribunal' with 'High Court'.

When did the FCAT come into being?

In 1983, a decision was taken to establish the FCAT, a statutory body under The Cinematograph Act, headed by a member from the legal fraternity. Before the FCAT, filmmakers had no option but to approach the court to seek redressal against CBFC certifications or suggested cuts. So, the FCAT acted like a buffer for filmmakers, and decisions taken by the tribunal were quick, though not always beyond reproach.

How important was the FCAT in the certification process?

Films meant for distribution in theatres require to be certified as 'U' (unrestricted public exhibition), 'UA' (unrestricted public exhibition subject to parental guidance for children below the age of 12), 'A' (restricted to adult audiences) or 'S' (restricted to specialised audiences such as doctors or scientists) by the CBFC, which has an examining committee and a revising committee. According to observers, the CBFC was increasingly getting stacked with people close to the ruling dispensation, both the Congress and the BJP. Of late, the body has been headed by chairpersons who have ruled with a heavy hand and ordered cuts to films critical of the government. The clash between the film fraternity and the certification body became more pronounced in 2015 with the appointment of Pahlaj Nihalani as the chairman of the CBFC, and the FCAT had to step in often to sort out disputes. "In the context of a ban on a film or an order to delete scenes and dialogues from a film, the FCAT was called upon to frame the objections of the certification board in the context of the constitutional framework of freedom of expression," said Lalit Bhasin, former chairperson of the FCAT. Some recent films like Shaheeb Bibi Golaam and Lipstick Under My Burkha, both released in 2016, got a favourable hearing from the FCAT. The documentary, En Dino Muzaffarnagar, made by filmmakers Shubhradeep Chakravorty and Meera Chaudhary, was denied certification. Mr. Bhasin, who was also part of the Justice Mukul Mudgal Committee, which examined the certification process and suggested recommendations, said, "Neither the Mudgal committee nor the Shyam Benegal committee recommended that the FCAT be scrapped." Among other objectives, the rationale for setting up the FCAT was to reduce the burden on courts by functioning as an appellate body. Mr. Bhasin added that the tribunal, under him, took swift decisions, usually in six weeks.



Why has the tribunal been abolished?

The move to abolish the FCAT along with other tribunals follows a Supreme Court order in *Madras Bar Association vs. Union of India*. In November last year, a two-member Bench directed the government to constitute *a National Tribunals Commission*. It said the Commission would “act as an independent body to *supervise the appointments and functioning of Tribunals, as well as to conduct disciplinary proceedings against members of Tribunals and to take care of administrative and infrastructural needs of the Tribunals, in an appropriate manner*”. The top court, addressing the issue of dependence of tribunals on the executive for administrative requirements, recommended the creation of an umbrella organisation that would be an independent supervisory body to oversee the working of tribunals. “The court had expressed that the functioning of tribunals could be strengthened. So, the government cannot take advantage of the order and take shelter under it,” said Mr. Bhasin. *The move to abolish the FCAT is surprising as it comes in the backdrop of the recommendations of two influential panels — the Mudgal Committee and the Benegal Committee — both of which suggested an expansion of the body’s jurisdiction.*

What happens now?

Now that the FCAT has been disbanded, it will be left to the already overburdened courts to adjudicate. With the government tightening its control on over-the-top (OTT) content and ordering players in this area to set up a grievance redressal body to address the concerns of the viewers, many observers point out that the courts will have to play a greater role as an avenue of appeal. With cases pending for years, it is anybody’s guess how long the same courts will take to adjudicate on matters of film certification. The role played by the FCAT, which used to handle at least 20 cases a month, will now have to be performed by courts. That includes watching and reviewing films in their entirety to understand the process of certification.

LAST TWO RHINOS TRANSLOCATED UNDER IRV 2020

The ambitious Indian Rhino Vision 2020 (IRV 2020) came to a close on Tuesday morning with the release of two rhinos — an adult male and a female — in Assam’s Manas National Park transported from Pobitora Wildlife Sanctuary about 185 km east. Designed in 2005, the IRV2020 is believed to have achieved its target of attaining a population of 3,000 rhinos in Assam. But the plan to spread the *Rhinoceros unicornis* across four protected areas beyond Kaziranga National Park, Orang National Park and Pobitora could not materialise. “The eighth round of rhino translocation under IRV2020 ended at 7 a.m. today [April 13] with the release of the two rhinos in the central part of the Bansbari range of Manas, which has received a total of 22 rhinos from other protected areas under the translocation programme,” Amal Chandra Sharma, field director of Manas Tiger Reserve, said. “The ears of the translocated rhinos have been notched according to the International Union for Conservation of Nature’s Species Survival Commission and Asian Rhino Specialist Group’s guidelines for identification and monitoring. A special team has been tasked with monitoring the rhinos as per the translocation protocols for Assam,” he said.

Saviour of Manas

Assam had at least five rhino-bearing areas till the 1980s. Better conservation efforts helped maintain the population of the one-horned herbivore in Kaziranga, Orang and Pobitora, but



encroachment and poaching wiped the animal out of Manas and Laokhowa Wildlife Sanctuary. The lesser-known Laokhowa slipped under the radar of international watchdogs. Manas, in focus for the near-extinction of the pygmy hog, lost the World Heritage Site tag it received in 1985 along with Kaziranga from the UNESCO. "The translocated rhinos helped Manas National Park get back its World Heritage Site status in 2011. It can be expected that the translocation programme will set up a healthy, breeding population for the future of the species," Mr. Sharma said.

DOLPHIN BOOM IN ODISHA'S CHILIKA LAKE

The population of dolphins in Chilika, India's largest brackish water lake, and along the Odisha coast has doubled this year compared with last year. The wildlife wing of the State Forest and Environment Department released the final data on the dolphin census conducted in January and February this year, indicating a spectacular growth in numbers. Divided into 41 units, wildlife activists, academicians, Forest Department officials, NGO members, boat operators and researchers from the Bombay Natural History Society, Mumbai, participated in the estimation exercise. *The population estimation exercise for dolphins and other cetacean species covered almost the entire coast of Odisha. Three species were recorded during the census, with 544 Irrawaddy, bottle-nose and humpback dolphins sighted this year, compared with 233 last year.* Wildlife activists are elated over the sizeable growth in the *population of endangered Irrawaddy dolphins, which are mostly found in Chilika lake, jumping from 146 in 2020 to 162 this year.* Apart from Chilika, 39 Irrawaddy dolphins were sighted in the Rajnagar mangrove division, though their number has come down from 60 in 2020. *The highest growth has been noticed in the case of humpback dolphins. Only two humpbacks were sighted in the Rajnagar mangrove in 2020. In 2021, however, this population grew astronomically to 281.* "In 2020, the weather conditions were really bad. This year, our teams came across some large groups of humpback dolphins *near Ekakula and Habelikhati areas, close to the Gahirmatha Olive Ridley nesting ground,*" said Bikash Das, Divisional Forest Officer, Rajanagar (Mangrove) Division. "These humpback dolphins were not part of any riverine systems, so they cannot be identified as residential mammals. They were spotted travelling along the Odisha coast and the number is likely to fluctuate in the next census," Mr. Das added.

