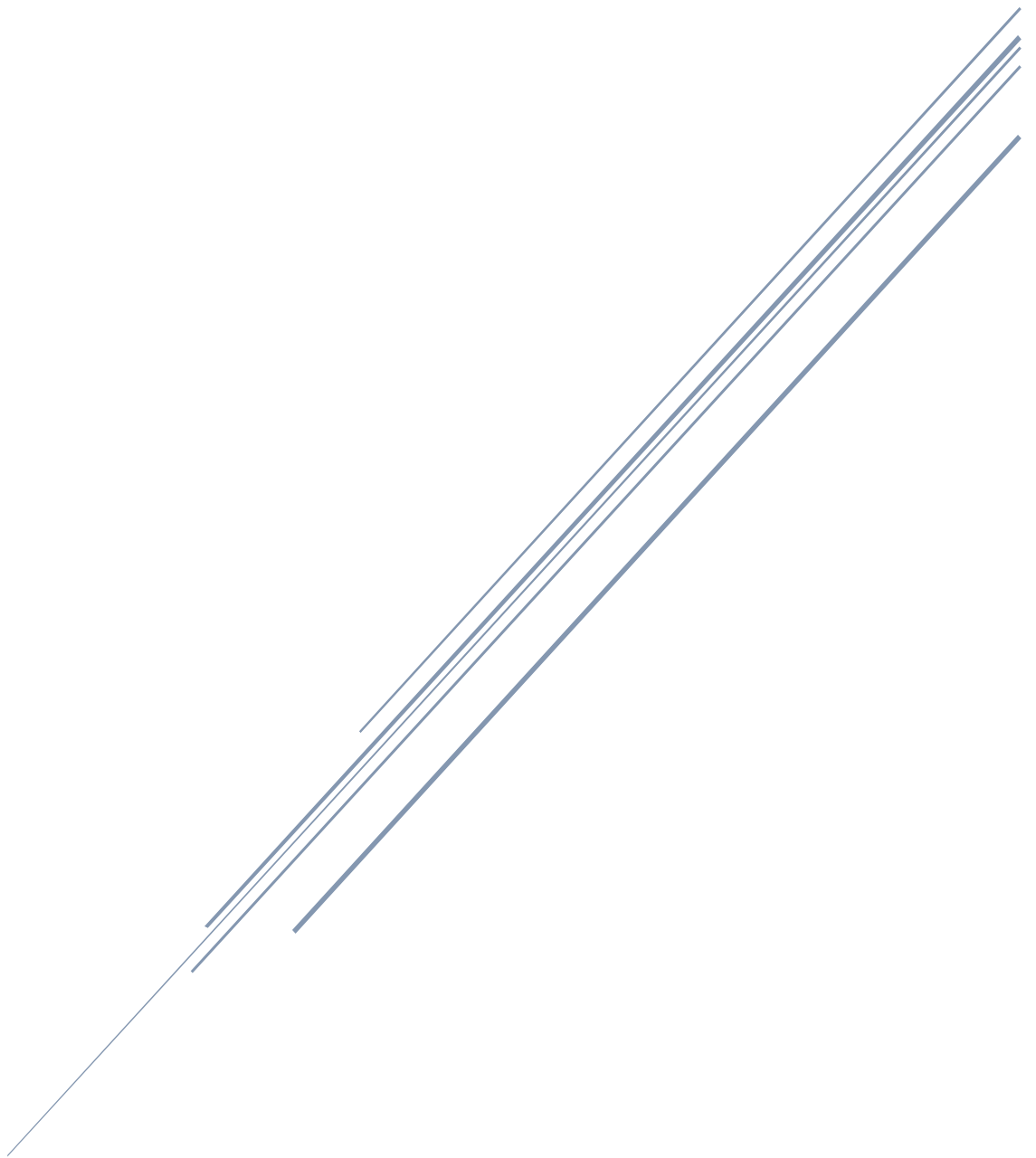


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21ST TO 27TH MARCH, 2021





INTERNATIONAL

IRAN DEAL COULD BE RESCUED BY THE IAEA

Even as the chicken-and-egg game is being played between the U.S. and Iran on the Joint Comprehensive Plan of Action (JCPOA) as to whether Iranian compliance comes first or the lifting of sanctions by the U.S., the International Atomic Energy Agency (IAEA) is back on the stage to rescue the JCPOA. The U.S. tried to pressurise Iran by proposing a resolution in the IAEA Board of Governors (March 1-5) meeting criticising Iranian non-compliance with the JCPOA and its alleged IAEA safeguards violations amidst rumours that Iran might withdraw from the Non-Proliferation Treaty (NPT) and proceed to develop nuclear weapons. Iranian Intelligence Minister Mahmoud Alavi had hinted at it in an interview with Iranian State television in February. Mr. Alavi's widely reported remark — that “a cornered cat may behave differently from when the cat is free” — was interpreted as a warning that Iran might abandon the JCPOA and proceed with unbridled nuclear activities.

The Indian model

Having sat in the alphabetical order next to Iranian Ambassadors and top nuclear negotiators on the IAEA Board of Governors for about four years, I know they looked at India with admiration for the way India had handled the NPT. They often wished that they had not signed the NPT, developed a capability like India did, and then negotiated a deal. I did not have to remind them that such an option was not available and that the United Nations Security Council would not give them permission to leave the NPT even if they wished to do so. Even though the Supreme Leader Ayatollah Ali Khamenei's fatwa against nuclear weapons still stands, Foreign Policy recently noted: “Wide swaths of Iranian society, among the public and policymakers alike, seem to increasingly see the weapon not just as an ultimate deterrent but as a panacea for Iran's chronic security problems and challenges to its sovereignty by foreign powers.” If the stalemate continues on JCPOA, because of the U.S. pressure, public opinion may shift towards the Indian model of creating a deterrent and then seeking a special dispensation to avoid severe sanctions. But the risks involved in such a policy will be grave, including the possibility of military action by Israel. The Iranian elections in June make it imperative for the country to have at least an initial breakthrough before the polls. If not, the new government, which might be more radical than the present one, would be tempted to adopt a policy of creating a de facto deterrent as the only option for survival.

IAEA'S two service functions

A technical ‘understanding’ reached on February 21 by IAEA Director General Rafael Grossi allowing monitoring by the IAEA to continue in Iran for three months augured well for a possible IAEA effort in case the JCPOA talks broke down. Iranians had also agreed to an early April visit to Iran by an IAEA technical team to discuss outstanding safeguard matters. It was against this backdrop that Mr. Grossi persuaded the Americans not to move a resolution in the IAEA Board, so that the IAEA did not get entangled in the U.S. position on Iran. It was important for the IAEA to pursue its non-proliferation efforts with Iran outside the JCPOA. Perhaps, Mr. Grossi expects that in the event of the present efforts to renew the JCPOA failing altogether, it should be possible to



consider a fresh initiative by the IAEA to deal with the issue. The IAEA is neither the Secretariat of the NPT nor is it empowered to request States to adhere to it. It does, however, have formal responsibility in the context of implementing Article III of the Treaty. The IAEA's mandate, expertise, and experience also equip it well to assist in the implementation of other Articles. At the broadest level, the IAEA provides two service functions under the NPT. It facilitates and provides a channel for endeavours aimed at the "further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world." Its other major function is to administer international nuclear safeguards, in accordance with Article III of the Treaty, to verify fulfilment of the non-proliferation commitment assumed by non-nuclear-weapon States party to the Treaty. The NPT assigns to the IAEA the responsibility for verifying, at the global level, through its safeguards system, that non-nuclear weapon States fulfil their obligations not to use their peaceful nuclear activities to develop any nuclear explosive devices of any kind. Accordingly, the Iranian file could go back to the IAEA to start fresh negotiations to restrain Iran to remain within the permissible level of enrichment of uranium. In effect, this may mean going back to the pre-six nation initiative, when the IAEA could not certify that Iran was not engaged in weapon activities. With the experience of the JCPOA, any new arrangement has to ensure that Iran must have sanctions relief, the stockpile of enriched uranium should not exceed the limits established, and there should be iron clad guarantees that Iran will not violate the safeguards agreement. The test is whether these can be accomplished within the framework of the IAEA.

Discussions at a technical level

Since the IAEA is a technical body, its deliberations may be kept at the technical level. At the same time, since it is open for the IAEA to report to the Security Council for necessary action, the IAEA will have the necessary clout to insist on the implementation of the NPT and its additional protocol. A new avenue may open for Iran to continue its peaceful nuclear activities as permitted in the NPT. Iran may have a certain comfort level in the IAEA as some members of the Board will be supportive of Iran's aspirations to develop nuclear power for peaceful purposes without unnecessary restraints. If the beginning of the new negotiations on the JCPOA drag on in the new circumstances in West Asia, particularly the interest of Saudi Arabia and the UAE to be part of any arrangement with Iran, which the U.S. supports, the IAEA may provide an alternative venue to open discussions on Iran's obligations under the NPT, which do not have a time limit.

SHOW YOUR LOYALTY XI JINPING

Usually, things work like this: A need or deficit is identified, and then governments make good or bad plans to address the gap. Not so with the governmentality of the party-state in China. *July 1 will mark the 100th anniversary of the Chinese Communist Party (CPC), and the Party has chosen, in the run-up to the celebrations, to begin a gargantuan "loyalty" campaign in the Peoples' Liberation Army.* The question is: Did the PLA suffer from a loyalty deficit? Like most regimes, both authoritarian and partly democratic, the CPC-controlled government is big on anniversaries, parades and other public spectacles that underline its role in the country's history, inviting people to be grateful for the many favours the party has bestowed on them. The highlight of the centenary celebrations will be "a gift" by the PLA to the CPC — a naval museum and exhibition centre at the



Hong Kong garrison, where pro-democracy protests have led to much turbulence over the last year. *In addition, soldiers will be educated so as to be able to “appreciate the glorious truth about Xi Jinping’s Thought on Socialism with Chinese characteristics”, and “firmly establish Xi Jinping’s Thought on Strengthening the Military as the guiding force”. The purpose of this thrust towards leader and party — to the exclusion of the many figures in the CPC’s own history — seems two-fold, with origins in ancient and mediaeval empires: To quell restive provinces demanding more freedom and to establish that history begins and ends with the divinely-sanctioned emperor (in this case, his thoughts on socialism are the gospel).* And the PLA needs to remember who it serves. But before people outside the Middle Kingdom smirk with superiority at the excessive homage to party and leader, it’s best to make sure that those in power in their own countries are not taking notes.

SANCTIONS ON CHINA OVER UIGHURS: CAUSE & EFFECT

In a coordinated move, the European Union, the US, Britain, and Canada imposed sanctions on Chinese officials and entities on Monday, for human rights abuses against Uighurs and other Muslim minorities in Xinjiang province. On Tuesday, Australia and New Zealand issued a joint statement welcoming the Western action, adding they were concerned about reports of abuses from Xinjiang. China retaliated with sanctions of its own. It has consistently denied all reports of atrocities against Uighurs, maintaining it is only “deradicalizing” elements of its population in the interests of security.

China took the U.S. to task on Wednesday over racism, financial inequality and the federal government’s response to the COVID-19 pandemic, in an annual report that seeks to counter U.S. accusations of human rights abuses by China’s ruling Communist Party. The 28-page report opens with *“I can’t breathe”*, a reference to George Floyd, a Black-American who died last May after a police officer pressed his knee against Floyd’s neck for about nine minutes. The document also highlighted the *January 6 attack on the Capitol*, as well as *gun violence* and *health disparities*. China issues the report every year in response to U.S. criticism of its record on issues such as abuses against minority groups and a crackdown on opposition voices in Hong Kong.

China slapped sanctions on several British politicians and organisations on Friday after the U.K. joined the European Union and others in sanctioning Chinese officials accused of human rights abuses in the Xinjiang region. The U.K. responded by accusing China of violating human rights on an “industrial scale.” China sanctioned four British institutions and nine individuals, including prominent lawmakers who have criticised the treatment of the Uighur Muslim minority in Xinjiang. *It said they would be barred from visiting Chinese territory and banned from having financial transactions with Chinese citizens and institutions.* The Chinese Foreign Ministry said the censure imposed by the EU, the U.S., Britain and Canada was based on “lies and disinformation, flagrantly breaches international law and basic norms governing international relations, grossly interferes in China’s internal affairs, and severely undermines China-U.K. relations.” “China does not stir up trouble, but China is not afraid when others do,” Yang Xiaoguang, China’s charge d’affaires in London, said at a news conference. “China is not the first to shoot, neither will we be passive and submissive to threats from the outside,” he said. “Today’s world is not the world of 120 years ago. The Chinese people will not be bullied.”



War on Western brands

British Prime Minister Boris Johnson condemned Beijing's move, saying the sanctioned individuals "are performing a vital role shining a light on the gross human rights violations being perpetrated against Uighur Muslims. "Freedom to speak out in opposition to abuse is fundamental and I stand firmly with them," he tweeted. Meanwhile, *China on Thursday launched a PR war on Western brands critical of rights abuses against Uighurs and other minorities in Xinjiang, with celebrities severing ties to Nike and Adidas, H&M facing a boycott and Burberry dumped from a deal with a gaming giant.* Celebrities, tech brands and state media — aided by outrage on China's tightly-controlled social media — piled in on several global fashion brands, as China's vast consumer market was mobilised against critics of Beijing's actions in Xinjiang.

Why they matter

This is the first time the EU has imposed sanctions on China since an arms embargo after the 1989 Tiananmen Square crackdown. That embargo is still in place. Although the EU sanctions are not very damaging, they show a hardening of stance against its largest trading partner. Also significant is that the Western powers moved together, in what is being seen as a result of the US push to deal with China along with its allies. According to Reuters, "senior US administration officials have said they are in daily contact with governments in Europe on China-related issues." The sanctions have come after a meeting between US and Chinese officials in Alaska last week, in what Washington described as "tough and direct talks".

Why the sanctions

Xinjiang has a large number of Uighurs, Muslims of Turkic descent. Over the past few decades, more and more Han Chinese have settled in Xinjiang, which saw violent clashes between them and the Uighurs. China is now accused of putting over a million people in internment camps to "de-Muslimise" them and make them integrate better in the Communist country. Allegations are that these people have been forced to leave behind their occupations, properties and families, to stay at the camps. *Survivors, human rights organisations, and governments of other countries have alleged physical, psychological and sexual torture. People can be sent to the camps for showing any signs of "extremism" — sporting beards, fasting during Ramzan, dressing differently from the majority, sending Eid greetings, praying "too often" etc. China has maintained that all it is doing in the camps is to de-radicalise people and give them skill training, so they can stay away from violence and extremism.*

IN SIGNAL TO CHINA, U.S. RAISED INDIA TIES DURING ALASKA TALKS

The Joe Biden administration highlighted the strength of U.S.-India ties in its March 19 meeting with Chinese officials in Alaska, underlining how it has increasingly come to view India as central to its broader objectives in dealing with China in the Indo-Pacific region. The reference to India, it is learnt, was not favourably received by China's two officials in Alaska — top diplomat and Politburo member Yang Jiechi and Foreign Minister Wang Yi — and is being seen as reflecting how U.S.-India relations, only two months into the new administration, are developing robustly. *The speed with which the new Biden administration has pushed closer ties with India has come in sharp contrast to expectations in some quarters, both in New Delhi and Washington, that relations would*



not be as smooth as they were with the Trump administration. But two months on, any initial wariness that the relationship, which had seen rapid progress particularly on the security side over the past four years, would have to be rebuilt from scratch has dissipated. *One reason for that is the successful holding of the virtual Quad summit between India, the U.S., Japan and Australia on March 12, seven days before the U.S.-China Alaska talks.* Although the Biden administration's message was it did not want to push any country beyond its comfort level and was willing to keep in mind their respective China concerns — hence the absence of any reference to China in the joint statement and the focus on deliverables such as the vaccines initiative — *India's immediate expression of willingness to go ahead with the summit and the "clarity" with which it put forward its agenda eased many concerns in Washington that New Delhi, amid the on-going disengagement process with China along the Line of Actual Control (LAC), might waver in its commitment to the grouping. If India has made clear it will not be part of any formal alliances, it has also suggested it is more willing to push the bar with China than previously.* The broader reason for the smooth transition in India-U.S. relations is the new administration's emphasis on a bipartisan approach to India and other key foreign policy issues, despite the divisiveness at home on the domestic agenda. One indicator of that was Mr. Biden's insistence that a video prepared for the Quad summit would begin by, at the very start, acknowledging former President George W. Bush's legacy in building the Quad, which first came to life following the 2004 Indian Ocean tsunami. On Thursday, China's military hit out at the Quad, describing it as a mechanism "promoted by the United States" and said it "adheres to the Cold War mentality, believes in group confrontation, is keen on geopolitical games, and uses the so-called 'China challenge' as an excuse to 'form cliques' and openly provoke relations between regional countries". "We are firmly opposed to this," PLA Senior Colonel and Ministry of Defence spokesperson Ren Guoqiang said.

U.S.-CHINA TALKS END ON SUBDUED NOTE

The U.S.-China talks started with a bang but ended with a whimper as Chinese officials left the site of the talks in Anchorage without a press conference on Friday and the rancour and sparring evident in Thursday's opening session did not have a sequel to match. While the Chinese delegation left without addressing the press, U.S. Secretary of State Antony Blinken and National Security Adviser Jake Sullivan spoke to reporters, saying the two sides were "fundamentally at odds" on a number of issues but suggesting they would work together on others. Mr. Blinken listed *Iran, North Korea, Afghanistan and climate change as areas of common interest.* "And we certainly know and knew going in that there are a number of areas where we are fundamentally at odds, including China's actions *in Xinjiang, with regard to Hong Kong, Tibet, increasingly Taiwan, as well as actions that it's taken in cyberspace,*" Mr. Blinken said. The U.S. has determined that the *Chinese government is engaged in a "genocide" on the Uighur Muslim minority in Xinjiang. Days before the talks, the State Department announced sanctions against Chinese and Hong Kong officials for increasing Beijing's control over Hong Kong's legislature.* In matters of trade, technology and economic, Mr. Blinken said the U.S. told China that it is working with Congress and its allies and will move forward in a way that "fully protects and advances the interests of workers and our businesses". *In line with expectations that U.S. officials had attempted to set prior to the talks, there was neither a joint statement nor a clear identification of deliverables after the meetings. This, despite the U.S. and China (along with Russia and Pakistan) signing a joint statement on the Afghan peace settlement in Moscow.*



CHINA, RUSSIA PROPOSE NEW SECURITY DIALOGUE PLATFORM

China and Russia have proposed setting up a new “regional security dialogue platform” to address security concerns of countries in the region, as their Foreign Ministers hit out at the United States for “forming small circles to seek bloc confrontation”. The proposal came following a meeting between Foreign Minister Wang Yi of China and his Russian counterpart Sergei Lavrov in the southern Chinese city of Guilin, and days after the March 19 U.S.-China summit in Alaska and the *March 12 leaders’ summit of the Quad (India, Australia, Japan and the U.S.), grouping that both Beijing and Moscow have viewed warily*. Both sides said in a joint press release that they “also proposed the establishment of a regional security dialogue platform to converge a new consensus on resolving the security concerns of countries in the region”. *China and Russia are already part of the Shanghai Cooperation Organisation (SCO) security grouping, which includes India*. The press release said “the international community believes that the United States should reflect on the damage it has done to global peace and development in recent years, halt unilateral bullying, stop meddling in other countries’ domestic affairs, and stop forming small circles to seek bloc confrontation.”

True multilateralism

China and Russia have rejected U.S. calls for “a rules-based order” — a call endorsed by the Quad summit — and instead said “all countries should follow the purposes and principles of the Charter of the United Nations” and “uphold true multilateralism, make international relations more democratic, and accept and promote peaceful coexistence and common development of countries with different social systems and development paths”. The two-day dialogue covered a range of issues, including Afghanistan, the Iranian nuclear issue, climate change and “the Asia-Pacific situation”, the press release said. On the Myanmar coup, both sides “voiced support for all parties in Myanmar to seek a political solution to the current crisis within the Constitution and legal framework, avoid further conflict and bloodshed, prevent external forces from taking advantage of the crisis for their own gains, and continue to advance the democratic transition”. The statement also hit out at attempts by the West to interfere in both countries’ internal affairs. Both Ministers, in remarks to the press, criticised the U.S. and the EU for their recent sanctions on Russia and China.

N. KOREA LAUNCHES ‘BALLISTIC MISSILES’

North Korea fired two suspected ballistic missiles into the sea on Thursday in its first substantive provocation to the new U.S. administration of Joe Biden. The nuclear-armed North has a long history of using weapons tests to ramp up tensions, in a carefully calibrated process to try to forward its objectives. Donald Trump’s first year in office was marked by a series of escalating launches, accompanied by a war of words between him and North Korean leader Kim Jong-un. Pyongyang had been biding its time since the new administration took office, not even officially acknowledging its existence until last week. But Seoul’s joint chiefs of staff said the North fired two short-range missiles into the Sea of Japan, known as the East Sea in Korea, from South Hamgyong province. They travelled 450 km and reached a maximum altitude of 60 km, the JCS added, and after an emergency meeting South Korea’s National Security Council expressed “deep concern” at the launch. *North Korea is banned from developing any ballistic missiles under UN*



Security Council resolutions and is under multiple international sanctions over its weapons programmes. Japanese Prime Minister Yoshihide Suga was unequivocal, telling reporters that “North Korea launched two ballistic missiles”. It had been a year since the last such incident, he added, saying, “This threatens the peace and security of our country and the region. It is also a violation of the UN resolution.” Tokyo said they came down outside the waters of Japan’s exclusive economic zone. *Pyongyang has made rapid progress in its capabilities under Mr. Kim, testing missiles capable of reaching the entire continental United States as tensions mounted in 2017. Mr. Trump and Mr. Kim then embarked on an extraordinary diplomatic bromance, holding two headline-grabbing summits in Singapore and Vietnam. The U.S. pulled back on some joint military exercises with South Korea while the North froze intercontinental ballistic missile tests. However, the February 2019 Hanoi summit broke up over sanctions relief and what North Korea would be willing to give up in return.*

XI, KIM EXCHANGE MESSAGES TO REAFFIRM CHINA-N. KOREA ALLIANCE

The leaders of China and North Korea are reaffirming their traditional alliance following contentious talks between top diplomats from Washington and Beijing and diplomatic isolation and economic problems in the North that have left it ever-more dependent on the Chinese. The North’s official Korean Central News Agency said on Tuesday that leader Kim Jong-un called for stronger “unity and cooperation” with China in the face of challenges posed by “hostile forces” while exchanging messages with Chinese President Xi Jinping. According to KCNA and China’s Xinhua news agency, Mr. Xi in his own message to Mr. Kim described bilateral relations as a “valuable asset” to both countries and vowed to make unspecified contributions to the peace and stability on the Korean Peninsula. KCNA said Mr. Xi also expressed a commitment to “provide the peoples of the two countries with better life.” Some analysts saw this as *an indication that China would soon provide North Korea with badly needed food, fertilizer and other aid.* The exchange came as the Biden administration steps up diplomatic efforts to strengthen cooperation with Asian allies South Korea and Japan to deal with the North Korean nuclear threat and China’s growing regional influence.

MANILA SENDS MORE SHIPS TO SOUTH CHINA SEA

The Philippine military ordered the deployment of more navy ships to the South China Sea on Thursday amid a growing diplomatic row over a fleet of Chinese boats parked near a disputed reef. China claims almost the entirety of the resource-rich sea, and was accused by the United States this week of efforts to “intimidate and provoke others” by parking its vessels near the *Whitsun Reef.*

‘Incursion of territory’

Manila has ordered Beijing to recall 183 boats at the reef around 320 km west of Palawan Island, describing their presence as an incursion of its sovereign territory. Around 220 boats were detected by the Philippine coast guard on March 7, but this was made public last weekend. A military aerial patrol over the reef on Monday found 183 of them were still there. *China says the fishing boats are sheltering from poor weather near the reef, which it claims is part of the contested Spratly Islands.* A spokesman for the Armed Forces of the Philippines said the additional navy ships would carry out



“sovereignty patrols” in the waterway. He did not say if the ships would go near the reef or what type of vessels would be used. *The diplomatic row has escalated with several countries, including Canada, Australia and Japan, expressing concern over the renewed tensions in the region.* Beijing often invokes the *so-called nine-dash line* to justify its apparent historic rights over most of *the South China Sea, parts of which are also claimed by Taiwan, Malaysia, the Philippines and Brunei.* *China has ignored a 2016 international tribunal decision that declared its assertion as without basis.*

U.K. WARNS EU AGAINST VACCINE EXPORT BAN

Britain on Sunday warned the European Union against halting exports of AstraZeneca’s COVID-19 vaccines if the bloc did not receive promised deliveries first, saying the move would be “counter-productive”. Defence Secretary Ben Wallace said “the world is watching” how the EU responds to a shortfall in deliveries of the inoculation from the Anglo-Swedish pharma giant, and that Brussels’ reputation was at stake. His comments follow EU chief Ursula von der Leyen again threatening on Saturday to impose an export ban on the AstraZeneca vaccine unless the company delivers more of the 90 million doses it agreed to supply in the first quarter of 2021. Appearing on several political talk shows, Mr. Wallace said trying to “balkanise or build walls” around vaccine production would damage both British and European citizens. “If contracts get broken, and undertakings, that is a very damaging thing to happen for a trading block that prides itself on the rule of law,” he told Sky News. “It is counterproductive because the one thing we know about vaccine production and manufacture is that it is collaborative. “They would undermine not only their own citizens’ chances of having a proper vaccine programme, but also many other countries around the world with the reputational damage for the EU which they would find very hard to change over the short-term.”

GEORGIA PASSES RESTRICTIVE VOTING LAW

The U.S. State of Georgia passed a law on Thursday, making ballot access more restrictive as Republicans across the country consider similar moves. Democrats and other critics of the law said it was targeted against Black voters and reminiscent of the Jim Crow (segregation) era. Several activist groups have mounted legal challenges to the law. The new law’s controversial provisions include a cut in the number of weeks during which people can ask for absentee mail in ballots, restricted locations for ballot drop-boxes, outlawing the provision water to those standing in line at the polls, a prohibition on ballot counters taking breaks during counting. Crucially, the law increases the control the State legislature has over the election machinery. Georgia Governor Brian Kemp signed the Bill into law within two hours of the GOP-controlled State Assembly and Senate passing it along party lines. Mr. Kemp tweeted that the law would make Georgia’s elections “secure, fair and accessible”. “Jim Crow 2.0 is represented in that picture,” Georgia lawmaker Donna McLeod told CNN. Since former U.S. President Donald Trump’s defeat at the polls last year, Republicans have proposed more than 250 Bills limiting voter access, according to a Reuters report. Mr. Trump and his team had unsuccessfully litigated claims of voter fraud in multiple lawsuits across the country. President Joe Biden, then a candidate, won Georgia, flipping the State after nearly two decades. The Democrats also flipped both Georgia seats in the U.S. Senate in run-offs held in January this year. At his first press conference since assuming office, Mr. Biden, on Thursday, called the law “sick” and “un-American” and said he would do everything with allies in Congress to stop the law from moving forward. “The Republican voters I know find this

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



despicable... Republican voters, the folks outside this White House,” Mr. Biden said. “I’m not talking about the elected officials. I’m talking about voters.” One State lawmaker, Georgia Park Cannon, who is African American, tweeted a video of her being arrested for knocking on the Governor’s door. Later, she tweeted that she had been released from jail. “I am not the first Georgian to be arrested for fighting voter suppression. I’d love to say I’m the last, but we know that isn’t true,” she said. The video shows two White officers handcuffing Ms. Cannon. Recently elected Georgia Senator Jon Ossoff tweeted out his support for Ms. Cannon, suggesting she was charged with a felony unfairly, “For ‘knocking on Gov. Kemp’s office door’ as she tried to observe the cowardly closed-door signing ceremony for the voter suppression law.”

ISRAEL’S DEMOCRACY IS FACING A STRESS TEST

Israel is past its fourth election in less than two years, is in search of political stability and, once again, faces the crisis of not having a leader who can form a coalition government and survive a full term. The election results now have highlighted a fractured mandate where there are 13 parties, most with single digit seats; it is only the Likud party (right-wing, nationalist and neo-liberal) led by Benjamin Netanyahu that has 30 seats out of 120 seats of Parliament. Mr. Netanyahu has lost his political magic but Israel is unable to go beyond him.

Coalitions are the reality

The Likud party could very well be in a position to get to 61 seats with its meagre 30 seats by forming a coalition with other smaller parties that share the same ideological leanings and have the usual partners such as Shas (Haredi religious party with nine seats), Yamina, the new right with seven seats, Religious Zionist Party with its six seats, and United Torah Judaism with its seven seats. Single party majority is a mirage in Israel, while a coalition government is the reality. Yet, the Likud plus these do not ensure that the figure of 61 can be reached and this is where Mr. Netanyahu is an issue. Parties led by second-rank leaders such as Yair Lapid, Benny Gantz or Gideon Sa’ar are opposed to him as he is the first Israeli Prime Minister on trial for three criminal cases — bribery, fraud and breach of trust. Benny Gantz formed a coalition with Mr. Netanyahu in the last election, in 2020, even when he campaigned on a single agenda, which was ‘No Netanyahu’. It was a political calculation that affected his seat tally. In the last three elections, he got seats in the order of 35-33-33, respectively.

Weak spots in the system

The Prime Minister in Israel does not have to resign when charged and indicted in court — any other Minister or the President of state has to step down. This strange legal loophole has given a very long rope to Mr. Netanyahu who not only is in office but could contest election after election. Israel does not have a full drawn Constitution; it does not have an institutional mechanism therefore to uphold public trust and the legal dignity of the highest political office. For a decade it has been Mr. Netanyahu who could form multiple alliances and coopt smaller parties (ultra-religious, economic liberals, nationalist, settlers, etc.) behind his strong leadership. Since 1996 (the year Mr. Netanyahu became Prime Minister for the first time), governments in Israel have lasted for an average 2.3 years. Once a unifier and a decisive leader, he has now become the dividing figure in Israeli domestic politics. The last four elections, (in April and September 2019, March 2020 and now on March 23, 2021) have pushed the limits of Israeli electoral politics to new



levels. Israel is now a leading democracy in the world with the most frequent national elections, a phenomenon which has exposed its deep-seated internal weakness. Israel does not have a basic common agenda any more. For a long time, the issue of its conflict with neighbours and the Palestinians has served as a catalyst for national politics. But now, societal cleavages and ideological and cultural divisions have resulted in an offensive and antagonistic politics. Israel stands deeply divided and exposed.