INDUS AND GANGES RIVER DOLPHINS ARE TWO DIFFERENT SPECIES

"What's in a name? A rose by any other name would smell as sweet," wrote Shakespeare. But ask a taxonomist and she will tell you how naming plays an important role in understanding and organising the diverse life forms on our planet. Now, a new study has once again shown the importance of taxonomic classification. Detailed analysis of South Asian river dolphins has revealed that the Indus and Ganges River dolphins are not one, but two separate species.

Divergent species

Currently, they are classified as two subspecies under *Platanista gangetica* and this needs a revision. The study estimates that Indus and Ganges river dolphins may have diverged around 550,000 years ago. The international team studied body growth, skull morphology, tooth counts, colouration and genetic makeup and published the findings last month in *Marine Mammal Science*.



DNA analysis

The corresponding author of the study Gill T. Braulik from the University of St. Andrews, U.K. explains about the DNA analysis to The Hindu: "To collect mitochondrial DNA, one would normally use skin samples or blood and hair. But in this instance, we didn't really have access to fresh tissue samples. So we got ancient DNA out of skulls and skeletons, which were 20 to 30 to even 150 years old. Looking at the sequences in the DNA, it was quite clear that the Ganges dolphins and the Indus dolphins were quite different." The paper notes that "comparative studies of animals in the two river systems are complicated by the fact that they occur in neighboring countries separated by an unfriendly international border...Thus, sharing of samples or data between countries is extremely challenging." One of the authors of the paper Ravindra K. Sinha from Patna University explains: "*The Ganges dolphin is a Schedule I animal under the Indian Wildlife (Protection) Act 1972, and has been included in Annexure – I of Convention on International Trade in Endangered Species (CITES), so you cannot transfer any tissue or sample to foreign countries without getting CITES permission from the Competent Authority of Government of India.*" Another reason was that finding dead animals were uncommon because they either float downstream or sink, and museum collections worldwide contain only a few specimens and most of them are damaged.

Conservation status

The Indus and Ganges River dolphins are both classified as 'Endangered' species by the International Union for Conservation of Nature (IUCN). Dr. Sinha who has been studying Ganges dolphins for almost four decades explains that physical barriers such as dams and barrages created across the river reduced the gene flow to a great extent making the species vulnerable; He adds that river flow is also declining very fast as river water is being diverted through the barrages and this has affected the dolphin habitats. "Previously fishermen used to hunt dolphins and use their oil as bait, but though that practice of directed killing has stopped and they are not being hunted intentionally they end up as accidental catches. Also, before the 1990s, we had oar boats and country boats; but now mechanised boats are also causing accidental injury to the dolphins."

Sources of pollution

Being a part of the Ganga Action Plan, Dr. Sinha monitored a large stretch of the river and noted that both point and non-point sources of pollution are affecting the dolphin habitat. "Recently we saw the Chinese river dolphin go extinct. Though the Indian government has given legal protection to the dolphin, more ground action and close work with local communities are needed to help them survive," adds Dr. Sinha.

LOSER STREAK

Sport rests on two pivots. The first is the athlete's desire to win by putting in the greatest endeavour. The second attribute is the fans' belief that what unfolds on the turf is based on sincere effort. Sport is real and its immediacy also invests it with long-lasting meaning. It is this enduring template that gets torn asunder when cricketers throw matches or athletes consume anabolic steroids and break records. Corruption that taints performance is a poisoned dagger which cleaves sport's throbbing heart and the latest scandal involving Heath Streak, is a crushing blow to cricket. *The former Zimbabwe captain admitted to sharing information with bookies while he was*



the coach of various teams ranging from Zimbabwe to Kolkata Knight Riders, and has also accepted bitcoins for favours rendered. This breach of trust occurred largely from 2016 to 2018 and on Wednesday, the International Cricket Council (ICC) banned Streak for eight years. It was a fall from grace for one of Zimbabwe's greatest players. Streak was a crafty fast bowler and a useful batsman as evident in his combined international tally of 455 wickets and 4933 runs during a 12-year career that finished in 2005. *Disbelief was the first emotion when match-fixing reared its head in 2000. It was a conflagration that hurt many high-profile cricketers including the late Hansie Cronje, Mohammad Azharuddin and Saleem Malik.* The allegations may have failed to gain legal sanctity in long-drawn cases but the whispers remained. *The sordid saga had another instalment when spot-fixing hurt the 2013 Indian Premier League forcing a cleansing of the Board of Control for Cricket in India (BCCI).* The same despondency was in vogue after the ICC mentioned Streak's transgressions even if the caveat was that his actions had no bearing on the results of the games in which he was involved as a coach. Streak may not have fixed a contest but in *sharing contacts of players with bookies, he was paving the way for a probable underwhelming show.* Bookies lure with requests for seemingly innocuous information before they spread the net wide. It may be recalled that *in the 1990s, Shane Warne and Mark Waugh confessed to sharing pitch and weather information with a book-maker.* Streak's misdemeanour is also a step back for Zimbabwean cricket, which is returning from a long-drawn administrative crisis that forced the early retirement of the Flower brothers – Grant and Andy — and the exile of Henry Olonga. Streak's dalliance with greed shows that the ICC's fight against the scourge of gambling and match-fixing is far from over.

EXAMINATION PRIORITIES

The decision to put off the CBSE Class 12 public examination and cancel the Class 10 examination at the end of a disrupted academic year brings much-needed relief to anxious students caught on the crest of the second COVID-19 wave. Unlike last year's first phase of the pandemic, the ongoing wild spread covers young people as well. The age cohort of those infected now includes even 15-year-olds, according to the Health Ministry. It is a wise move on the Centre's part to keep this risk group out of harm's way, reducing the possibility of school-based clusters and onward spread to older age groups who have shielded themselves so far. The onus is now on State governments, some of which have already initiated the examination schedule, to similarly recognise the growing crisis and display flexibility in reconsidering dates. Kerala had, for instance, postponed its SSLC and higher secondary level examinations due to the State election, but these got under way immediately thereafter. Tamil Nadu, which too conducted an Assembly poll, has scheduled school public examinations throughout May. What State governments should be focusing on is enhancement of the efficiency of vaccination rollout, using available vaccines and new ones in the pipeline. *This effort will be greatly helped if there is undivided attention devoted to covering all age groups at the earliest, using the enhanced supply.* With an unwavering focus on providing vaccine protection to its entire population, the U.S. has advanced its target dates in almost all States to include all those above age 16. University leaders are also pursuing policies to normalise campus-based education that envisage universal vaccination of all college students. Further, there is promise on the vaccine front for school-goers, with Pfizer-BioNTech, after trials on younger recipients, seeking regulatory permission to cover children aged 12 to 15 in the U.S. under emergency-use authorisation norms. Two other vaccine makers are due to report on trials on young recipients. If the results prove to be robust, this is a promising way forward to reopen

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



campuses for children without major disease worries. Yet, while they may succeed with vaccination, where many countries are failing in addressing the mental health challenges of freedom-constrained children and youth. The problem must be acknowledged, and they must be reassured through publicised talk therapy and counselling, a task that calls for a partnership between educational institutions and the public health system. Over the next few weeks, governments should prioritise vaccinations for the general population, and the resulting control over infections would make the public examination season smooth for students.