Disintegration of society

The Institute for National Security Studies (INSS), a Tel Aviv-based think tank, published its annual as well as a decade-long forecast of Israel's security at the end of 2020. The INSS is a highly ranked think tank that works very closely with the state. An inevitable war with the Hezbollah and Iran's nuclearisation are the two top threats to Israel's national security projected in 2021-2030. The third issue that has posed another existential threat is the internal disintegration of Israeli society, leading to the loss of its social cohesion and its identity as a Jewish and democratic state. The long phase of dysfunction in the Israeli government (during the last decade when Mr. Netanyahu has been leading the most number of governments), is one of the greatest threats. This is the first time that the INSS's report points to internal domestic issues (not the conventional threats from outside) as being a major threat to the country's strategic situation. Israeli society was divided from the country's inception, but Zionist labour was successful in working a common consensus. In-gathering of exiles, having the desert bloom and reviving the land of milk and honey were some of the threads used to weave a story that could unite culturally diverse and multiple ethnic groups among Jews. After the rise of right-wing nationalist parties and a religious revival, post the 1967 war, there has been no common story to work with. Domestic schisms became aggravated and the multiple crises during COVID-19 did not help strengthen the fragile socio-economic fabric. All this affects the stability and the shared values that have characterised Israeli society and the way of life. Meanwhile, Israeli governments mirror the Indian phenomenon of the 'aaya ram, gaya ram' kind of coalition woes. The President of Israel, Reuven Rivlin, has been expressing his anguish over this situation for a long time now. While the last government failed to complete even a year and collapsed, he said "there is a pressing need to revive the trust between the citizens of Israel and the state. That trust was damaged in the past year — seriously, maybe even critically".

India must take note

The inner political crisis of Israel is a wake-up call for Indian democracy. There are many in India who look up to the Israeli model of a military-led national security, its abilities to retaliate and carry out surgical strikes as well as its aggressive pursuit of power. This model may not serve Indian national security in the long run as the Israeli story unfolds. Strong nations are often those with social cohesion, common values and an inner-capacity for dialogue and compromise. Many of my students are surprised that Israel is also a weak, vulnerable, deeply divided society — contrary to what they gather from stories of the Israeli Army, Mossad and television series such as Fauda. Israel may not have a new stable government soon and there is already a situation developing — of a deadlock that might push Israelis to a fifth election. It is indeed a defining moment for Israeli democracy.



AS CRACKDOWN WIDENS, BELARUS OPPOSITION TO RESTART PROTESTS

Opposition activists in Belarus were preparing for fresh protests on Thursday to breathe life into a movement against President Alexander Lukashenko that fizzled out in the face of a severe crackdown. The authorities were moving military vehicles into the centre of the capital Minsk in preparation, according to videos circulating on social media and published by local media. Rallies erupted in the ex-Soviet country last August after President Lukashenko claimed a sixth term in a vote the opposition and Western diplomats said was rigged. But a sustained police crackdown saw weekly mass demonstrations in city centres peter out by the end of the year, with thousands of protesters detained and several killed. The opposition has since changed tactics, calling for supporters to gather in small groups in every district. The Nexta Telegram channel, which has mobilised and coordinated demonstrations, urged protesters to march through courtyards and organise flash mobs on Thursday. It called on drivers across the country to sound their horns at 6:30 p.m. (1530 GMT) and for a nationwide firework salute to end the day at 9:00 p.m. "We want to declare March 25 the day when the cities are ours!" Nexta wrote. The resumption of the protests coincides with Freedom Day in Belarus, which the Opposition marks each year on the anniversary of the country's declaration of independence in 1918. Officials have said the planned protests are illegal and have moved to crack down on dissent this week, accusing a group representing Polish people in Belarus of stirring up racial hatred and the "rehabilitation of Nazism". Police detained the head of the Union of Poles in Belarus, Anzhelika Boris, for 15 days on Wednesday and searched the group's offices, the homes of its activists and at least one Polish school.

NO RIGHTS DESPITE REFORMS IN QATAR

Not one of the six Gulf Cooperation Council (GCC) states can cater to their labour market needs domestically. Their dependence on migration is only set to increase with fertility rates falling. Despite there being unemployment, the citizens of these countries are unlikely to step in and do the supposedly low-skilled, and definitely low-paid, jobs of the millions of migrants who work there.

The reality in Qatar

Qatar, the richest of the six countries in terms of per capita GDP, is the most dependent on migrant labour. Nationals count for less than 15% of the 2.6 million population and about 7% of the labour market. About 60% of the population lives in labour camps. The Qatarisation (nationalising the workforce) plan only affects the most well-paid jobs in the private and public sector. But there is enough to go around even after targets are met for the 'expat', usually well-heeled citizens of the global North. This reality must be the basis of any analysis of the human rights of migrant workers in the country and the slew of reforms that Qatar has been boasting about. The main reason for the growing demand to boycott Qatar as the host of the FIFA World Cup for 2022 is that the country treats its migrant workers poorly, resulting in destitution and unexplained deaths. But while the muck has been stirred up in light of this event, there is no meaningful effort to actually clean it up. The problem is viewed as one of inadequate legal protection, and the solution is framed as reforming or abolishing the Kafala (sponsorship) system, without acknowledging the many facets of various laws and practices that are the foundation of this system. The failure to understand this complexity has allowed Qatar to get away with the bare minimum in terms of



dialogue and reform: it has engaged with the International Labour Organization by entering into a technical co-operation without really ratifying key labour treaties; allowed access to international NGOs and trade unions (which its neighbours won't do) without allowing civil society activism and unionisation domestically (which Bahrain and Kuwait do); and donated to the World Health Organization and other UN mechanisms while keeping the majority of its residents in poverty. The global scrutiny and demand for accountability does affect the emirate's reputation, but not enough to lose its rich and influential friends. There is now an increasing presence of UN agencies. Qatar remains one of the few places where there is an opportunity for profitable economic participation for the big businesses headquartered in the North, and that can't be jeopardised. So, that leaves us with Asian and African countries (a steady source of cheap labour), which are facing climate change, loss of livelihoods, and increasing unemployment. Understandably, they won't stand up to countries from where much-needed remittances flow. These are some of the reasons why a low minimum wage and allowing workers to exit the country or change jobs without the sponsor's permission are celebrated.

Maintaining the status quo

But will Qatar's response to these aspects in the shape of reforms remove exploitation of workers? The short answer is 'no.' Across the GCC, migrant labour is increasingly referred to as 'temporary' or 'guest'. While this may have made some sense a few decades ago, when Qatar and its neighbours were hosting 2,00,000-3,00,000 workers to meet their labour needs, it is unjustifiable when dependency on migrants is inarguably permanent, so much so that the entire economy will collapse without access to cheap labour. In order to maintain the status quo, all the other complexities of the 'Kafala' have been ignored in the reforms. There is no attempt to curb the unchecked powers of the kafeel, who can have the workers they sponsor arrested, detained and deported without due process. Charges of absconding are used to keep workers in abusive employment or risk being criminalised as irregular. There are no mechanisms to address rampant wage theft, despite the electronic payment systems. Migrant domestic workers, mainly women, are excluded from the labour law. They are trapped within households at the mercy of the employer and do not enjoy the most basic freedoms, including off days, mobility and access to modes of communication. From domestic and care work, construction and hospitality, to nursing and maintenance, even if a quarter of the employed stop work for a week, Qatar will come to a standstill. It is this fear that drives the GCC countries to exercise control over the most essential of their labour. So, celebrating reforms is questionable. What Qatar is doing is making exploitative laws that enable forced labour more palatable.

BOLSONARO CRITICS FACE 'INTIMIDATION'

When the police knocked on Brazilian influencer Felipe Neto's door to tell him he was being investigated for threatening national security, he says his heart skipped a beat. His crime, it turned out, was accusing far-right President Jair Bolsonaro of "genocide" for his handling of the coronavirus pandemic, which has left over 290,000 people dead in Brazil. Brazilian police are also investigating former Cabinet Minister Ciro Gomes for calling Mr. Bolsonaro a "thief" over corruption allegations, sociologist Tiago Costa Rodrigues for calling him a "liar," and even, according to news site Brasil 247, an otherwise unknown citizen named Roger Orsi who shared an anti-Bolsonaro meme on Facebook. Other critics of the President complain of less-official



backlash, in the form of “online militias” of Mr. Bolsonaro’s supporters, who launch coordinated attacks and smear campaigns against his perceived opponents on social media. Lawyers and human-rights activists warn Brazil is seeing a surge in legal and extra-legal moves to stifle dissent against Mr. Bolsonaro, in some cases with legislation and tactics dating back to the country’s 1964-1985 military dictatorship — for which the President is openly nostalgic. “The President, his family, his administration and his followers... are blatantly promoting an intimidation campaign against his political opponents, as if free thought and free speech did not exist in this country,” newspaper Estado de Sao Paulo said in an editorial on Saturday.

Facing backlash

Mr. Neto, a 33-year-old YouTube star, rose to international prominence last year with an opinion video for the New York Times, in which he called Mr. Bolsonaro the world’s worst President. In his latest jab, he called Mr. Bolsonaro “genocidal,” in reference to the President’s attacks on lockdowns, face masks, vaccines and other expert advice for containing COVID-19 deaths. That led Mr. Bolsonaro’s son Carlos, a Rio de Janeiro city councilman, to ask police to open an investigation against Mr. Neto. “How would he like me to refer to the President, who called the biggest pandemic we’ve seen in years a ‘little flu,’ who encourages crowds and tells people to go out like there’s nothing happening?” said Mr. Neto. Support for the influencer soon poured in on social media and beyond, making the phrase “Bolsonaro genocida” a top trending topic in Brazil. A judge blocked the investigation, ruling it was legally baseless.

SUEZ CANAL TEMPORARILY HALTS NAVIGATION

The owners of a giant container vessel blocking the Suez Canal said on Thursday that they were facing “extreme difficulty” refloating it, prompting Egypt to suspend navigation through one of the world’s busiest shipping lanes. The Suez Canal Authority (SCA) said it was trying to refloat the *Panama-flagged MV Ever Given, a 400-metre-long vessel* that veered off course and ran aground in a sandstorm on Tuesday. Satellite pictures released by Planet Labs Inc show the *59-metre-wide* container ship wedged diagonally across the entire canal. *Japanese ship-leasing firm Shoei Kisen Kaisha* said it owned the giant vessel and was facing “extreme difficulty” trying to refloat it. “In cooperation with local authorities and Schulte Shipmanagement, a vessel management company, we are trying to refloat [the ship], but we are facing extreme difficulty,” Shoei Kisen Kaisha said in a statement on its website. *As shipping specialists warned it could take days or even weeks to budge the vessel, the Suez Canal Authority announced it was “temporarily suspending navigation”.*

New dredger

Maritime sources told AFP on Thursday that a new dredger had been deployed to speed up the operation while northern convoy ships remain docked in the waiting areas of the canal. “We’ve never seen anything like it before,” said Ranjith Raja, an oil and shipping researcher at international financial data firm Refinitiv. “It is likely that the congestion ... will take several days or weeks to sort out as it will have a knock-on effect on other convoys.” *The blockage has already hit world oil markets. Crude futures surged 6% on Wednesday as traders assessed the likely impact on deliveries.* Broker Braemar warned that if tug boats are unable to move the giant vessel, some of its cargo might have to be removed by crane barge to refloat it. “This can take days, maybe weeks,” it said. The vessel’s managers, Singapore-based Schulte Shipmanagement, said its 25 crew



were unhurt and the hull and cargo undamaged. *A MarineTraffic map showed large clusters of vessels circling as they waited in both the Mediterranean to the north and the Red Sea to the south.* Historic sections of the canal were reopened in a bid to ease the bottleneck, with dozens of ships waiting at both ends of the waterway. It is an “absolutely critical” route because “all traffic arriving from Asia goes through the Suez Canal”, said Camille Egloff, a maritime transport specialist at Boston Consulting Group. *Nearly 19,000 ships passed through the canal last year carrying more than one billion tonnes of cargo, according to the SCA. Egypt earned \$5.61 billion in revenues from the canal in 2020.*

With \$200 billion of India’s trade flows with Europe, North America and South America at risk due to the blockage of the Suez Canal, the Department of Commerce has worked out an action plan to cope with the crisis, including possibly re-routing shipments through the Cape of Good Hope. More than 200 vessels are waiting on the North and South sides of the Suez Canal and about 60 vessels are joining this queue daily, officials said. Export promotion agencies have been asked to identify cargo with perishable items that need priority movement. Container Shipping Lines Association was advised to explore the option of re-routing ships via the Cape of Good Hope. “Such re-routing usually takes 15 additional days’ time,” officials were informed at a meeting. Shipping firms have promised to honour existing freight contracts, while ports have been advised to be ready for a bunching up of vessels once the canal is unblocked.

It got stuck in a single-lane stretch of the canal, about 6 km north of the southern entrance, near the city of Suez. Around 10% of world trade flows through the canal. The closure also could affect oil and gas shipments to Europe from the West Asia.

Egypt’s Suez Canal Authority (SCA) said it was working to refloat the Taiwan-run but Panama-flagged MV Ever Given, a 400-metre-long and 59-metre-wide vessel, which was lodged at an angle across the waterway. Historic sections of the canal were reopened to ease the bottleneck of marine traffic, with dozens of ships waiting on both Mediterranean and Red Sea sides. *The SCA said the ship was caught in a gale-force sandstorm, common in Egypt’s Sinai desert at this time of the year.* It was “mainly due to the lack of visibility due to the weather conditions when winds reached 40 knots, which affected the control” of the ship, the SCA said in a statement. Ship operator Evergreen Marine Corp told AFP that the Rotterdam-bound vessel “ran aground after a suspected gust of wind hit it”. Shipping monitor MarineTraffic recorded that the vessel had been in the same position since at least Tuesday afternoon. SCA chairman Admiral Osama Rabie said on Wednesday that “rescue and tug units are continuing their efforts” to free the MV Ever Given, involving at least eight tugs. Bloomberg reported that the situation had caused a build-up of more than 100 ships seeking to transit the canal. “There was a grounding incident,” Alok Roy, fleet director of BSM Hong Kong, the Ever Given ship manager, told the news agency.

EXCLUDING INDIA FROM MOSCOW TALKS A MISTAKE: AFGHAN MINISTER

India should have been included by the China-Russia-U.S. “troika” that met in Moscow with regional stakeholders, including Pakistan, last week, said *Afghanistan’s Foreign Minister Haneef Atmar during a three-day visit to India,* where he discussed a new peace plan proposed by President Ashraf Ghani. According to the plan, for which Mr. Atmar sought New Delhi’s support, *Mr. Ghani was prepared to hold early Presidential elections in Afghanistan, if the Taliban agreed to a ceasefire and to take part in the elections. This could set the Ghani government at odds with the Biden*

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



administration as it runs counter to a recent U.S. proposal for an interim government in Afghanistan that would include the Taliban. “[Mr. Ghani’s proposal] is what the Afghan people want. And it is the legitimate way for free political will to be expressed,” Mr. Atmar told The Hindu, adding that the U.S.’s promise to pull out all “foreign” troops later this year had set the conditions for the plan, which would give the militants a “legitimate way to participate in the polity and governance of Afghanistan”. The Afghanistan government is expected to unveil its full proposal during the *upcoming intra-Afghan talks due to be held in Istanbul in the beginning of April.* The talks are a part of the U.S.’s latest push for intra-Afghan talks with the Taliban that appear to have stalled in Doha, and was outlined in a letter from U.S. Secretary of State Anthony Blinken to President Ghani. While the U.S. has also proposed future regional talks, led by the UN, to engage all regional stakeholders, including India, *the most recent talks held in Moscow on March 18 by the so-called “troika”, with envoys from Pakistan, Qatar, Afghan and Taliban leadership, had not invited the Indian government, which Mr. Atmar called a “mistake”.* “We made it clear [to the organisers] that peace and stability and regional connectivity and prosperity cannot happen without India,” he said. Mr. Atmar said there was no proposal to request Indian troops in Afghanistan, nor had his government asked India to directly open a dialogue with the Taliban. He said Afghanistan “appreciates” India’s position that it would engage the Taliban “if the Taliban come and join a legitimate government of Afghanistan”. In a statement at the end of Mr. Atmar’s visit, issued on Wednesday, the Ministry of External Affairs did not refer directly to the Ghani proposal, but said India remained committed to “a peaceful, sovereign, stable and inclusive Afghanistan where the rights of all sections of society are protected within a democratic constitutional framework”. Asked if he had discussed the recent steps in India-Pakistan engagement with External Affairs Minister S. Jaishankar and National Security Adviser Ajit Doval, Mr. Atmar said the India-Afghanistan talks focused only on “bilateral issues”. However, he added that he welcomed any dialogue between them, and hoped that India’s “responsible gestures are met with reciprocity” from Pakistan.