NORTHEAST CITIZENS FACED BIAS AMID PANDEMIC

A study commissioned by the Indian Council of Social Science Research (ICSSR) on racial discrimination and hate crimes against people from the north-eastern States found that the "northeast India seamlessly fits [an] Indian's imagination of a Chinese person". The study found that 78% of the people from the region who were interviewed believed that physical appearance was the most important reason for prejudice. Amid the COVID-19 outbreak last year, people from the region "faced an increased number of acts of hate and prejudices against them". A series of attacks were reported in various parts of the country, where people from the region were "harassed, abused, and traumatised" and were disparagingly called "coronavirus", the study said.

The study quoted a 2020 report from the Right and Risks Analysis Group (RRAG) that found a significant upsurge in acts of racial discrimination against people from the region. It mentioned 22 reported cases of racial discrimination or hate crimes between February and March 25, 2020. "The risk of being victimised in racial hatred remains subtle yet deeply entrenched. The highest number of incidents was reported from Mumbai (44.7%). Interestingly, 78% of the northeast people believed that physical appearance was the most important reason for prejudice. It appears as if the northeast India seamlessly fits Indian's imagination of a Chinese person," the report said. Offensive and abusive language were reported to be most common across all the six cities. Mumbai recorded the highest offensive and abusive language-related crime (74%), followed by Chennai (72%), Pune (67.3%), Delhi (64%), Hyderabad (48.7%) and Bengaluru (43.3%). More than 60% of those interviewed said their studies and work were seriously hampered by such experiences. "The most pervasive reasons behind hate crime incidents against the north-eastern people as per our data analysis were public attitude and insensitivity (44.5%). The incidence of non-reporting of the incidents was 32.3%. As many as 34% of persons faced a common issue of refusal to file FIR by the police. The fear of hate crime was experienced to be particularly high in Chennai (74%)," the study said. It said the *M.P. Bezbaruah Committee in 2014 recommended amendments to the IPC by creating new offences under Section 153C and 509A to deal with comments, gestures and acts intended to insult a member of a particular racial group. "It also suggested to make such offences as 'gender-neutral', 'cognizable' and 'non-bailable' with imprisonment extendable up to three years or five years with fine, respectively," said the study.*

WHICH STATES ARE WORST HIT, WHY IS OXYGEN TRANSPORTATION DIFFICULT?

Consumption of medical oxygen in Maharashtra has reached the state's full production capacity of 1,250 tonnes. The state has 6.38 lakh active cases of Covid-19, and about 10% of them — an estimated 60,000-65,000 — are on oxygen support, the highest for any state. Maharashtra is additionally taking 50 tonnes from Chhattisgarh and another 50 tonnes from Gujarat daily. It is



also slated to receive 100 tonnes from Reliance's plant in Jamnagar, Gujarat. Madhya Pradesh, with 59,193 active patients as on April 16, requires 250 tonnes daily. The state does not have its own manufacturing plant and relies on Gujarat, Chhattisgarh, and Uttar Pradesh for oxygen supply. As cases rise in neighbouring states, MP is staring at the possibility of supplies from there running out. Gujarat's requirement has crossed 500 tonnes per day for over 49,737 active Covid-19 cases. *The Centre-appointed Empowered Group-2, formed to monitor the supply of essential medical equipment during the pandemic, has been focusing on 12 high-burden states — Maharashtra, MP, Gujarat, Rajasthan Karnataka, UP, Delhi, Chhattisgarh, Kerala, Tamil Nadu, Punjab and Haryana — where oxygen requirement is set to shoot in the coming days.* Over 17,000 tonnes of oxygen will be directed in three batches from states that have surplus oxygen to these 12 states to meet their projected demand. The problem is acute in rural areas, which are going through a rise in Covid-19 cases but have no large storage tankers, and in smaller nursing homes, which rely on daily supply of oxygen cylinders.

How much oxygen is produced, where, and what are the constraints on supply?

Oxygen has applications in the iron and steel industry, hospitals, pharmaceutical units that manufacture vials, and the glass industry. Currently, most states have diverted their entire oxygen production for medical use. Industry experts said India has the capacity to produce more than 7,000 metric tonnes of medical oxygen. *The major manufacturers are Inox Air Products, Linde India, Goyal MG Gases Pvt Ltd, National Oxygen Limited.* The largest of these, *Inox, produces 2000 tonnes per day.* "We are currently contributing to 60% of the total medical oxygen requirement in country. We have stopped nitrogen and argon gas production and diverted all resources for oxygen production," an Inox official said. During the first wave of the pandemic last year, smaller manufacturers that produced industrial oxygen, too, were allowed to produce medical oxygen by changing certain specifications. This has helped expand the medical oxygen production capacity. *Manufacturers prepare liquid oxygen with 99.5% purity, which is stored in jumbo tankers, and transported to distributors in cryogenic tankers at a specified temperature.* At distributor level, a process of regasification is followed to convert the oxygen into gaseous form and fill it in jumbo cylinders and dura cylinders. These cylinders then go to smaller suppliers or directly to hospitals. "The problem is demand is high, *but there are not enough cylinders and tankers to store and transport oxygen,*" *an industry expert said.* It is not possible to immediately set up new oxygen manufacturing plants or expand existing ones. In the last one year, Inox started two plants in West Bengal and UP to produce 200 and 150 tonnes oxygen respectively per day. *The process of installing one plant took 24 months.* An Inox official said they have plans for more plants in MP, UP, Tamil Nadu and West Bengal, but it will not solve the immediate crisis.

What are the hurdles in transportation?

India does not have enough cryogenic tankers to ensure 24x7 road transport of medical oxygen. Now when oxygen is being transported from one state to another, the travel time it takes from the manufacturer to a patient's bed has increased from 3-5 days to 6-8 days. The smaller a hospital or the more remote its location, the longer the time taken for the oxygen to reach there. Smaller suppliers have also complained they do not have enough jumbo and dura cylinders to keep the flow steady. *The increase in cost for transport and logistics has increased the cost of refilling cylinders. A cylinder that would earlier cost Rs 100-150 for refilling, now costs Rs 500-2000.*



What is the way forward?