ERITREA WILL PULL OUT TROOPS FROM TIGRAY

Eritrea will pull its troops out of Ethiopia’s northern Tigray region, Ethiopian Prime Minister Abiy Ahmed said on Friday, a potential breakthrough in a drawn-out conflict that has seen atrocities carried out against civilians. The announcement comes as Mr. Abiy, winner of the 2019 Nobel Peace Prize, faces mounting pressure to end fighting, in which both Eritrean and Ethiopian troops stand accused of abuses, including mass killings and rapes. Mr. Abiy sent troops into Tigray on November 4 after accusing the region’s once-dominant ruling party, the Tigray People’s Liberation Front (TPLF), of attacks on Army camps. For months both Addis Ababa and Asmara denied Eritrean troops were in Tigray, contradicting accounts from residents, aid workers, diplomats and even some Ethiopian civilian and military officials.

Meeting with Afwerki

Mr. Abiy finally admitted Eritrea’s role in an appearance before lawmakers on Tuesday, then flew on Thursday to Asmara to meet with Eritrean President Isaias Afwerki. During that visit “the government of Eritrea has agreed to withdraw its forces out of the Ethiopian border,” Mr. Abiy said in a statement on Twitter. “The Ethiopian National Defense Force will take over guarding the border areas effective immediately.” Eritrean Information Minister Yemane Gebremeskel did not immediately respond to an emailed request for comment. In a statement on Friday, his office made



no mention of any deal on a troop withdrawal, saying only that the two sides “agreed to hold follow-up consultative meetings” in Addis Ababa. But the country’s Ambassador to Japan, Estifanos Afeworki, said on Twitter that “as of today” Eritrean forces would “hand over all posts” that were “vacated” by Ethiopian troops when the conflict began. Ethiopia and Eritrea fought a border war beginning in 1998 that left tens of thousands dead and resulted in a two-decade stalemate. Mr. Abiy won his Nobel in large part for initiating a rapprochement with Mr. Afwerki after taking office in 2018, but Eritrea and the TPLF remained bitter enemies.

TACTICAL ABSTENTION

By abstaining from the vote on the UN Human Rights Council resolution on Sri Lanka, India has signalled its unwillingness to upset its neighbour. At the same time, it does not want to be seen as ignoring Sri Lanka’s reluctance to meet the political aspirations of the Tamils or endorsing the country’s stubborn refusal to ensure any sort of accountability for its war-time past. It may be easy for the political opposition to dismiss India’s abstention as showing an intent to shield Sri Lanka from a credible investigation into allegations of war crimes. A more reasonable assessment would be that India seems to have utilised the opportunity to preserve its diplomatic space and to contain the pervasive influence of China over Sri Lanka even while maintaining its support for the Tamil minority to achieve equality, justice, dignity and peace. *India has not been comfortable with externally mandated investigative mechanisms. Even when it voted in 2012 in favour of a credible investigation into human rights, India had got the resolution to incorporate the need for Sri Lanka’s ‘concurrence’ to any assistance that the Office of the High Commissioner for Human Rights may offer in such a probe.* In this session and just ahead of the vote, India stressed on both meaningful devolution to meet Tamil aspirations and the unity and integrity of Sri Lanka — aspects that it believes are not an ‘either-or’ choice. The resolution comes amidst disturbing signs that Sri Lanka is regressing into the days of democratic deficit seen prior to the 2015 elections. *Unfortunately, the present regime withdrew from the commitments made to the UNHRC by its predecessor on constructive engagement with the international community, and the consensual resolution on justice and accountability. The UN High Commissioner’s report raises concern over increasing militarisation, heightened surveillance against rights defenders and NGOs, interference with the few prosecutions in emblematic cases from the past, and the dangerous anti-minority rhetoric.* India’s concerns in Sri Lanka have always been different from the rest of the international community, informed by a sense of the long-term well-being of the Tamils, and that power-sharing does foster reconciliation. Hence its emphasis on devolution rather than accountability. *It is clear that India has its own limitations in expressing disappointment over the island nation’s move away from reconciliation and devolution. It continues to be weighed down by the Chinese presence in the region.* Even the need to be in accord with sentiment in Tamil Nadu in the midst of an election was not motivation enough for India to change its position from tactical neutrality to one of open support for the resolution. *When pragmatism and principle were needed in equal measure, the Centre seems to have chosen abstention as an easy way out.*

The resolution on ‘Promoting reconciliation, accountability and human rights in Sri Lanka’ was, however, adopted after 22 states of the 47-member Council voted in its favour. Sri Lanka, which had earlier deemed the resolution “politically motivated”, was quick to reject the UN move to collect and preserve evidence of war crimes in the country, committed by the armed forces and the LTTE. “Without the consent and acceptance of the country concerned, it cannot be implemented,”



Foreign Minister Dinesh Gunawardena said in Colombo. The statement made clear Sri Lanka's resistance to the process envisaged in the resolution to prosecute war criminals through an international evidence gathering and investigation mechanism. The money allocated — an estimated \$2.8 million — for the effort would find better use towards providing housing for the war-affected people, the Minister said, even as scores of Tamils continue seeking their lands and jobs from his government. Ahead of the vote, both the government of Sri Lanka and the Tamil National Alliance (TNA), which sought the exact opposite outcomes on the resolution, had expressed hopes of obtaining India's support. *On Tuesday, both sides appeared sympathetic to India's abstention that effectively amounts to support for neither party.* However, in an indication that Sri Lanka had construed abstentions as support, Mr. Gunawardena *in a tweet thanked the 14 countries, including India, Japan and Nepal, that abstained from voting.*

'Solid support'

He also extending a "warm thank you" for the "solid support" shown by the 11 countries, including China, Pakistan, Russia and Bangladesh, that voted against the resolution, and in support of the Sri Lankan government. On the other hand, welcoming the Council's adoption of the resolution, the TNA said India must have decided to abstain after "careful consideration" of various factors. "We are, however, greatly encouraged by India's statement ahead of the vote," TNA spokesman and Jaffna legislator M.A. Sumanthiran said, pointing to India's reference to "two fundamental considerations" — of supporting the Tamils for equality, justice, dignity and peace, and ensuring the unity, stability and territorial integrity of Sri Lanka. *The Sri Lanka resolution was the first to be voted on using the extraordinary e-voting procedures established for the UNHRC 46th Session, which has been held virtually.*

MIZO ANGLE OF MYANMMAR CRISIS

Ever since the military captured power in Myanmar seven weeks ago, the country has steadily descended into political and economic chaos. When the Generals toppled the democratically elected government, detained its leaders, including State Counsellor Aung San Suu Kyi and President Win Myint, and declared a state of emergency with prohibitory orders, they may have thought that they could quickly consolidate power through force. But they were proved wrong as tens of thousands of people stood up against the junta. Faced with strong challenges in their path towards absolute power, the Generals responded with brutal force. At least 247 people have been killed since the February 1 coup, according to the Assistance Association for Political Prisoners, a non-profit. The crisis had its spillover impacts on the borders as well. *At least 300 Myanmarese, including police officers, are estimated to have since crossed into India. Mizoram Chief Minister Zoramthanga took up the issue with the Foreign Minister and India has shut the border for now, but it would be difficult for New Delhi to turn a blind eye to the border if the situation in Myanmar turns worse. The military, which controlled the country through direct rule for almost 50 years until former junta ruler Than Shwe initiated the transition into partial democracy in 2010, is one of the most consistent enemies of democracy and human rights. In 1988 and 2007, the Generals unleashed violence to quell protests.* But in the past, they managed to restore order quickly through fear and violence. Now, neither the junta's bloody track record nor the actual use of force is dissuading the protesters who, after experiencing limited liberties for 10 years, refuse to recognise the junta. Mostly youngsters, they use VPN and encrypted messenger apps to organise protests, and are



joined by thousands, including bank employees, port workers and medics, bringing the battered economy to a halt. *As protests and violence continue, international pressure is also mounting on the Generals. In the past, the Myanmar military paid little attention to international opinion or targeted sanctions. They are unlikely to be different now. But the Generals now find it increasingly difficult to consolidate power and restore order.* The public remains defiant. How long will the Generals continue to kill their own people? And even if they quelled the protests through more bloodshed, what kind of a Myanmar would they be left with? Surely, no one wants an extremely poor, isolated country with a broken society and a shattered economy. The Myanmar Generals should, without further bloodshed, heed the public's demands, end the coup, respect the election results and restore the country's democracy. That is the only way forward.

With the February 1 military coup in Myanmar, Mizoram is caught between a humanitarian urge and India's policy on refugees. At least 1,000 people from the adjoining Chin State of Myanmar are said to have crossed over to Mizoram, fearing a military crackdown. *The Mizoram government favours providing refuge to the Chins, who are ethnically related to the majority Mizos in the State, but the Ministry of Home Affairs has made it clear that "India is not a signatory to the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol thereon".*

When did the refugees start arriving?

Mizoram began feeling the heat a month after the military coup when three police personnel crossed over to Lungkawlh village in Serchhip district. Within weeks, the number increased to almost 400. According to the State Home Department, *a majority of those who sought asylum were deserters from Myanmar's police and fire services department.* They had to flee after joining the civil resistance movement. The influx of Myanmar nationals was reported from Hnahthial, Champhai, Saitual and Serchhip districts. Most of the refugees waded across the Tiau River that runs along much of Mizoram's 510-km border with Myanmar.

Is this the first time this has happened?

Extremism, counter-insurgency and sectarian violence have driven people out of Myanmar into India in the past as well. More than 1,200 Buddhists and Christians from Myanmar's Arakan State had taken refuge in Mizoram's Lawngtlai district in 2017. They fled their homes after the Myanmar Army clashed with the extremist Arakan Army. The refugees stayed back for more than a year. Thousands of Chins are said to be living in Mizoram for more than 40 years now. There have been other such instances, though not on this scale. *Manipur, too, has been dealing with the influx issue, although on a smaller scale, for a long time. The villages of the Kuki-Zomi have often had people crossing over from Myanmar.*

How porous is the border?

Unlike India's border with Pakistan and Bangladesh, much of the border with Myanmar is without any fence. The Assam Rifles personnel guard the border but a tough terrain comes in the way of maintaining airtight vigil. There have been calls to fence the border. *Bharatiya Janata Party (BJP) MP from Arunachal Pradesh, Tapir Gao, said fencing the border would also help in checking the movement of extremist groups to and from Myanmar. Some are against the idea, insisting that a fence would make "free movement" of border residents into each other's country difficult.*



Where do the Centre and Mizoram stand now?

As a humanitarian gesture, the Mizoram government on February 26 issued a standard operating procedure (SOP) to Deputy Commissioners of border districts to facilitate the entry of refugees and migrants. The SOP stated that all Myanmar nationals entering Mizoram in connection with the political developments in the country shall be properly identified. The government said those facing a threat to their lives should be treated as refugees, given medical care, relief and rehabilitation and security. But the SOP was revoked on March 6 after the Centre conveyed its displeasure to the State over the development. On March 10, the North East Division of the Ministry of Home Affairs issued a letter to chief secretaries of Mizoram, Nagaland, Arunachal Pradesh, Manipur and Director General of Assam Rifles, directing them not to allow refugees from Myanmar and take appropriate action as per law. The Ministry pointed out that State governments have no powers to grant "refugee status to any foreigner". Mizoram is not happy about this. "They are like family ... we share ethnic ties with them," said Rajya Sabha member from Mizoram K. Vanlalvena. "We do not want the Indian government to offer them full-time citizenship or employment. The only thing we ask is to let these refugees stay until their country returns to normalcy."

There is considerable support and sympathy among the people of Mizoram over the situation in Myanmar as many have relations across the border, a government official stated, adding that it was a very emotive and sensitive issue in the State. India and Myanmar have an arrangement called Free Movement Regime (FMR), which allows locals on both sides to go upto 16 km across the other side and stay up to 14 days. There are more than 250 villages with about 3,00,000 people living within 10 km of the India-Myanmar border. Thousands of Myanmar nationals visit regularly for work and to meet relatives. In March 2020, FMR was suspended due to COVID-2019 and no one has been being allowed since. The fallout of this, officials said, was that there has been an increase smuggling across the border as the livelihood of people has been disrupted due to the pandemic.

On Sunday, Mizoram Chief Minister Zoramthanga held a virtual meeting with Myanmar Foreign Minister-in-exile Zin Mar Aung of the National League for Democracy. The meeting took place despite the Centre's reluctance to accommodate people fleeing Myanmar in light of the recent military coup and the crackdown on protesters — the Home Ministry has written to the governments of border states Mizoram, Nagaland, Manipur and Arunachal Pradesh, as well as the Assam Rifles, asking them to identify Myanmar nationals fleeing the coup and deport them. Mizoram has been reluctant to send back Myanmar nationals and sought that they be provided political asylum by the Centre.

Who are the Chin communities mentioned by the Mizoram CM?

The Chin Hills, or the Indo-Chin hill ranges as they are often called, are a mountainous region in north-western Myanmar. At an elevation of 2100-3000 metres, this heavily-forested mountain region was the home of numerous tribes that fall under the Zo umbrella. The Zo people include all the tribes that come under the Chin-Kuki-Mizo ethnic group spread across Myanmar, India and Bangladesh including a host of tribes, sub-tribes and clans such as Chin, Kuki, Mizo, Zomi, Paitei, Hmar, Lushei, Ralte, Pawi, Lai, Mara, Gangte, Thadou etc. Believed to have originated in China, the tribes migrated through Tibet to settle in Myanmar, and speak a group of the Tibeto-Burman languages. But constant feuds among clans of different tribes and their kings (chieftains), drove many of the clans westwards, towards Mizoram and some parts of Manipur, in the 17th century. Here the tribes set up new villages and colonies, but even with their new identities, they remain socially



and emotionally tied with the Chin tribes of Myanmar. When British rule extended towards the Northeast, Mizoram was denoted an “excluded area” and remained outside the administration of the British, governed only by the Scheduled District Act.

What is the nature of the bond between the Chin people in India and Myanmar?

While they are separated by a 510-km India-Myanmar border, they consider themselves “one people” despite past conflicts: the Indo-Chin people. Besides the shared ethnicity, what binds these two peoples together is a shared religion. Mizoram is predominantly Christian, as are the Chin people of Buddhist-majority Myanmar. Mizoram officials refer to the refugees’ status as a Christian minority people in seeking asylum for them, and also the fear of persecution by the junta. Rih Dil in Chin state, Myanmar, is a cultural and spiritual lake for the Mizos, deeply revered in folklore, shaping pre-Christian belief of traditional Mizo views of life after death.

What is India’s policy on asylum seekers?

India is not a signatory to the 1951 United Nations Convention and 1967 Protocol Relating to the Status of Refugees, and it does not currently have a national law on refugees. *In 2011, the Centre circulated to all states and Union Territories a Standard Operating Procedure to deal with foreign nationals who claimed to be refugees. An illegal immigrant can be a foreign national who enters India on valid travel documents and stays beyond their validity, or a foreign national who enters without valid travel documents. Cases that can be prima facie justified on grounds of well-founded fears of persecution on account of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion, can be recommended by states or Union Territories to the Home Ministry for a long-term visa (LTV) after due security verification. LTV-holders are allowed to take up private-sector employment and enrol in any academic institution.* In the view of the Indian government, illegal migrants “infringe on the rights of Indian citizens” and are “more vulnerable for getting recruited by terrorist organisations”. *Section 3(2)(c) of the Foreigners Act, 1946 gives the Centre the right to deport a foreign national. The power to identify and deport foreign nationals who are in India illegally has been delegated to the states, Union Territories and the Home Ministry’s Bureau of Immigration.* Illegal immigrants intercepted at the border can be sent back then and there.

What is happening in Mizoram right now, and what is the way forward?

The Mizo Zirlai Pawl, the apex Mizo students body, on February 3 held a sit-in demonstration in Aizawl in solidarity with the people of Myanmar. The MZP headquarters in Lunglei organised a similar gathering a week later on February 11 in conjunction with the Chin Welfare Organisation based in that town. NGOs such as the Zo-Reunification Organisation and Mizo Students’ Union added their support. Several Mizo village council authorities have issued letters and statements affirming their willingness to accommodate Chin refugees. On February 24, the CM gave an assurance in the Assembly that the state government would be ready to provide assistance to civilians fleeing the Myanmar regime. During the sit-in demonstration held at the front lawn of Vanapa Hall in Aizawl barely two days after the coup, and last Saturday, music concerts were held across Aizawl to raise funds for the Myanmar nationals in Mizoram. *On Tuesday, the Zo Reunification Organisation plans to burn the Home Ministry order directing the state to send back the Myanmar nationals.* With the swell of sympathy among Mizos for the fleeing Chin people, and



increasing pressure on the state government, it is unlikely that Mizoram will back down any time soon — unless the Centre devises a way out.



DreamIAS



NATION

INDUS WATER PANEL HOLDS MEETING

After a gap of more than two and half years Indian and Pakistani delegations on Monday began the 116th Meeting of the Permanent Indus Commission here. The meeting which coincided with the National Day of Pakistan is being viewed as part of the broader process of normalisation of bilateral ties between the two neighbours. The two-day meeting of the Commission is being led on the Indian side by Indus Water Commissioner Pradeep Kumar Saxena. The Pakistani delegation is led by Pakistan's Commissioner for Indus Waters Syed Mohammad Mehr Ali Shah. The last meeting of the Permanent Indus Commission was held on August 29, 2018. Hours after the conclusion of the first day's meeting, Prime Minister Narendra Modi and President Ram Nath Kovind greeted Pakistan on the occasion of its National Day which marks the March 23, 1940 Lahore Resolution which paved the way for the creation of Pakistan. At an event to mark the National Day, organised in the Pakistan High Commission, Aftab Hasan Khan, Charge'd Affaires, said, "Pakistan wants to have friendly relations with all countries including India. To achieve peace between India and Pakistan both countries shall resolve all outstanding issues." The positive backdrop of the talks between the two delegation has indicated that the interaction is likely supported by the reported back channel talks that are taking place between India and Pakistan. The Hindu has reported earlier that the United Arab Emirates is playing a role in connecting India and Pakistan through back channel negotiations. The issue, however, did not draw a response from the Ministry of External Affairs.

RECALIBRATING INDIA-TAIWAN TIES

India and Taiwan are celebrating 25 years of their partnership. However, the growing relationship has been a low-key affair as India has been hesitant to acknowledge the improving ties in public. Though mutual efforts between Delhi and Taipei have enabled a range of bilateral agreements covering agriculture, investment, customs cooperation, civil aviation, industrial cooperation and other areas, the time has come to recalibrate India-Taiwan relations.

Cultivating political framework

Creating a political framework is a prerequisite to doing this. Both partners have increasingly deepened mutual respect underpinned by openness, with democracy and diversity as the key principles for collective growth. The shared faith in freedom, human rights, justice, and rule of law continues to embolden their partnership. To make this relationship more meaningful, both sides can create a group of empowered persons or a task force to chart out a road map in a given time frame. Political will is the key. India's has been in the forefront of the fight against COVID-19. Likewise, Taiwan's handling of the pandemic and its support to many other countries underlines the need to deepen healthcare cooperation. India and Taiwan already collaborate in the area of traditional medicine. The time is ripe to expand cooperation in the field of healthcare. Maintaining air quality has become a mammoth challenge for the Indian government and stubble burning is an important reason for severe air pollution. Taiwan could be a valuable partner in dealing with this challenge through its bio-friendly technologies. Such methods are applied to convert agricultural waste into value-added and environmentally beneficial renewable energy or



biochemicals. This will be a win-win situation as it will help in dealing with air pollution and also enhance farmers' income. Further, New Delhi and Taipei can also undertake joint research and development initiatives in the field of organic farming. India and Taiwan need to deepen people-to-people connect. Cultural exchange is the cornerstone of any civilisational exchange. It not only helps one appreciate another culture but also helps in overcoming prejudices and cultural misunderstanding. Tourism is the key tool in this exchange. However, Taiwanese tourists in India are a very small number. The Buddhist pilgrimage tour needs better connectivity and visibility, in addition to showcasing incredible India's diversity. This will accelerate the flow of Taiwanese tourists. With the Taiwan Tourism Bureau partnering with Mumbai Metro, Taiwan is trying to raise awareness about the country and increase the inflow of Indian tourists.

Deepening economic ties

Trade relations have grown. India's huge market provides Taiwan with investment opportunities. Taiwan's reputation as the world leader in semiconductor and electronics complements India's leadership in ITES (Information Technology-Enabled Services). This convergence of interests will help create new opportunities. India's recent strides in the ease of business ranking not only provide Taiwan with lucrative business opportunities but also help it mitigate its over-dependence on one country for investment opportunities. The signing of a bilateral trade agreement in 2018 was an important milestone. There are around 200 Taiwanese companies in the field of electronics, construction, petrochemicals, machine, Information and Communications Technology and auto parts operating in India. Despite the huge potential, Taiwan investments have been paltry in India. Taiwanese firms find the regulatory and labour regime daunting with stray incidents such as the incident in the Wistron plant last year creating confusion and mistrust. Policymakers need to coordinate better with the business community to help them navigate the regulatory and cultural landscape for better ties.

THE SURGE OF GEOPOLITICS IN SOUTH ASIA'S POWER TRADE

India has released new rules governing the trade of electricity across its borders (<https://bit.ly/3IG5oIb>). They define the contours of the South Asian electricity market, placing clear limits on who can buy from and sell into India. This has ramifications for the electricity markets of Bangladesh, Bhutan, and Nepal, which, to varying degrees, have aligned their energy futures with the Indian market. The new rules show that India's approach is unmistakably political. It attempts to balance China's growing influence in the region with developmental aims, both its own and the region's.

Rules on ownership

Of central importance is the ownership of power plants wishing to sell to India. *In masterful legalese, the rules strongly discourage the participation of plants owned by a company situated in "a third country with whom India shares a land border" and "does not have a bilateral agreement on power sector cooperation with India". Chinese companies hoping to establish plants in Nepal, Bhutan, or Bangladesh will presumably have a hard time making good on their investments with the Indian market cut off. The rules place the same security restrictions on tripartite trade, say from Bhutan to Bangladesh through Indian territory. To make things even more airtight, the rules establish elaborate surveillance procedures to detect changes in the ownership patterns of entities*



trading with India. With this, it seems South Asia's electricity politics has hit a holding pattern after several years of unpredictability.

These rules provoke some larger questions that must be tackled soon. *India's ambition of anchoring a global super-grid called One Sun One World One Grid, or OSOWOG (<https://bit.ly/3f4lcDj>) needs an institutional vision.* It aims to begin with connections to West Asia and Southeast Asia and then spread to Africa and beyond. The South Asian lesson, contained in *these latest rules, is that political realities will constantly collide with, and damage, expansive visions of borderless trade.* Impartial institutions for planning, investments and conflict resolution are crucial to multi-country power pools. *Managing the needs of three relatively small neighbouring economies in South Asia has consumed large amounts of time and political capital for the better part of a decade. Papering over the cracks of a power pool of a dozen countries or more will be much harder.* An ad hoc design also makes the Indian project less attractive to countries looking to sign up to a power trading project. The logic underpinning OSOWOG is sound. Renewable energy transitions benefit from grids that cover vast areas and diverse geographic conditions. *Multi-country grids allow for the unpredictable outputs from renewable energy plants to be balanced across countries, thus avoiding expensive country-specific balancing technologies such as hydropower and gas plants.*

Countering China

It is quite likely, though, that India's plans will be one among many in a soon-to-be competitive space. China, for example, has its own power pool ambitions. An attractive institutional model can lock countries into the pool by setting standards that investors and utilities plan towards and profit by. Once locked in, countries are thus unlikely to defect to other pools.

JAPAN TO FUND A&N, METRO EXPANSION

In the first-ever official development assistance (ODA) project in Andaman & Nicobar (A&N), Japan has approved grant aid worth ¥4.02 billion, or ₹265 crore, to improve the power supply in the islands, stressing the strategic geopolitical location of the islands for an open Indo-Pacific. Japan has also extended yen loans worth ¥229.5 billion, or ₹16,186 crore, for executing four projects, including Delhi Metro's Phase 4 and Bengaluru Metro's Phase 2 expansion plans for which loan agreements were signed between the Japan International Cooperation Agency (JICA) and the government on Friday. "This is the first-ever ODA project in the strategic islands of Andaman & Nicobar (apart from humanitarian emergency assistance)," said a Japanese embassy official. "Due to its geopolitical location, the islands play a crucial role in our shared vision for a free, open and inclusive Indo-Pacific." "Cooperation between Japan and India on these crucial islands demonstrate the commitment of both countries to realising a stable, peaceful and prosperous Indo-Pacific," he added. The grant would be used to procure 15MWh batteries as well as power system stabilisers to allow better utilisation of solar power generated in South Andaman.

Metro projects

The ₹8,390-crore loan for Delhi Metro's fourth phase would help build three priority corridors — the extension of Line 7 (Mukundpur – Maujpur/12.56 km), Line 8 (Janakpuri West – R.K. Ashram/28.92 km) and a new corridor spanning Aerocity – Tughlakabad (23.62 Km), an official



statement said. Following the completion of this phase, Delhi's metro rail network span over 400 km, more than twice the Tokyo Metro, the official said. Similarly, a ₹3,717 crore loan has been approved for developing 80 km of metro lines under the Namma Metro's second phase in Bengaluru. This would cover Line R6 (Nagawara – Gottigere, 22 km), Phase 2A (Silk Board – K R.Puram, about 20 km) and Phase 2B (K R.Puram – Kempegowda International Airport Terminal, 38 km). A loan of ₹807 crore was extended for crop diversification in Himachal Pradesh and ₹3,272 crore in loans to rural water supply with a focus on mitigating fluorosis in Rajasthan's Jhunjhunu and Barmer districts.

GANDHI PEACE PRIZE FOR MUJIB AND SULTAN QABOOS

The Culture Ministry on Monday announced that the father of the nation of Bangladesh Sheikh Mujibur Rahman and the former Sultan of Oman, the late Qaboos bin Said Al Said, will be awarded the Gandhi Peace Prize for 2020 and 2019, respectively. The Ministry said the jury, chaired by Prime Minister Narendra Modi and comprising the Chief Justice of India, the leader of the single largest Opposition party in the Lok Sabha, Lok Sabha Speaker Om Birla and founder of Sulabh International Bindeshwar Pathak, met on March 19 and decided on the awardees for the annual prize. The Ministry said Rahman was chosen in "recognition of his outstanding contributions towards social, economic and political transformation through non-violent and other Gandhian methods". "PM Modi has said Bangabandhu [Rahman] was a champion of human rights and freedom, and is a hero to Indians as well. He also said the legacy and inspiration of Bangabandhu has made the heritage of both countries more comprehensive and deep-rooted, and that the path shown by Bangabandhu has laid a strong foundation for the partnership, progress and prosperity of both countries over the last decade." It said the award recognised his unparalleled contribution towards inspiring the liberation of Bangladesh. Regarding the 2019 prize, the Ministry said, "His Majesty Sultan Qaboos was a visionary leader whose twin policy of moderation and mediation in addressing international issues won him praise and respect across the globe... H.M. Sultan Qaboos was the architect of the special ties between India and Oman. He had studied in India and always maintained a special relationship with India." It said the award recognised his leadership in strengthening the ties between India and Oman and his efforts to promote peace in the Gulf region. The Ministry said the award carries ₹1 crore, a citation, a plaque and an item of traditional handicraft or handloom.

MEA SILENT ON REPORTS OF UAE ROLE IN INDIA-PAKISTAN DÉTENTE

The Ministry of External Affairs refused to comment on the latest in a series of reports that the India-Pakistan détente, signalled by the ceasefire announcement by border commanders at the Line of Control (LoC) last month, was prompted by a back-channel dialogue between Indian and Pakistani officials, and facilitated by a third country. *On Monday, the international news agency Bloomberg reported that the two governments had begun to work on a four-step "road map for peace" facilitated by the United Arab Emirates government.* The report said the surprise joint statement announced by the Directors-General of Military Operations (DGMOs) on February 25, that agreed to end cross-LoC ceasefire violations (CFVs), was the outcome of talks "brokered by the UAE" months earlier and that the visit of UAE Foreign Minister Sheikh Abdullah bin Zayed to Delhi on February 26 also discussed progress in the India-Pakistan "peace" process with External Affairs Minister S. Jaishankar. At least two Indian national dailies and an international portal have

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



previously reported on a possible back-channel initiative led by National Security Adviser Ajit Doval and interlocutors in Pakistan, including Pakistan Army chief General Qamar Bajwa. In addition, the Bloomberg report said the ceasefire announcement was the first step agreed to and that more would follow. "The next step in the process, the official said, involves both sides reinstating envoys in New Delhi and Islamabad, who were pulled in 2019 after Pakistan protested against India's move to revoke seven decades of autonomy for the Muslim-majority State of Jammu and Kashmir. Then comes the hard part: Talks on resuming trade and a lasting resolution on Kashmir," the Bloomberg report said.

No comments

Both UAE diplomatic sources and Pakistani officials also refused to confirm or deny the reports. However, several developments in the past month have pointed to a broader peace process in play, not restricted only to the LoC ceasefire, which has held since February 25. To begin with, statements from officials in the past week, particularly from Pakistan Prime Minister Imran Khan and General Bajwa as well as Foreign Secretary Harsh Shringla have been shorn of the customary rhetoric. Prime Minister Narendra Modi also wished PM Khan a speedy recovery from COVID-19 after he was diagnosed last week, sidestepping previous hostility between the two leaders and India has allowed Pakistani sporting teams to visit for the first time in three years. Next week, *Foreign Ministers S. Jaishankar and Shah Mehmood Qureshi will attend the Heart of Asia conference in Dushanbe on March 30, which is being seen as an opportunity for engagement. And the Shanghai Cooperation Organisation-Regional Anti-Terror Structure (SCO-RATS) secretariat has announced that Indian troops would be part of counter-terror joint exercises, due to be held by the eight-nation grouping in Pakistan later this year, which would be a first. Meanwhile, an eight-member Pakistani delegation headed by Pakistan Commissioner for Indus Waters Meher Ali Shah travelled to Delhi for Indus treaty talks on Tuesday, with the Indian team led by Indian Commissioner Pradeep Saxena, to be held after more than two years.* The UAE FM continues to guide the talks, said the Bloomberg report, which cited a recent telephone conversation Mr. Zayed had with PM Khan. While India has consistently and publicly rejected any chance of third-party mediation between India and Pakistan, there have been several offers, including one by former U.S. President Donald Trump, to facilitate talks. In February 2019, after the Balakot strikes and Pakistani action at the LoC, Mr. Trump had said he had spoken to both sides to ensure a pilot's release from Pakistan. At the time, Abu Dhabi Crown Prince Mohamed bin Zayed al-Nahyan had also announced that he had telephoned Mr. Modi and Mr. Khan to de-escalate tensions and promote "peaceful dialogue" between the two.