Usually, 20 out of every 100 patients turn symptomatic and three of them critical. The pool that may require oxygen varies from 10-15 per 100 patients. Among solutions that are being worked out or proposed: *The Empowered Group plans to identify 100 hospitals in far-flung areas to install pressure swing absorption (PSA) plants, which can manufacture their own oxygen and make the hospitals self-reliant.* This will cut transportation costs and delays in oxygen supply to remote parts. Another 162 PSA plants are in the process of completion. Hospitals are setting up huge storage tanks to store supplies that can last at least 10 days. In the last one year, several civil hospitals have set up such jumbo tankers to avoid their daily wait for cylinders. Industry experts in MP said they plan to use trains to transport oxygen faster instead of solely depending on traditional road transport. Maharashtra Chief Minister Uddhav Thackeray has suggested airlift of oxygen supply from one state to another. *Surplus oxygen stocks from iron and steel plants have been diverted for medical use.* The Empowered Group-2 has also decided that argon and nitrogen tankers be diverted for oxygen transport. For this, the Petroleum and Safety Organisation has issued orders. The Group has also advised use of industrial cylinders for refilling. *The Health Ministry has repeatedly warned against oxygen wastage and unnecessary use. Industrial experts have raised concerns over possible leakages in hospital pipelines that supply oxygen.* Last year, an expert committee under the Health Ministry fixed oxygen supply to 40 litres in intensive care units and 15 litres in normal wards per patient per minute. It has advised monitoring of patients on oxygen support daily, and that only those with oxygen saturation levels below 94% be put on oxygen support.

WHY THERE'S A SHORTAGE OF REMDESIVIR, WHAT IS BEING DONE ABOUT IT

Amid a surge in Covid-19 cases, Maharashtra, Delhi, Gujarat, Chhattisgarh and Madhya Pradesh have started reporting a shortage of the anti-viral remdesivir. On Sunday, the Directorate of Foreign Trade in Ministry of Commerce and Industry issued an order prohibiting export of remdesivir and active pharmaceutical ingredients (APIs) required in its production until further notice. Remdesivir is an injectable anti-viral that aims to prevent replication of the virus. It was manufactured in 2014 to treat Ebola, and has since been used to treat SARS and MERS. In 2020, it was repurposed for Covid treatment. Clinical experience has shown it works best in mildly ill patients, and in early stages of hospitalisation; late use has little effect.

The crisis

Of India's 11 lakh active infections are in Maharashtra, which now needs 40,000-50,000 remdesivir vials daily, as compared to a peak requirement of 30,000 a day last year. The higher demand is primarily due to rising cases, and also manufacturing and supply issues. Madhya Pradesh has complained it is currently getting half its requirement. "Around 70% of total production is diverted towards Maharashtra. The remaining 30% is distributed to other states. If we need 7,000 vials, we get only 1,500-2,000," said Food and Drug Inspector in MP Shobhit Kosta.

Demand and supply

For two or three months this year, remdesivir production was negligible or nil. Last December, several suppliers and manufacturers were left with huge stockpiles. They had anticipated sales and



scaled up production, but a drop in Covid cases in November-December reduced demand. Former Joint Commissioner of Drugs, FDA (Maharashtra), J B Mantri said a few suppliers had to destroy expired stocks. From January, manufacturers scaled down production. Hetero Healthcare, India's largest manufacturer of remdesivir, scaled down production to 5-10%. Kamla Lifesciences, which supplies remdesivir to Cipla, stopped manufacturing from January 31 to March 1. "Government had asked us to reduce manufacturing because Covid-19 cases were reducing and there was no demand," said Dr DJ Zawar, MD in Kamla Lifesciences. *That halt has affected supplies now. Cases began rising from February, but manufacturing resumed to an extent in March. "We need at least 25 different raw materials in production of remdesivir... We had to procure a lot of raw material and our suppliers could not supply quickly,"* said Prafulla Khasgiwal, senior VP, Hetero Healthcare. *The cycle from production to transportation of remdesivir can take 20-25 days.* Production scaled up last month; it will take another week for fresh stocks to hit markets.

What next

Remdesivir is being over-prescribed even for patients who won't benefit from it. Last year, the DoP had red-flagged this. *Over-prescription* has inflated prices. Worse, *over-use can make patients resistant to the drug.* Domestic manufacturers have been directed to list their distributors on their websites. The Centre has directed states to take action against black marketing and hoarding. It has advised hospitals to use remdesivir based on the national Covid protocol, which lists remdesivir as an investigational drug with contraindications.

SCALING UP VACCINE PRODUCTION

The precarious second wave of COVID-19 infections has hit India with greater ferocity than the first. Despite a year to prepare, we have been caught woefully off guard again. Multiple reports of the scarcity of COVID-19 vaccines and drugs have surfaced from different parts of the country. *According to the Observer Research Foundation, till the end of March, India had produced 316 million doses of Covishield and Covaxin — the two COVID-19 vaccines in use in India. Of this, 64.5 million doses have been exported.* This suggests that the issue isn't vaccine production. Perhaps, the problem has more to do with centralised procurement, distribution, and coordination with different State governments and local authorities. Nonetheless, as India aims to inoculate more and more people it is imperative to ramp up vaccine production. Serum Institute of India (SII), which manufactures Covishield, has said that it can produce 100 million doses a month, up from the 50 million doses, provided it can scale up its manufacturing capacity.

We discuss some of the legal means that the government could have employed last year and should employ now to scale up the production of COVID-19 vaccines. We divide these legal means into the non-intellectual property-(IP)-based and IP-based options.

Non-IP-based solutions

Section 2 of the Epidemic Diseases Act of 1897 empowers the government, during the outbreak of an epidemic, to take measures that it may deem necessary to prevent the outbreak or its spread. Likewise, Section 26B of the Drugs and Cosmetics Act, 1940, empowers the Central government to regulate the sale, manufacture, and distribution of a drug that is essential to meet the requirements of an emergency arising due to an epidemic. Since ramping up the production of vaccines would be



a necessary step in that direction, the government can direct pharmaceutical companies to loan their manufacturing capacity to the existing COVID-19 manufacturers like the SII and Bharat Biotech to boost their manufacturing capability so that more COVID-19 vaccine vials can be produced. This can be done without affecting the ability of these companies to develop and test their own vaccine candidates.

IP-based solutions

Under Section 100 of the Patents Act, 1970, the Central government has the power to authorise anyone (such as specific pharmaceutical companies) to use any patents or patent applications for the “purposes of government”. Under this provision, the Central government can licence specific companies to manufacture the COVID-19 vaccines. The other option is to make use of Section 92 of the Patents Act, which allows the Central government to issue a *compulsory licence* (a licence issued to manufacture the patented product without the consent of the patent holder) in circumstances of national emergency or extreme urgency or in case of public non-commercial use. The pandemic is a circumstance of national emergency. Thus, the Central government, under Section 92, can issue a notification in this regard. Subsequently, any company willing or directed by the government to manufacture the COVID-19 vaccine can be issued a licence. *Another option available to the government, as some commentators have pointed out, is that all COVID-19 vaccine projects that are funded by the taxpayer’s money should not claim IP rights in the first place or if patents are granted, they should not be enforced.* This would make the wider dissemination of research outcomes possible facilitating easy replication by other manufacturers. This can be done in the context of Covaxin that has been developed by Bharat Biotech in collaboration with the Indian Council of Medical Research and the National Institute of Virology. The government needs to explore the production capabilities of the pharmaceutical companies in the public sector to build India’s manufacturing competence. For instance, *Haffkine Biopharmaceutical Corporation, a State government public sector undertaking, can manufacture Covaxin immediately.* A licence could have been issued to this entity by the government last year and we would have had higher supplies of COVID-19 vaccines this year. These legal options have been available to the government all along. The government should have used these options to build India’s manufacturing capacity, which would have placed us in a better position to fight the second wave. There is still hope and a chance to respond to this lament. Will the government listen?

CENTRE FAST-TRACKS APPROVAL FOR MORE VACCINE CANDIDATES

In a major shift in vaccine approval policy, the government has decided to fast track approvals for COVID-19 vaccines that have been developed outside India and have been granted the emergency use authorisation (EUA) by other drug regulatory agencies. The decision was taken based on the recommendation made by the *National Expert Group on Vaccine Administration for COVID-19 (NEGVAC)* at a meeting held on April 11, to “expand the basket of vaccines for domestic use and hasten the pace and coverage”. *The vaccines that would be eligible for the fast-track approval will include those that have been granted an EUA by the U.S. Food and Drug Administration (FDA), European Medicines Agency (EMA), the U.K. Medicines and Healthcare products Regulatory Agency (MHRA) and the Pharmaceuticals and Medical Devices Agency (PMDA) of Japan, or those that have been prequalified by the WHO for emergency use.* This would mean that *Pfizer, Moderna and Johnson and Johnson* vaccines would be eligible for fast-track approval. Under the fast-track approval



process, *bridging studies will take place in parallel to mass vaccination*. So far, clinical trials conducted in India were needed before the Indian regulator could approve the vaccine. But before the mass roll-out of the vaccines that are developed and tested abroad can happen, *the vaccines will be first given to 100 beneficiaries and these individuals will be assessed for seven days for safety outcomes*.

At least half-dozen States had reported vaccine shortage a few days ago. Professor of Microbiology at CMC Vellore Dr. Gagandeep Kang said: "The decision finally complies with the WHO's recommendation of regulatory reliance." *While so far there have been no tie-ups with Pfizer and Moderna by any vaccine manufacturer in India, Hyderabad-based Biological E (Bio E) has tied up with Johnson and Johnson to test and manufacture the vaccine locally*. Since the decision also allows imports of bulk drug material and fill and finish locally, it is likely that India will have access to Johnson and Johnson vaccine at the earliest. *Pfizer had earlier filed for a restricted use approval with the Indian regulator but withdrew its application after a short while. Though the reason why Pfizer withdrew its application is not known, the policy then required Pfizer to carry out bridging studies in India before the vaccine could be taken up for approval*. On Tuesday, the U.S. FDA said in a tweet that along with CDC, it is recommending a pause in the use of Johnson and Johnson vaccine "out of an abundance of caution". It is unclear at this point if the vaccines developed, tested and approved outside India will be made available through the government at a subsidised rate or will vaccine manufacturers be able to import them and sell them in the private market. "So far, I am not aware of any vaccine being made available through private players. It is governments that are purchasing vaccines for citizens," Dr. Kang said.

HOW SPUTNIK V WORKS AGAINST THE CORONAVIRUS, AND HOW EFFECTIVELY

Sputnik V, the vaccine against Covid-19 developed by Russia, has been cleared for emergency use by the Drugs Controller General of India, the country's drug regulator. On Monday, an expert panel recommended it for emergency use in India. It is now the third coronavirus vaccine to get emergency use approval, after Covishield (Serum Institute of India) and Covaxin (Bharat Biotech).

The Sputnik V vaccine

The Sputnik V vaccine, developed by Gamaleya National Research Institute of Epidemiology and Microbiology in Moscow, uses two different viruses that cause the common cold (adenovirus) in humans. The adenoviruses are weakened so they cannot replicate in humans and cannot cause disease. They are also modified so that the vaccine delivers a code for making the coronavirus spike protein. This aims to ensure that when the real virus tries to infect the body, it can mount an immune response in the form of antibodies. Sputnik uses a different vector for each of the two shots in a course of vaccination. This provides immunity with a longer duration than vaccines using the same delivery mechanism for both shots, according to the Russian Direct Investment Fund (RDIF). The two shots are given 21 days apart. *Sputnik V is to be stored at -18°C in its liquid form. However, in its freeze-dried form, it can be stored at 2-8°C, in a conventional refrigerator without any need to invest in additional cold-chain infrastructure*. Sputnik V is approved for use in over 55 countries with a total population of over 1.5 billion people, according to RDIF. It has proposed to price the vaccine at less than \$10 per shot.



Indian partners

Dr Reddy's Laboratories, based in Hyderabad, had sought the government's approval for the vaccine to be used in India. The RDIF partnered with Dr Reddy's in September 2020 to conduct clinical trials in the country. On Monday, the Drugs Controller General of India's subject expert committee (SEC) took up the Sputnik V application for emergency use authorisation and gave the go-ahead. DCGI had earlier sought additional data from the drugmaker. *Five other Indian companies have partnered with RDIF for Sputnik V. The others are Gland Pharma, Hetero Biopharma, Virchow Biotech, Panacea Biotec and Stelis Biopharma, the biopharmaceutical arm of the Bengaluru-headquartered Strides Pharma Science.* Together, these partnerships are expected to take India's capacity to make this vaccine to over 600 million doses a year.

Efficacy

Launched in August last year by Russian President Vladimir Putin, the vaccine had then come under criticism from the scientific community over the apparent haste. Since then, however, phase 3 trials conducted in Russia, with the results published in The Lancet, have found it has an efficacy of 91.6%. In India, Dr Reddy's conducted a bridging study after which it applied for emergency use approval. Professor Ian Jones, University of Reading, and Professor Polly Roy, London School of Hygiene & Tropical Medicine, UK (who were not involved in the study), had then written in The Lancet: "The development of the Sputnik V vaccine has been criticised for unseemly haste, corner cutting, and an absence of transparency. But the outcome reported here is clear and the scientific principle of vaccination is demonstrated, which means another vaccine can now join the fight to reduce the incidence of Covid-19." *Trial participants were given the first dose (rAd26-) followed by a booster dose (rAd5-S) 21 days later. The authors said that using a different adenovirus vector may help create a more powerful immune response (compared with using the same vector twice), as it minimises the risk of the immune system developing resistance to the initial vector. The study found no strong allergies caused by Sputnik V.*

DreamIAS



BUSINESS & ECONOMICS

WHAT MONEY TRANSFER OUTSIDE BANKING SYSTEM SIGNALS

Transferring money to another person will soon be possible without depending directly on a bank. Anyone will be able to send money online, or withdraw cash, using a mobile wallet or any non-bank entity through Real Time Gross settlement (RTGS) and the National Electronic Fund Transfer (NEFT), the centralised payment systems (CPSs) of the Reserve Bank of India. In short, non-banks are expanding their foothold in this traditional area of banking.