FREE AND OPEN

The timing of U.S. Secretary of Defence Lloyd Austin's visit to New Delhi over the weekend (March 19-21) was significant for many reasons. As the first senior ranking official of the Biden administration to meet with the Modi government, his visit this early in the new President's tenure indicates the place India holds, on a par with the other two countries he visited prior to India: Japan and South Korea. The visit, just after the first ever Quad leaders' summit, confirms the U.S.'s focus on greater maritime cooperation in the Indo-Pacific. Mr. Austin's trip preceded an unannounced stop in Kabul where the U.S. is undertaking a major review of its troops pull-out schedule and peace plan. As a result, all three areas: bilateral ties, the Indo-Pacific and Afghanistan



came up for discussion during talks with Defence Minister Rajnath Singh, and meetings with Prime Minister Narendra Modi and External Affairs Minister S. Jaishankar. *On the bilateral front, the two sides agreed to boost their defence relationship through the use of three foundational agreements (LEMOA, COMCASA, and BECA), as well as increase cooperation in the areas of information sharing and logistics, artificial intelligence, space and build more linkages with the U.S. Commands.* On Indo-Pacific strategy, Mr. Singh affirmed India's resolve to maintain a free, open, and inclusive Indo-Pacific region with the U.S., as part of the Quad. On Afghanistan, the discussions are understood to have been consultative, as Mr. Austin is part of the decision-making process over whether the U.S. will stick to its May 1 deadline to pull out all remaining troops, and how to proceed forward in the Intra-Afghan dialogue. The U.S. does not thus far appear to have heeded India's concerns on talks with the Taliban, making any talks conditional on a ceasefire, including India in all regional talks where Pakistan is also involved, and prioritising the needs of the government in Kabul. Even so, it is important that India expresses its sense of the situation in Afghanistan, given its important role there. *While Mr. Austin made it clear the Biden Administration is committed to CAATSA sanctions against all countries procuring high-value Russian military hardware, he said that the determination on India would only come after New Delhi takes delivery of the S-400 missile system.* He confirmed that he had raised the issue of human rights in India, but added that these are part of conversations any two democracies would share, a sentiment seconded by the MEA. Finally, while officials said they discussed India's challenge from China, Mr. Austin was careful not to make any direct reference to Beijing or about the LAC dispute, which New Delhi considers a bilateral issue. The omission, in contrast to his comments in Tokyo and Seoul, signalled both that New Delhi desired discretion on the issue, and that the U.S. Defence Secretary was sensitive to his host's wish.

REMOVE THE WEDGES IN INDIA-BANGLADESH TIES

The friendship between India and Bangladesh is historic, evolving over the last 50 years. India's political, diplomatic, military and humanitarian support during Bangladesh's Liberation War played an important role towards Bangladesh's independence. Nearly 3,900 Indian soldiers gave up their lives and an estimated 10 million Bangladeshi refugees took shelter in India.

Now it is about cooperation

Post-Independence, the India-Bangladesh relationship has oscillated as Bangladesh passed through different regimes. The relationship remained cordial until the assassination of Bangladesh's founding President Sheikh Mujibur Rahman in August 15, 1975, followed by a period of military rule and the rise of General Ziaur Rahman who became President and also assassinated in 1981. It thawed again between 1982-1991 when a military-led government by General H.M. Ershad ruled the country. Since Bangladesh's return to parliamentary democracy in 1991, relations have gone through highs and lows. However, in the last decade, India-Bangladesh relations have warmed up, entering a new era of cooperation, and moving beyond historical and cultural ties to become more assimilated in the areas of trade, connectivity, energy, and defence. Bangladesh and India have achieved the rare feat of solving their border issues peacefully by ratifying the historic Land Boundary Agreement in 2015, where enclaves were swapped allowing inhabitants to choose their country of residence and become citizens of either India or Bangladesh. The Bangladesh government led by Prime Minister Sheikh Hasina has uprooted anti-India insurgency elements from its borders, making the India-Bangladesh border one of the



region's most peaceful, and allowing India to make a massive redeployment of resources to its more contentious borders elsewhere. Bangladesh today is India's biggest trading partner in South Asia with exports to Bangladesh in FY 2018-19 at \$9.21 billion and imports at \$1.04 billion. India has offered duty free access to multiple Bangladeshi products. Trade could be more balanced if non-tariff barriers from the Indian side could be removed. On the development front, cooperation has deepened, with India extending three lines of credit to Bangladesh in recent years amounting to \$8 billion for the construction of roads, railways, bridges, and ports. However, in eight years until 2019, only 51% of the first \$800 million line of credit has been utilised whilst barely any amount from the next two lines of credit worth \$6.5 billion has been mobilised. This has been mostly due to red-tapism from India's end, and slow project implementation on Bangladesh's end. Bangladeshis make up a large portion of tourists in India, outnumbering all tourists arriving from western Europe in 2017, with one in every five tourists being a Bangladeshi. Bangladesh accounts for more than 35% of India's international medical patients and contributes more than 50% of India's revenue from medical tourism.

The connectivity boost

Connectivity between the two countries has greatly improved. A direct bus service between Kolkata and Agartala runs a route distance of 500 km, as compared to the 1,650 km if it ran through the Chicken's Neck to remain within India. There are three passenger and freight railway services running between the two countries, with two more routes on their way to be restored. Recently, a 1.9 kilometre long bridge, the Maitri Setu, was inaugurated by Prime Minister Narendra Modi, connecting Sabroom in India with Ramgarh in Bangladesh. Bangladesh allows the shipment of goods from its Mongla and Chattogram (Chittagong) seaports carried by road, rail, and water ways to Agartala (Tripura) via Akhura; Dawki (Meghalaya) via Tamabil; Sutarkandi (Assam) via Sheola, and Srimantpur (Tripura) via Bibirbazar. This allows landlocked Assam, Meghalaya and Tripura to access open water routes through the Chattogram and Mongla ports (<https://bit.ly/3vXySpB>).

Bones of contention

Despite the remarkable progress, the unresolved Teesta water sharing issue looms large. Border killings are yet to stop. The year 2020 saw the highest number of border shootings by the Border Security Force. The shots are fired at civilians, usually cattle traders, who are usually unarmed, trying to illegally cross the border. India not only has failed to stop the border killings but at times has even justified them. The statement by India's External Affairs Minister, S. Jaishankar, during his recent visit to Dhaka, that "our shared objective should be a no crime-no death border...", raises questions as to why killings, and not due legal proceedings, are being followed in tackling border crimes. The Modi government's proposal to implement the National Register of Citizens across the whole of India reflects poorly on India-Bangladesh relations. It is not comprehensible why people of all religions and ethnicities barring Muslims will be excluded from the Bill. It remains to be seen how India addresses the deportation of illegal Muslim immigrants, some of whom claim to have come from Bangladesh. Sri Lanka, Nepal and the Maldives, once considered traditional Indian allies, are increasingly tilting towards China due to the Asian giant's massive trade, infrastructural and defence investments in these countries. In spite of its 'Neighbourhood First Policy', India has been losing its influence in the region to China. Bhutan also does not abide by Indian influence as evinced by its withdrawal from the BBIN (Bhutan-Bangladesh-India-Nepal) motor vehicles



agreement. China, in lieu of its cheque-book diplomacy, is well-entrenched in South Asia, including Bangladesh, with which it enjoys significant economic and defence relations.

Keeping the momentum going

India-Bangladesh relations have been gaining positive momentum over the last decade. As Bangladesh celebrates its 50 years of independence (March 26, 1971), India continues to be one of its most important neighbours and strategic partners. As the larger country, the onus is on India to be generous enough to let the water flow and ensure that people are not killed on the border for cattle even if it is illegal when there are appropriate means for justice. These small but important steps can remove long-standing snags in a relationship which otherwise is gradually coming of age in 50 years. To make the recent gains irreversible, both countries need to continue working on the three Cs — cooperation, collaboration, and consolidation.

JUSTICE N.V. RAMANA SET TO TAKE OVER AS 48TH CJI

Chief Justice of India Sharad A. Bobde has recommended Justice N.V. Ramana, the senior-most judge of the Supreme Court, as the next top judge. The recommendation to the government was followed by the publication of a short statement on Wednesday, informing that Andhra Pradesh Chief Minister Y.S. Jagan Mohan Reddy's October 6 complaint to the CJI naming Justice Ramana was dismissed under an in-house procedure after due consideration.

Complaint dismissed

"A complaint dated October 6, 2020, sent by the Chief Minister of Andhra Pradesh to the Supreme Court was dealt with under the In-House Procedure and the same, on due consideration, stands dismissed. It be noted that all the matters dealt with under the In-House Procedure being strictly confidential in nature, are not liable to be made public," the statement, published on the Supreme Court website, said. Mr. Reddy had complained that Justice Ramana was influencing the Andhra Pradesh High Court judiciary to destabilise his government. The complaint was sent shortly after a Bench led by Justice Ramana started hearing and fast-tracking hundreds of criminal cases against Ministers, legislators and politicians pending in trial courts across the country. In an affidavit filed with the election nomination papers in 2019, Mr. Reddy had declared that there were 31 criminal cases pending against him with the CBI, the Enforcement Directorate and different police stations in Andhra Pradesh and Telangana. Justice Ramana is now set to take over as the 48th Chief Justice of India from April 24. Chief Justice Bobde handed over a copy of his letter of recommendation to Justice Ramana on Wednesday after sending it to the government. The Centre had recently asked Chief Justice Bobde, who is retiring on April 23, to initiate the transition process to the top judicial office. Justice Ramana will be the CJI till August 26, 2022.

OF JUDGES, CLOSED PROBES AND THE BAR'S OMERTA

On April 24, 2021, Justice N. V. Ramana is to assume office as the 48th Chief Justice of India (CJI). As Master of the Roster, Justice Ramana would have the sole prerogative to constitute benches of the Supreme Court and allocate matters to be heard by these benches. As a matter of law, he would exercise this power even in cases that concern allegations made against him. The importance of the integrity of the person occupying such an important constitutional position cannot be



overstated. Yet, a month before Justice Ramana is to assume office, the public is in the dark about the veracity of serious allegations levelled against him by other constitutional authorities.

The allegations

On October 6, 2020, Andhra Pradesh Chief Minister Y.S. Jagan Mohan Reddy addressed a letter to CJI S.A. Bobde alleging that Justice Ramana was interfering with the constitution of benches and assignment of matters at the Andhra Pradesh High Court in order to ensure that cases concerning the opposition party in the State were assigned to favourable benches. There were also specific allegations against certain judges of the Andhra Pradesh High Court, including the then Chief Justice of the High Court, Justice J. K. Maheshwari. Mr. Reddy, who faces several allegations of corruption and criminal cases, does not present as a particularly credible complainant. The Attorney General lost no opportunity in alluding to these controversies in his communication declining a request to initiate criminal contempt proceedings against the Chief Minister for his allegations. Consent was declined on the grounds that the CJI was “seized of the matter”. However, the Attorney General thought it fit to observe that Mr. Reddy’s conduct was prima facie “contumacious” and noted that the timing of the allegation “could be said to be suspect” as Justice Ramana had presided over a bench that had recently passed an order directing various High Courts to expeditiously adjudicate thousands of criminal cases that were pending against former and sitting legislators. The order had galvanised the Telangana High Court to direct a CBI special court to hear a disproportionate assets case against Mr. Reddy. It would, however, be improper to dismiss the accusations of a sitting Chief Minister against the future CJI as the insinuations of a disgruntled litigant. Given the high constitutional offices embroiled in the controversy, the allegations at a minimum deserve a thorough, expeditious and transparent inquiry. The Supreme Court, though, has turned institutional inscrutability into high art. On December 14, 2020, the Supreme Court collegium that included Justice Ramana recommended the transfer of Chief Justice Maheshwari from the Andhra Pradesh High Court to the Sikkim High Court. The collegium’s tendency to resort to transfers in order to avoid the uncomfortable exercise of inquiring into allegations of alleged judicial misconduct is so common that one would be forgiven for mistaking it for a constitutional prescription. There is no information as to the reasons for the transfer of Justice Maheshwari to a much smaller High Court in the wake of Mr. Reddy’s allegations.

The in-house procedure

This episode serves as a reminder of the inadequate, self-fashioned rules that govern inquiries into judicial misconduct. The ‘in-house’ procedure devised by the higher judiciary in 1997 is riddled with shortcomings, including its absolute insulation from external gaze, its lack of prescriptions as to timelines for completion of the inquiry, and the absence of any requirement to disclose the pendency or results of the inquiry (including to the complainant). The procedure confers wide discretionary powers on the CJI. Interestingly, it also does not contemplate a situation in which allegations may be leveled against the CJI. Sheltered by this in-house procedure, the Supreme Court has avoided having to officially respond to the allegations against Justice Ramana, or share information regarding the existence or status of an inquiry into them. Given Justice Maheshwari’s hasty transfer, and the fact that there is just a month before Justice Ramana is to assume office, the irresistible conclusion is that the court would rather not apply its judicial mind to this task. There is legitimate reason for concern that the allegations may receive a quiet burial. In August 2017, Justice Chelameswar (then a senior Supreme Court judge) had addressed



a letter to the then CJI Khehar regarding an “unwarranted intimacy” between Justice Ramana and the then Chief Minister of Andhra Pradesh, Chandrababu Naidu. The concern was that Justice Ramana and Mr. Naidu had rejected certain candidates for elevation to the Andhra Pradesh High Court on identical (but specious) grounds. Despite a senior judge voicing concerns regarding a colleague on the bench, there was no information about the initiation of an inquiry, let alone its result.

Two possible outcomes

There are two possible conclusions to an inquiry into Mr. Reddy’s letter: that he has falsely accused several members of the higher judiciary, including the second-most senior judge of the Supreme Court, of misconduct; or that the future CJI and other High Court judges have abused their positions. Either outcome requires firm institutional responses. Should Mr. Reddy’s allegations prove to be baseless, his letter would constitute an attempt to use his constitutional office to interfere in the administration of justice and he ought to face criminal contempt proceedings. Should the allegations against Justice Ramana and other senior members of the higher judiciary be found to be credible, the in-house procedure requires that the CJI evaluate whether the misconduct warrants the removal of the judge from office or not. In the former event, the judge(s) may be asked to resign. Only in the event of a judge refusing to resign would steps be taken to withdraw judicial work and communicate the finding of misconduct to other constitutional functionaries (the Prime Minister and President) for appropriate action (and a possible impeachment). If the CJI considers that the misconduct does not warrant the removal of the judge, the CJI may “...advise [the judge] accordingly”, and the report of the committee that conducted the inquiry may be “placed on record.” It is unclear what “placed on record” means. But what is certain is that this report is not available to the public. Indian citizens, as a matter of right, ought to be informed of the outcome of such an inquiry given the institutions and authorities involved, well before Justice Ramana takes office as CJI. Yet, the Supreme Court – that repeatedly proclaims its commitment to preserving public trust in the judiciary – appears to be moving at a glacial pace in response to Mr. Reddy’s letter, and also deems it unnecessary for the public to be informed of the status or outcome of an inquiry. The Bar stands implicated in the omerta over allegations of judicial misconduct, not just for its muteness in respect of the inquiry into the Chief Minister’s allegations, but its historic failure to demand transparency from the higher judiciary. The mantle falls upon the public to declare to constitutional authorities that citizens of democracies deserve better than a self-serving, non-transparent in-house procedure that is founded on the presumption that the CJI is above suspicion.