What has the RBI done to facilitate this?

The RBI last week proposed to enable, in a phased manner, payment system operators like mobile wallets regulated by the central bank to take direct membership in RTGS and NEFT. This is expected to minimise settlement risk in the financial system and enhance the reach of digital financial services to all user segments. These entities will, however, not be eligible for any liquidity facility from RBI to facilitate settlement of their transactions in these CPSs. The facility — details of which are yet to be unveiled — will be subject to an overall limit of Rs 2 lakh for non-banks.

What are the implications?

Experts say that just as use of UPI increased over the last 4-5 years since it was opened to third-party aggregators, opening the payment system to non-banks would increase digital payments and transactions significantly. In a sense, it will prepare a digital trail of all individuals doing digital transactions on channels outside the banking system, which could help the overall financial system. *Until now, an individual's credit profile was available primarily with the banks. With this opening up, one's credit profile can also be tracked while taking a loan from a financial technology (FinTech) company, investing through it or spending through it.* A credit score will be built on the basis of all your financial touchpoints. While banks conduct credit assessment on the basis of your assets, loan repayments, credit card payments etc, "FinTech companies are not just looking at your asset payments for credit decisioning. Youngsters using FinTech platforms have no or less financial assets and yet they are borrowing and spending. This will allow them to have a digital trail and build a credit profile. So one must be careful in the way (s)he borrows and repays even outside the normal banking channels," said Srinath Sridharan, Governing Council member of FinTech Association for Consumer Empowerment.

Who can now undertake online transfers?

The RBI will now allow non-bank entities — Prepaid Payment Instrument (PPI) issuers, Card Networks, White Label ATM operators, Trade Receivables Discounting System (TReDS) platforms — to become members of CPS. Mobile wallets like Google Pay, Mobikwik, PayU, Ola Money, PhonePe and Amazon Pay can provide NEFT and RTGS facilities to their customers. Transfer will be allowed only to KYC (know your customer)-compliant entities.

CASH WITHDRAWAL: *Another monopoly of banks too is set to go. The RBI has now proposed to allow the facility of cash withdrawal, subject to a limit, to non-bank entities — full-KYC PPIs of non-bank PPI issuers. Currently, cash withdrawal is allowed only for full-KYC PPIs issued by banks and*



this facility is available through ATMs and PoS terminals. Holders of such PPIs, given the comfort that they can withdraw cash, are less incentivised to carry cash and consequently more likely to perform digital transactions. With the RBI now allowing non-banks to withdraw cash (subject to the limit of Rs 2 lakh), dependence on banks is likely to come down. The fine print on cash withdrawal is yet to be announced.

What does the hike in cash limit mean?

*The RBI has decided to increase the limit of outstanding balance in PPIs of non-banks from the current level of Rs 1 lakh to Rs 2 lakh. This will facilitate and incentivise online transfer and cash withdrawal from non-banks and enable them to go for full KYC compliance and interoperability. Migration towards full-KYC PPIs, and therefore interoperability, has not been significant, the RBI says. "Interoperability of the PPI wallet will expand the market size and will be beneficial to the end consumers. The RBI has also relaxed the norms for the membership of Central Payment Systems, which was earlier available to only banks and a few other institutions. *This will open new opportunities for PPI issuers as they will be able to provide RTGS and NEFT services to the wallet users. Overall, this will take financial inclusion deeper in the country,*" said Yogendra Kashyap, CEO, RapiPay FinTech.*

Are non-banks a threat to banks?

The opening up of fund transfer and cash withdrawal through non-banks is certainly a sign of a changing banking horizon. Traditional brick-and-mortar banking is slowly disappearing with non-banks entering the space. *The RBI says India is on the way to becoming Asia's top FinTech hub with an 87% FinTech adoption rate as against the global average of 64%. The FinTech market in India was valued at Rs 1.9 lakh crore in 2019 and is expected to reach Rs 6.2 lakh crore by 2025 across diversified fields such as digital payments, digital lending, peer-to-peer (P2P) lending, crowd funding, block chain technology, distributed ledgers technology, big data, RegTech and SupTech.* In a world where FinTech companies are leading in terms of the volume of digital transactions and playing a more active role in the banking and finance industry, it is important that commercial banks adapt to the technological changes and work in tandem with these entities so that in future they are part of the ecosystem rather than competing with FinTech companies for business, RBI Governor Shaktikanta Das said last month.

How is digital payment taking shape?

Large-value credit transfers through RTGS dominate the overall digital payments landscape in 2019-20, accounting for over 80% of the total value of digital transactions. In terms of volume, however, credit transfers via multiple channels such as UPI, NEFT and Immediate Payment Service (IMPS) were the leaders. In the case of card payments, the value of debit card transactions registered a growth of 35.6% as against 21.1% for credit cards in March 2020. *Social distancing requirements during the pandemic led to the digital mode of transactions being preferred over cash, although the value and volume of the former were somewhat depressed on account of the slowdown in economic activity ahead of the outbreak.* The trajectory of growth in UPI-based transactions, as well as overall retail digital transactions, has been impressive both in value and volume terms, according to the RBI's Report on Trends and Progress of Banking in India.



TWIN TROUBLES

The latest official data on retail prices and industrial production released on Monday provide cause for disquiet, given *that inflation continues to accelerate and output at the country's factories contracted for a second straight month*. While inflation quickened to a four-month high of 5.52% in March, as per provisional data from the National Statistical Office, the NSO's quick estimates of the Index of Industrial Production for February show *output including at mines, the manufacturing sector and electricity generators shrank 3.6%, following on from January's 0.9% contraction*. Consumer Price Index numbers show that *stubbornly high food and fuel costs* remain the main drivers of price pressures. *Pulses and edible oils*, key kitchen staples and vital nutritional sources for proteins and fats, have been climbing almost dizzyingly for the last few months, a fact not lost on the RBI. While inflation in pulses accelerated to 13.3%, from 12.5% in February, oils and fats saw a more than 400 basis points surge to 24.9%. In its policy statement this month, the central bank hoped that arrivals from the rabi harvest as well as imports would likely augment supply, helping moderate prices of pulses. Similarly, on edible oils the RBI is rather optimistically banking on the government to cut import duties and offer incentives to boost domestic productivity to counter the heightened inflation. With meat and fish, and eggs yet again posting double-digit increases, inflation in the food and beverages category quickened almost 100 basis points to 5.24%. Disconcertingly, transport and communication also saw a more than 100 basis points acceleration to 12.6%, and this despite the pump prices of petroproducts remaining virtually frozen through the month, ahead of the March 27 start of Assembly elections. The most plausible explanation is that the freight and urban transport sectors saw a lagged pass-through of the preceding months' steep increases in automobile fuel costs. Price pressures are unlikely to ease significantly in the near term, unless the Centre and the States bite the bullet by agreeing to forego some near-term revenue from petroproducts and reduce fuel taxes. The RBI, which has been stridently seeking a reduction in these levies, foresees inflation averaging 5.2% in the April-June quarter. Separately, the IIP data shows mining continuing to backslide, manufacturing struggling for traction with output of capital goods, construction gear and consumer non-durables all contracting in February. And if one considers that these data sets are yet to reflect the likely disruptions caused by the upsurge in COVID-19 infections and the local containment measures, the signs are even more worrying. Policymakers face tough choices in trying to nurse back demand. And they must do this without letting quickening inflation undermine purchasing power and overall economic stability.

S&P INDEX DROPS ADANI PORT CITING TIES TO MYANMAR JUNTA

S&P Dow Jones Indices on Tuesday said it was dropping Adani Ports and Special Economic Zone Ltd. (APSEZ) from the Dow Jones Sustainability Indices, citing the Indian company's ties with Myanmar's military. Stating that APSEZ would be removed from the indices prior to market opening on April 15, S&P Dow Jones Indices observed that the decision had followed a "Media and Stakeholder Analysis triggered by recent news events pointing to heightened risks to the company regarding their commercial relationship with Myanmar's military, who are alleged to have committed serious human rights abuses under international law". The Myanmar military has been accused of widespread human rights violations after a coup and has been slapped with sanctions by the United States. *The group, led by billionaire Gautam Adani, is building a port in Yangon on land leased*



from the military-controlled Myanmar Economic Corporation (MEC), which is among the entities that have been sanctioned by the U.S. Last month, the Adani group said it would consult all stakeholders and authorities on the project after human rights groups alleged that the ports unit had an agreement to pay millions of dollars in rent to MEC.

LIFE & SCIENCE

BREATHING TRILOBITES

A major milestone in evolutionary history occurred about 370 million years ago – the water-to-land transition – when a certain fish species converted its fins to limbs and modified its respiratory organ for air-breathing. So how did the creatures breathe when in water? A new study (Science Advances) *has found evidence of advanced breathing organs in 450-million-year-old sea creatures called Trilobites. Fossil studies showed that trilobites used gill-like structures hanging off their thighs to breathe.* This went unnoticed for decades as scientists thought the upper branch of the leg was non-respiratory just like the upper branch seen in present-day crustaceans. Advanced Computer tomography or CT scanner helped read the fossil and surrounding rock and 3D models of the gill structures were created. Paleontologist Melanie Hopkins, a research team member at the American Museum of Natural History explained in a release that the new technique helped get a view that would even be hard to see under a microscope. The gill structures were just 10 to 30 microns wide. For comparison, a human hair is about 100 microns thick. The researchers write that blood would have filtered through chambers in these tiny structures and helped pick up oxygen. They note that this ancient gill is similar to those found in present-day crabs and lobsters.

MORE THAN WORDS

In July 2020, the Internet Engineering Task Force, a voluntary, international internet standards body, proposed getting rid of racist engineering terms such as “master”, “slave”, “blacklist” and “whitelist”. Nearly a year later, debate over the proposal, which suggested using more neutral terms, continues with individual organisations making their own changes, using, for example, *“allowlist” in place of “whitelist”.* Now the chief technology officer of the Washington-based Centre for Democracy and Technology, Mallory Knodel has asked that the task force itself use language that is more neutral. *“Blocklist” could explain what blacklist* does and primary would do likewise for “master”. Many have supported her but Knodel has also been accused of constructing a “Ministry of Truth”. Some participants, this week, left the discussion saying it has become too toxic. A language is as expansive as the society it serves and our society must have a language that grows with it. *If the “master” and “slave” terminology of technology is offensive to a Black person, because it reminds them of a painful historical reality, there is nothing wrong with replacing it with “primary” and “secondary”,* for example. Similarly, gendered, ableist, casteist, queerphobic terms must be identified and replaced with more welcoming language, not just in technology, but in other fields as well. Of course, there will be pushback. Recently, when ESPNcrinfo announced its conversion to gender-neutral language, with replacements such as *“batter” (for batsman) and “player of the match” (for man of the match),* the misogynistic overtones of the complaints that followed made it clear why the decision was needed at all. True, a change in terminology isn’t going to erase discrimination overnight, but it signals an intent to create spaces that are more accommodating.



And, meaningful change can take place only when the formerly othered have the room to demand it.

MANY ENDEMIC SPECIES CAN GO EXTINCT UNLESS PARIS PACT GOAL IS MET

*Many animals and plants unique to the world's most scenic natural places face extinction if greenhouse gas emissions continue to rise, according to a new study published in the journal *Biological Conservation*. Climate change will negatively affect most native and endemic species — those that are only found in very specific places. In particular, the analysis shows that all endemic species from islands and more than four out of five endemic species from mountains are at high risk of extinction due to climate change alone. However, remaining within the climate goals of the Paris Agreement — which aims to keep global heating well below 2°C, ideally at 1.5°C, compared to a baseline — would save the majority of species.* A global team of scientists analysed almost 300 biodiversity hotspots — places with exceptionally high numbers of animal and plant species — on land and at sea. Many of these hotspots contain endemic species that are unique to one geographic location. They found that if the planet heats by over 3°C, then a third of endemic species living on land, and about half of endemic species living in the sea, face extinction. *On mountains, 84% of endemic animals and plants face extinction at these temperatures, while on islands that number rises to 100%. Overall, 92% of land-based endemic species and 95% of marine endemics face negative consequences, such as a reduction in numbers, at 3°C. Current policies put the world on track for around 3°C of heating. Endemic species include some of the world's most iconic animals and plants. Endemic species threatened by climate change include lemurs, which are unique to Madagascar, and the snow leopard, one of the most charismatic animals of the Himalayas. They also include important medical plants such as the lichen *Lobaria pindarensis*, used to alleviate arthritis. In Asia, islands including the Indian Ocean islands, the Philippines and Sri Lanka along with the Western Ghat mountains could lose most of their endemic plants due to climate change by 2050. The study found that endemic species are 2.7 times more likely to go extinct with unchecked temperature increases than species that are widespread, because they are only found in one place; if climate change alters the habitat where they live, they are at risk of permanent extinction. If greenhouse gas emissions keep rising, then places like the Caribbean islands, Madagascar, and Sri Lanka could see most of their endemic plants go extinct as early as 2050. The tropics are especially vulnerable, with over 60% of tropical endemic species facing extinction due to climate change alone. But if countries reduce emissions in line with the Paris Agreement, then most endemic species will survive, the analysis found. In total, just 2% of endemic land species and 2% of endemic marine species face extinction at 1.5°C, and 4% of each at 2°C. Shobha S Maharaj, island specialist from the Caribbean Environmental Science and Renewable Energy Journal, and author of the study, said: "This study finds extinction risk due to climate change for geographically rare species living on islands to be over eight times higher than on mainland regions. The geographical rarity of these species makes them of global value to nature. Such species cannot move easily to more favourable environments and their extinction could result in disproportionate global species loss."*