SC SUGGESTS POSTING RETIRED JUDGES TO CLEAR BACKLOG IN HCS

The Supreme Court on Thursday pushed for the appointment of retired judges to battle pendency of cases in High Courts. A Bench led by Chief Justice of India Sharad A. Bobde said retired judges could be chosen on the basis of their expertise in a particular field of dispute and allowed to retire once the pendency in that zone of law was over.

Several problems

“There are suits pending in chartered courts, and in North India, some courts have cases pending for 30 years... there are all kinds of problems,” Chief Justice Bobde said at a virtual hearing of a

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petition filed by NGO, Lok Prahari, on the mounting backlog. The Bench said retired judges who had handled certain disputes and fields of law for over 15 years could deal with them faster if brought back into harness as ad-hoc judges. The court said the appointment of ad-hoc judges would not be a threat to the services of other judges. "Ad-hoc judges will be treated as the junior most," Chief Justice Bobde said. The Chief Justice said the appointment of ad-hoc judges was provided for in the Constitution under Article 224A. Under the Article, the Chief Justice of a High Court for any State may at any time, with the previous consent of the President, request any person who has held the office of judge of that court or of any other High Court to sit and act as a judge of the High Court for that State. The court orally outlined prospective guidelines for the appointment and functioning of an ad hoc judge. "If in a particular jurisdiction, the pendency goes beyond a certain limit, say eight or 10 years, the Chief Justice may appoint a certain [retired] judge with expertise in those fields of laws as an ad hoc judge. The next hearing is scheduled for April 8.

WHY NO DECISION ON LIST SENT BY COLLEGIUM

The Supreme Court on Thursday asked the government to clarify on the status of 55 recommendations made by the Collegium for judicial appointments to High Courts six months to nearly a year-and-a-half ago. Of the pending recommendations, 44 were made to fill vacancies in the Calcutta, Madhya Pradesh, Gauhati, Rajasthan and Punjab High Courts. These recommendations have been pending with the government for over seven months to a year. The remaining 10 names have been pending with the government despite their reiteration by the Collegium. They include five for the Calcutta High Court pending for one year and seven months. The recommendations of four names made by the Collegium to the Delhi High Court have been pending for seven months. "This is a matter of grave concern... When do you propose to take a decision?" a Special Bench, led by Chief Justice of India Sharad A. Bobde, asked Attorney General K.K. Venugopal. The total sanctioned strength in the 25 High Courts is 1,080. However, the present working strength is 661 with 419 vacancies as on March 1. The court asked Mr. Venugopal to enquire with the Union Ministry of Law and Justice and make a statement on April 8 about their status. The Bench handed over to Mr. Venugopal a chart containing the details of the 55 recommendations. Justice Sanjay Kishan Kaul said on the 10 recommendations, some of which date back to a year-and-a-half, that "neither have they been appointed nor have you (government) given us a response". Justice Kaul, who was accompanying the Chief Justice and Justice Surya Kant, said the "thought process" of both the government and the Collegium should be modulated. He said a time frame needed to be fixed for both the Collegium and the Ministry to complete the appointment process. Senior advocate and president of the Supreme Court Bar Association Vikas Singh said there was a need to institutionalise a process for considering advocates practising in the top courts to judgeships in the High Courts. The Supreme Court has been repeatedly conveying to the government its growing alarm at the judicial vacancies in High Courts.

SC RELIEF FOR EDITOR IN HATE CRIME CASE

The Supreme Court has held that criticism of governmental inaction cannot be branded as an attempt to promote hatred between communities while quashing a hate speech case against Shillong Times Editor Patricia Mukhim for a Facebook post. Ms. Mukhim was charged with promoting hatred between communities for her social media post urging the Meghalaya Chief



Minister and authorities to take action against masked assailants who brutally attacked a few non-tribal boys playing basketball last year.

‘Call for justice’

A Bench, led by Justice L. Nageswara Rao, said every citizen had a right to expect and articulate the call for justice. Justice Rao, who authored the judgment, said Ms. Mukhim’s Facebook post was one such “call for justice”. “Disapprobation of governmental inaction cannot be branded as an attempt to promote hatred between different communities. Free speech of the citizens of this country cannot be stifled by implicating them in criminal cases, unless such speech has the tendency to affect public order,” the Supreme Court held. The court said every Indian had the right to free speech and to travel freely and settle throughout the length and breadth of the country.

‘Legitimate exercise’

“At times, when in the legitimate exercise of such a right, individuals travel, settle down or carry on a vocation in a place where they find conditions conducive, there may be resentments, especially if such citizens prosper, leading to hostility or possibly violence. In such instances, if the victims voice their discontent and speak out, especially if the State authorities turn a blind eye or drag their feet, such voicing of discontent is really a cry for anguish, for justice denied or delayed,” Justice Rao wrote.

‘Fervent plea’

“The fervent plea made by the appellant (Mukhim) for protection of non-tribals living in the State of Meghalaya and for their equality cannot, by any stretch of imagination, be categorised as hate speech,” the Supreme Court said.

CORRECTIVE VOICE FROM TOP COURT AGAINST STEREOTYPING WOMEN

A judgment by the Supreme Court forbidding judges from making gender stereotypical comments came as a corrective voice from within the highest level of judiciary in India. The judgment, pronounced on March 18, came days after the court ran into a maelstrom of criticism after the Chief Justice of India (CJI), during a virtual hearing on March 1, reportedly asked an alleged rapist’s lawyer to enquire whether his client would marry the survivor.

‘Completely misquoted’

On March 8, Chief Justice S.A. Bobde said he was “completely misquoted”. The CJI said the court had the highest respect for womanhood. The top judge’s statement coincided with International Women’s Day. *Ten days later, a Bench of Justices A.M. Khanwilkar and S. Ravindra Bhat, in its judgment, urged courts to avoid using reasoning or language which diminished a sexual offence and tended to trivialise the survivor.* “Even a solitary instance of such order or utterance in court, reflects adversely on the entire judicial system of the country, undermining the guarantee to fair justice to all, and especially to victims of sexual violence (of any kind from the most aggravated to the so-called minor offences),” the judgment, authored by Justice S. Ravindra Bhat, said.



Series of orders

The judgment stopped courts from trying to mandate marriage or compromise between a sex offender and his victim. It was based on an appeal against a Madhya Pradesh High Court order directing an alleged molester to “allow” his victim to tie a rakhi on him. This judgment is one among a series of interventions with which the top court has clamped down on abuse and sex stereotyping of women. *Some notable judgments which have lashed out at sex stereotyping include the framing of the Vishaka Guidelines on sexual harassment of women at workplaces, and Justice D.Y. Chandrachud’s historic judgment giving women Armed Forces officers equal access to Permanent Commission while debunking the establishment’s claim that women were physiologically weaker than men.* Justice Chandrachud, in the Permanent Commission for women officers case, said, “women officers of the Indian Army have brought laurels to the force ... Their track record of service to the nation is beyond reproach. To cast aspersions on their abilities on the ground of gender is an affront not only to their dignity as women but to the dignity of the members of the Indian Army — men and women — who serve as equal citizens in a common mission.” In the Anuj Garg case, the Supreme Court had rebuked “the notion of romantic paternalism”, which, “in practical effect, put women, not on a pedestal, but in a cage”.

THE SAGA OF VISHNU TIWARY

Vishnu Tiwari, 43, was recently acquitted by the Allahabad High Court in a rape case after spending 20 years in prison. His story is illustrative of the tragic consequences that can follow from cases falling through the cracks of a bloated legal system. In 2003, Mr. Tiwari was sentenced to life imprisonment for rape under the Indian Penal Code and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. His appeal before the Allahabad High Court was pending for 16 years as a defective matter. These defects are usually in the nature of missing documents or documents in the wrong format and are remedied by the lawyer, and the case gets listed. Mr. Tiwari’s lawyer had no interest in pursuing the case, and the appeal stayed defective. During his incarceration, his parents and two brothers died. The High Court pointed out in its judgment that the State government did not consider commuting his life sentence after 14 years. Shweta Singh Rana, a legal aid lawyer, was handed the case in 2019 when the jail authorities requested the High Court to provide a lawyer to Mr. Tiwari. The process of getting the ‘paperbook’, a compilation of the lower court’s records, took nearly two years. The fact that Mr. Tiwari is now a free man and his case was heard by the High Court is a consequence of fortuitous circumstances and the presence of a few good individuals in the system. A sincere lawyer and vigilant family members, luxuries that only prisoners with economic means have access to, have become essential to secure justice.

A poorly designed system

An effective justice system should not depend on a few individuals’ goodness and should be robust enough to ensure justice for everyone, irrespective of the individual in charge. Many of the hiccups in Mr. Tiwari’s case do not reflect deliberate malice but result from poor design and the absence of an integrated digital platform for the criminal justice system. This poor design can have enervating effects on individual freedom. While digitisation has transformed the delivery of certain public services like passports, the criminal justice system is still beset with archaic procedures and paper-based processes. Although the eCourts project has made significant

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progress in digitising the works of courts, there remain substantial lacunae. These are especially glaring in the criminal justice system.

Sharing information seamlessly

Criminal cases involve various institutions such as the police, prosecutors, legal services authorities and forensic labs. Coordination and communication between these institutions are far from seamless. A criminal case's smooth movement involves several 'rubbing points' where progress depends on one institution securing information from another. For example, the prosecutor needs to get the FIR from the police; the police have to submit the FIR and chargesheet to the court; the forensic labs need to submit reports to the prosecutors and the courts; etc. Allowing these various elements of the system to 'talk' to each other through a digital platform that standardises the format and content of data across all the systems will allow for seamless communication and will help avoid duplication of data entry and analyses. If such a platform can track cases from when an FIR is filed till the stage of appeal, it is unlikely that a case would fall through the cracks as Mr. Tiwari's did. Such a system would have alerted the registry that defects in a particular appeal had been left unrectified for an extended period and would have alerted the accused person in prison that his lawyer was not pursuing his case diligently. Simultaneously, the legal services authority would have been informed of the case so that the lawyer could have been replaced. The digital platform would have been able to monitor the quality of representation of the lawyer provided by the legal services authority. Once the prisoner had served 14 years of his sentence, the system would have alerted the State government that he was eligible for commutation of his sentence. The documents from the lower court would have been transmitted electronically to the accused person's lawyer and the High Court eliminating the endless wait for the 'paperbook'. Although the Interoperable Criminal Justice System is on the anvil to integrate the information systems of the various institutions in the criminal justice system, it is far from being fully implemented. A critical factor holding back implementation is that these institutions have already created their own information systems that work in silos and are not interoperable. Priority must be given to speeding up the implementation of such a system that provides transparent, real-time access to criminal justice information to all stakeholders, including accused persons.

(V) IN-HOUSE SECRETS

The Supreme Court has dealt with a grave matter concerning issues of judicial propriety with characteristic opaqueness. It has dismissed a complaint from Andhra Pradesh CM Y.S. Jagan Mohan Reddy, containing explosive allegations against CJI-designate Justice N.V. Ramana, but declined to disclose the findings of an in-house inquiry. The rejection was disclosed on the Court's website on the day CJI S.A. Bobde recommended Justice Ramana as his successor. Going by procedure, a committee of three judges must have inquired into the charges. *The lack of transparency is based on a 2003 judgment of the apex court that any inquiry under this procedure is meant only for "the information and satisfaction" of the CJI, and is not meant for the public.* However, this may be an instance when not many will agree with the confidentiality norm. *The allegations came from a person holding the high office of CM, and the crux of his grievance was that the A.P. High Court was hostile to him and his regime due to the influence wielded by Justice Ramana.* Further, he accused the judge of proximity with Mr. Reddy's political rivals and alleged involvement of his family



members in a land scam that involved prior knowledge that Amaravati was to be declared the State's capital and speculative buying of land there. *There is little to commend the requirement of confidentiality in a probe of this nature, as the dismissal of the complaint ipso facto means that a serving CM has levelled false and motivated charges against a senior Supreme Court judge as well as those in the High Court. Mr. Reddy is surely in contempt of court if the committee found no merit in the allegations that he raised in a signed affidavit.* Should the confidentiality rule always hold the field? Is it possible to dismiss the allegations without disclosing who were heard as witnesses and what material was considered as evidence? Was Mr. Reddy given an opportunity to substantiate his charges? And, does he get to know the conclusions? The unsavoury charges are bound to come up in some form or the other again. *The A.P. government has appealed against a High Court judgment that stayed a police investigation in the Amaravati land issue. Mr. Reddy faces prosecution in corruption cases himself. A key allegation against him is that his animosity towards Justice Ramana arises from an order that a Bench headed by the latter had passed, that cases involving elected representatives be expedited.* In a separate development, the High Court had also ordered a CBI probe into social media posts targeting judges. The charges being bandied about are overtly political, and the episode has become unpleasant. Notwithstanding the confidentiality norm laid down for in-house probes, it behoves the Court to demonstrate that justice was both done and was seen to be done.

POLL BOND SALE CAN GO AHEAD

The Supreme Court on Friday refused to stay the sale of electoral bonds prior to the Assembly elections in crucial States such as West Bengal and Tamil Nadu. A three-judge Bench, led by Chief Justice of India Sharad A. Bobde, said the scheme began in 2018 and continued in 2019 and 2020 without "any impediments". *Chief Justice Bobde, who read out the judgment, said the court found no reason to stall the sale of the electoral bonds now. The judgment came on an urgent application moved by an NGO, Association for Democratic Reforms, represented by advocate Prashant Bhushan, to stay the sale of the bonds scheduled between April 1 and 10.*

The NGO, also represented by advocate Neha Rathi, voiced serious apprehension that the sale of bonds before the elections would "further increase illegal and illicit funding of political parties through shell companies".

Court's argument

The court agreed that the scheme protects the identity of purchasers of electoral bonds in a cloak of anonymity, but highlighted that such purchases happened only through regular banking channels. The State Bank of India would eventually know the identity of the buyer. "While the identity of the purchaser of the bond is withheld, it is ensured that unidentified/unidentifiable persons cannot purchase the bonds and give it to the political parties. Under Clause 7 of the scheme, buyers have to apply in the prescribed form, either physically or online, disclosing their particulars," the court reasoned. The court rubbished the charge of electoral bonds facilitating anonymous and hefty donations from corporate houses to political parties. Anyone buying bonds would have to fulfil KYC (Know Your Customer) norms, the court said. Purchase of electoral bonds was through banking channels. It would be easy to trace the money spent on buying electoral bonds from the expense sheets of companies. Mr. Bhushan had argued that electoral bonds purchased using white money through banking channels could be re-purchased by an anonymous

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entity using black cash. “This contention arises out of ignorance of the scheme. Under Clause 14, the bonds are not tradeable. Moreover, the first buyer will not stand to gain anything out of such sale except losing white money for the black,” the court responded in its order. The court debunked fears that electoral bonds would help foreign corporate houses influence domestic electoral politics. It said the bonds could be purchased only by a person who was a citizen of India or incorporated or established in India.