WHO URGES HALT ON SALE OF LIVE WILD MAMMALS IN MARKETS

The World Health Organization called on Tuesday for a halt to the sale of live wild mammals in food markets to prevent the emergence of new diseases such as COVID-19. The WHO said because

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



traditional markets play a central role in providing food and livelihoods for large populations, banning the sale of live wild mammals could protect the health of market workers and customers alike. The call came in fresh guidance drawn up by the WHO in conjunction with the World Organisation for Animal Health (OIE) and the United Nations Environment Programme (UNEP). “WHO, OIE and UNEP call on all national competent authorities to suspend the trade in live caught wild animals of mammalian species for food or breeding and close sections of food markets selling live caught wild animals of mammalian species as an emergency measure unless demonstrable effective regulations and adequate risk assessment are in place,” the agencies said. “Animals, particularly wild animals, are the source of more than 70% of all emerging infectious diseases in humans, many of which are caused by novel viruses. Wild mammals, in particular, pose a risk for the emergence of new diseases,” the guidance said. The agencies recalled that some of the earliest known cases of COVID-19 had links to a wholesale food market in Wuhan, with many of the initial patients stall owners.

10 KEY REASONS WHY CORONAVIRUS TRANSMISSION IS PRIMARILY AIRBORNE

Reviewing existing research, the six experts from the UK, US and Canada identified 10 streams of evidence that collectively support the hypothesis that SARS-CoV-2 primarily transmits through the airborne route.

1. *Super-spreading events* account for substantial SARS-CoV-2 transmission. Indeed, the authors wrote, such events may be the pandemic’s primary drivers. Detailed analyses of human behaviours and other variables in concerts, cruise ships etc have shown patterns “consistent with airborne spread of SARS-CoV-2 that cannot be adequately explained by droplets or fomites”, they wrote.
2. *Long-range transmission of SARS-CoV-2 between people in adjacent rooms* has been documented in quarantine hotels, but never in each other’s presence.
3. *Asymptomatic or pre-symptomatic transmission from people* who are not coughing or sneezing is likely to *account for at least a third, and perhaps up to 59%, of all transmission globally* and is a key way SARS-CoV-2 has spread around the world, indicating a predominantly airborne mode of transmission.
4. *Transmission of SARS-CoV-2 is higher indoors than outdoors* and is substantially reduced by indoor ventilation. Both observations support a predominantly airborne route of transmission, the authors wrote.
5. *New infections have been documented in healthcare organisations where there have been strict contact-and-droplet precautions and use of PPE designed to protect against droplet but not aerosol exposure.*
6. Viable SARS-CoV-2 has been detected in the air. In laboratory experiments, *SARS-CoV-2 stayed infectious in the air for up to 3 hours*. In one study, viable SARS-CoV-2 was *identified in air samples from rooms occupied by Covid-19 patients* in the absence of aerosol-generating procedures; in another study, it was *detected in air samples from an infected person’s car*.



7. SARS-CoV-2 has been *identified in air filters and building ducts* in hospitals with Covid-19 patients; such locations could be reached only by aerosols.
8. Studies involving infected *caged animals that were connected to separately caged uninfected animals via an air duct* have shown transmission of SARS-CoV-2 that can be adequately explained only by aerosols.¹
9. No study “to our knowledge”, the authors wrote, has provided strong or consistent evidence to refute the hypothesis of airborne SARS-CoV-2 transmission. Some people have avoided SARS-CoV-2 infection when they have shared air with infected people, but this situation could be explained by a combination of factors, including variation in the amount of viral shedding between infectious individuals and different environmental conditions.
10. There is limited evidence to support other dominant routes of transmission—ie, respiratory droplet or fomite.

ANTIVIRAL DRUG SHOWS PROMISE

An experimental antiviral drug, MK-4482, significantly decreased levels of virus and disease damage in the lungs of hamsters treated for SARS-CoV-2 infection, according to a new study from scientists from the US National Institutes of Health (NIH), and published in the journal Nature Communications. MK-4482, delivered orally, is now in human clinical trials. Remdesivir is provided intravenously, making its use primarily limited to clinical settings.

REGEN-COV PREVENTS SYMPTOMATIC INFECTION

Regeneron will seek U.S. approval for its COVID-19 antibody cocktail as a preventative treatment after a trial showed it helped reduce the risk of symptomatic infections in households where someone else is ill, the U.S. drugmaker said on Monday. REGEN-COV, as the combination shot of casirivimab and imdevimab is called, reduced the overall risk of progressing to symptomatic COVID-19 by 31%, and by 76% after the third day. The trial also demonstrated that it shortened symptom duration and markedly lowered viral levels, Regeneron said in a statement. The drug has emergency U.S. approval for mild to moderate COVID-19 patients, and the company is hoping the latest trial convinces regulators to expand its deployment. EU regulators have voiced some support and are letting countries decide if they want to use it. *Beyond reducing symptomatic infection risk, the total number of weeks patients experienced symptoms was nearly halved (45%) with REGEN-COV, and the viral burden was cut by 90%-plus, potentially helping halt the disease's spread.*

RESEARCHERS PROPOSE METHOD TO TREAT BLOOD CLOTS AFTER JABS

The U.S. on April 13 paused the use of Johnson and Johnson's vaccine following adverse reactions in a few vaccinated persons while investigations are on to understand the mechanism of the rare reaction better. This followed the fact that six people in about 7 million vaccinated with J&J's vaccine developed blood clots in the days following vaccination. A similar adverse reaction to AstraZeneca's vaccine has been observed in rare cases. In this situation, a German and Austrian group, led by Andreas Greinacher of University Medicine Greifswald, in Germany, has announced a partial understanding of this mechanism and a possible method of treatment. Several countries



have set age limits for the use of the AZ vaccine. Researchers have come closer to identifying the reason for the blood clotting events, seen in rare cases, following vaccination with the AstraZeneca vaccine. *In two separate papers published in The New England Journal of Medicine, a group of researchers from Norway and another from Austria and Germany have outlined how this adverse reaction resembles a reaction to heparin — a blood thinner. Heparin can induce a condition where the platelet number dips and blood clots form. This is known as heparin-induced thrombocytopenia (HIT). After vaccination, the vaccinated person develops specific antibodies which can bind to the platelets or thrombocytes and activate them to form clots which could eventually block the blood vessel (thrombosis).* There is an accompanying decrease in the free platelets (thrombocytopenia). The researchers are not sure whether it is the vaccine that is causing the reaction or it is due to some factor in the person's constitution. The researchers differentiate the blood clots arising from vaccination from HIT and have also outlined a way to test patients exhibiting the worrying symptoms and to manage the condition. They have developed a screening assay to determine whether the person has developed these particular antibodies. The researchers advise first ruling out heparin-induced thrombocytopenia and then testing for vaccine-induced immune thrombotic thrombocytopenia (VITT) followed by specific treatment of the condition with immunoglobulin.



DreamIAS