Gautam Bhatia opinion

If democracy means anything, it must mean this: when citizens cast their votes for the people who will represent them in Parliament, they have the right to do so on the basis of full and complete information. And there is no piece of information more important than the knowledge of who funds political parties. Across democratic societies, and through time, it has been proven beyond doubt that money is the most effective way of buying policy, of engaging in regulatory capture, and of skewing the playing field in one’s own favour. This is enabled to a far greater degree when citizens are in the dark about the source of money: it is then impossible to ever know — or assess — whether a government policy is nothing more than a quid pro quo to benefit its funders. *The Indian Supreme Court has long held — and rightly so — that the “right to know”, especially in the context of elections, is an integral part of the right to freedom of expression under the Indian Constitution. By keeping this knowledge from citizens and voters, the electoral bonds scheme violates fundamental tenets of our democracy.* It is equally important that *if a democracy is to thrive, the role of money in influencing politics ought to be limited. In many advanced countries, for example, elections are funded publicly, and principles of parity ensure that there is not too great a resource gap between the ruling party and the opposition.* The purpose of this is to guarantee a somewhat level playing field, so that elections are a battle of ideas, and not vastly unequal contests where one side’s superior resources enable it to overwhelm the other. For this reason, *in most countries where elections are not publicly funded, there are caps or limits on financial contributions to political parties. The electoral bonds scheme, however, removes all pre-existing limits on political donations, and effectively allows well-resourced corporations to buy politicians by paying immense sums of money.* This defeats the entire purpose of democracy, which as B.R. Ambedkar memorably pointed out, was not just to guarantee one person, one vote, but one vote one value. However, not only do electoral bonds violate basic democratic principles by *allowing limitless and anonymous donations to political parties*, they do so asymmetrically. *Since the donations are routed through the State Bank of India, it is possible for the government to find out who is donating to which party, but not for the political opposition to know.* This, in turn, means that *every donor is aware that the central government can trace their donations back to them.* Given *India’s long-standing misuse of investigative agencies by whichever government occupies power at the Centre, this becomes a very effective way to squeeze donations to rival political parties, while filling the coffers of the incumbent ruling party.* Statistics bear this out: while we do not know who has donated to whom, we do know that *a vast majority of the immensely vast sums donated through multiple electoral cycles over the last three years, have gone to the ruling party, i.e. the Bharatiya Janata Party.*

Gaps in government’s defence

The government has attempted to justify the electoral bonds scheme by *arguing that its purpose is to prevent the flow of black money into elections.* The journalist Nitin Sethi has already debunked this rationale in a detailed 10-part investigative report, which has also highlighted reservations



within the government as well as by the Election Commission of India to the electoral bonds scheme. That apart, this justification falls apart under the most basic scrutiny: it is entirely unclear what preventing black money has to do with *donor anonymity, making donations limitless, and leaving citizens in the dark*. Indeed, as the electoral bonds scheme allows even foreign donations to political parties (which can often be made through shell companies) the prospects of institutional corruption (including by foreign sources) increases with the electoral bonds scheme, instead of decreasing. It is important to be clear that the objections to the electoral bonds scheme, highlighted above, are not objections rooted in political morality, or in public policy. They are constitutional objections. The right to know has long been enshrined as a part of the right to freedom of expression; furthermore, uncapping political donations and introducing a structural bias into the form of the donations violate both the guarantee of equality before law, as well as being manifestly arbitrary.

The petition challenging the constitutional validity of the electoral bonds scheme was filed in 2018. The case, which is absolutely vital to the future health of Indian democracy, has been left unheard for three years. The Supreme Court's inaction in this case is not neutral: it directly benefits the ruling party which as we have seen, has received a vast bulk of electoral bond funding through the multiple State and one general election since 2018, and creates a continuing distortion of democracy.

(D) THE DEBATE AROUND THE PLACES OF WORSHIP ACT

Earlier this month, the Supreme Court asked the Centre to respond to a petition that challenges the constitutional validity of the Places of Worship (Special Provisions) Act, 1991. The law was enacted to freeze the status of all places of worship in the country as on August 15, 1947.

The petition contends that the legislation legalises the actions of invaders in the past who demolished places of worship. It wonders how the law could exempt the birthplace of Ram, but not that of Krishna. It is also said the law violates the right to practise and propagate religion, as well as the right to manage and administer places of worship. Further, it goes against the principle of secularism and the state's duty to preserve and protect religious and cultural heritage.

In its final verdict on the Ayodhya dispute, the Supreme Court had words of caution against further attempts to change the character of a place of worship. The five-judge Bench said, "Historical wrongs cannot be remedied by the people taking the law in their own hands. In preserving the character of places of public worship, Parliament has mandated in no uncertain terms that history and its wrongs shall not be used as instruments to oppress the present and the future."

What are the implications of the case?

Some Hindu organisations have been laying claim to the *Gyanvapi mosque in Varanasi* and the *Shahi Idgah in Mathura*. Civil suits have been filed in a Mathura court seeking the shifting of the 17th-century mosque from the spot that some claim is the birthplace of Lord Krishna. Any order that strikes down or dilutes the 1991 law on the status of places of worship is likely to influence the outcome of such proceedings.



DORMANT PARLIAMENT, FADING BUSINESS

The Budget session of Parliament ended on Thursday, two weeks ahead of the original plan, as many political leaders are busy with campaigning for the forthcoming State Assembly elections. This follows the trend of the last few sessions: the Budget session of 2020 was curtailed ahead of the lockdown imposed following the novel coronavirus pandemic, a short 18-day monsoon session ended after 10 days as several Members of Parliament and Parliament staff got affected by COVID-19, and the winter session was cancelled. As a result, the fiscal year 2020-21 saw the Lok Sabha sitting for 34 days (and the Rajya Sabha for 33), the lowest ever. The casualty was proper legislative scrutiny of proposed legislation as well as government functioning and finances. While COVID-19 was undoubtedly a grave matter, there is no reason why Parliament could not adopt remote working and technological solutions, as several other countries did.

No Bill scrutiny

An important development this session has been the absence of careful scrutiny of Bills. During the session, 13 Bills were introduced, and not even one of them was referred to a parliamentary committee for examination. Many high impact Bills were introduced and passed within a few days. The Government of National Capital Territory of Delhi (Amendment) Bill, 2021, which is the Bill to change the governance mechanism of Delhi — shifting governance from the legislature and the Chief Minister to the Lieutenant Governor — was introduced on March 15 in the Lok Sabha, passed by that House on March 22 and by Rajya Sabha on the March 24. Another Bill, the Mines and Minerals (Development and Regulation) Amendment Bill, 2021, amends the Mines and Minerals Act, 1957 to remove end-use restrictions on mines and ease conditions for captive mines; this Bill was introduced on March 15 and passed by both Houses within a week. A Bill — The National Bank for Financing Infrastructure and Development (NaBFID) Bill, 2021 — to create a new government infrastructure finance institution and permit private ones in this sector was passed within three days of introduction. The Insurance (Amendment) Bill, 2021, the Bill to increase the limit of foreign direct investment in insurance companies from 49% to 74% also took just a week between introduction and passing by both Houses. In all, 13 Bills were introduced in this session, and eight of them were passed within the session. This quick work should be read as a sign of abdication by Parliament of its duty to scrutinise Bills, rather than as a sign of efficiency.

Consulting House panels

This development also highlights the decline in the efficacy of committees. The percentage of Bills referred to committees declined from 60% and 71% in the 14th Lok Sabha (2004-09) and the 15th Lok Sabha, respectively, to 27% in the 16th Lok Sabha and just 11% in the current one. Parliamentary committees have often done a stellar job. For example, the committee that examined the Insolvency and Bankruptcy Code suggested many changes to make the Code work better, and which were all incorporated in the final law. Similarly, amendments to the Motor Vehicles Act were based on the recommendations of the Committee.

Money Bill classification

The last few years have seen the dubious practice of marking Bills as 'Money Bills' and getting them past the Rajya Sabha. Some sections of the Aadhaar Act were read down by the Supreme



Court of India due to this procedure (with a dissenting opinion that said that the entire Act should be invalidated). The Finance Bills, over the last few years, have contained several unconnected items such as restructuring of tribunals, introduction of electoral bonds, and amendments to the foreign contribution act. Similarly, this year too, the Finance Bill has made major amendments to the Life Insurance Corporation Act, 1956. As this is a Money Bill, the Rajya Sabha cannot make any amendments, and has only recommendatory powers. Some of the earlier Acts, including the Aadhaar Act and Finance Act, have been referred to a Constitution Bench of the Supreme Court. It would be useful if the Court can give a clear interpretation of the definition of Money Bills and provide guide rails within which Bills have to stay to be termed as such. During this session, the Union Budget was presented, discussed and passed. The Constitution requires the Lok Sabha to approve the expenditure Budget (in the form of demand for grants) of each department and Ministry. The Lok Sabha had listed the budget of just five Ministries for detailed discussion and discussed only three of these; 76% of the total Budget was approved without any discussion. This behaviour was in line with the trend of the last 15 years, during which period 70% to 100% of the Budget have been passed without discussion in most years.

The missing Deputy Speaker

A striking feature of the current Lok Sabha is the absence of a Deputy Speaker. Article 93 of the Constitution states that "... The House of the People shall, as soon as may be, choose two members of the House to be respectively Speaker and Deputy Speaker...." Usually, the Deputy Speaker is elected within a couple of months of the formation of a new Lok Sabha, with the exception in the 1998-99 period, when it took 269 days to do so. By the time of the next session of Parliament, two years would have elapsed without the election of a Deputy Speaker. The issue showed up starkly this session when the Speaker was hospitalised. Some functions of the Speaker such as delivering the valedictory speech were carried out by a senior member. The deterioration in Parliament's functioning is not a recent phenomenon. For example, the Monsoon Session of 2008 had set some interesting records. That session went on till Christmas, as the government wanted to use a parliamentary rule that a no-confidence motion could not be moved twice within a session; instead of a winter session, the monsoon session was extended with breaks. That session also saw eight Bills being passed in the Lok Sabha within 17 minutes. The following Lok Sabha (2009-14) saw a lot of disruptions to work, with about a third of its scheduled time lost. Some things have improved: over the last few years, we have seen most Bills being discussed in the House and have had less disruptions. However, the scrutiny of Bills has suffered as they are not being referred to committees.

Parliamentary scrutiny is key

Parliament has the central role in our democracy as the representative body that checks the work of the government. It is also expected to examine all legislative proposals in detail, understand their nuances and implications of the provisions, and decide on the appropriate way forward. In order to fulfil its constitutional mandate, it is imperative that Parliament functions effectively. This will require making and following processes such as creating a system of research support to Members of Parliament, providing sufficient time for MPs to examine issues, and requiring that all Bills and budgets are examined by committees and public feedback is taken. In sum, Parliament needs to ensure sufficient scrutiny over the proposals and actions of the government.



PARLIAMENT ADJOURNED AHEAD OF SCHEDULE

Both Houses of Parliament were adjourned sine die on Thursday nearly two weeks before schedule, keeping in mind requests made for the curtailment of the second part of the Budget session by MPs from West Bengal, Tamil Nadu, Assam, Puducherry and Kerala owing to the Assembly elections. The first part of the session started on January 29. The second leg started on March 8 after a break and was to run till April 8. Parliamentary Affairs Minister Pralhad Joshi, in a briefing after the end of the session, said: "It was curtailed ahead of schedule due to the demands made by various political parties and Assembly elections in four States and one Union Territory." The influence of the electoral contests was seen during the session with frequent references to poll issues in West Bengal during the debates. Earlier in the day, Bhratruhari Mahtab, who was in the chair in the Lok Sabha as part of the 10-member panel of presiding officers, commended Speaker Om Birla, who is down with COVID-19, for the arrangements made for the conduct of the House in the middle of the pandemic. In fact, while the first two days of Parliament in the second part of the session were for limited five-hour sittings, the time period of the sittings was made regular again with both Houses running concurrently. Mr. Mahtab, in the valedictory address, revealed that despite disruptions, the session clocked 114% in productivity with 24 sittings, which lasted over 132 hours. Seventeen government Bills were introduced and 18 passed, including the Finance and the Appropriations Bills. A total of 171 reports were tabled by various parliamentary committees and 84 starred questions were answered orally. The tally for the Rajya Sabha was also impressive with 23 sittings, in which the House sat for 104 hours and clocked a 90% productivity. The Upper House passed 19 Bills, spending 42% of the functional time on legislative business.

Head to head

Though attendance was sparse in both the Houses as members mainly from election-bound States were absent, the Treasury and the Opposition benches went head to head on the strike by farmers against the three controversial farm laws and even more so with the Government of the National Capital Territory (Amendment) Bill, 2021 which seeks to add to the powers of the Lieutenant-Governor of Delhi. The Bill was passed after repeated adjournments, especially in the Rajya Sabha, with even neutral parties such as the Biju Janata Dal (BJD) staging a walkout from the Upper House terming it an assault on the rights of elected State governments. In his valedictory address, Rajya Sabha Chairperson and Vice-President M. Venkaiah Naidu reminded the members that the country was "entering the 75th anniversary of Independence" and that it was "a moment of introspection". "While this special occasion provides all of us and citizens the opportunity to cherish the values and ideals that our freedom fighters stood for and helped our country to gain freedom from the colonial rule, it also calls for serious introspection on the functioning of our legislatures and their Members," he said.

40% OF RTI REJECTIONS DID NOT CITE VALID REASON

The Centre has only rejected 4.3% of all Right to Information (RTI) requests in 2019-20, the lowest ever rate, according to the Central Information Commission's annual report. However, almost 40% of these rejections did not include any valid reason, as they did not invoke one of the permissible exemption clauses in the RTI Act, according to an analysis of report data by RTI



activist Venkatesh Nayak. This includes 90% of rejections by the Prime Minister's Office. Public authorities under the Central government received 13.7 lakh RTI requests in 2019-20, out of which 58,634 were rejected for various reasons. Rejection rates have fallen since the 13.9% rate in 2005-06, and have been steadily trending downwards since the 8.4% spike in 2014-15. In 2019-20, they hit their lowest level so far. The CIC's annual report covers more than 2,000 public authorities across the Central government as well as the union territories. An analysis of CIC macro-data from Central ministries by Mr. Nayak shows that the Home Ministry had the highest rate of rejections, as it rejected 20% of all RTIs received. The Agriculture Ministry's rejection rate doubled from 2% in 2018-19 to 4% in 2019-20. The Delhi Police and the Army also saw increases in rejection rates. The RTI Act allows public authorities to reject RTI requests on a number of grounds, ranging from information which would endanger life and safety to that which involves irrelevant personal information, Cabinet papers, foreign governments, copyrights, or sovereignty, security and intelligence matters. Public authorities are expected to cite the relevant clause of the Act to invoke the exemption. In 38.7% of rejections in 2019-20, however, public authorities failed to cite these permissible exemption clauses, and were classified under the 'Others' category in the CIC data. This is an increase from the 33% seen the previous year. The Finance Ministry alone rejected more than 10,000 cases (40% of its total RTI rejections) without providing a valid reason under the Act.

RAJASTHAN BRINGS PRIVATE MEDICAL COLLEGES WITHIN RTI ACT'S PURVIEW

The private medical colleges in Rajasthan have been brought within the purview of the Right to Information (RTI) Act, 2005, following an order of the State Information Commission, which has imposed a fine of ₹25,000 on the principal of Geetanjali Medical College in Udaipur for flouting the transparency law and refusing to provide information. Allowing an appeal against the medical college, the Information Commission held in its recent order that the State government had allotted land to the institution at concessional rates and the college was established under a law passed by the State Legislature. "Based on these facts, the college falls within the purview of the RTI Act. The college is governed by the rules and regulations framed by the State government," Information Commissioner Narayan Bareth said. He imposed the fine on the principal for refusing to provide information sought by an applicant.

First-of-its-kind order

The Commission's first-of-its-kind order has paved the way for citizens to seek information under the RTI Act from the educational institutions which have obtained land for their buildings and campuses at concessional rates from the State government. The appellant, Gopal Kansara from Rajsamand district, had filed his plea with the Commission, pointing out that Geetanjali Medical College had not attached any importance to his RTI application filed on August 7, 2019, seeking information on his nephew's admission. Despite the Commission issuing notices three times with the warning of action under the RTI Act, the college did not respond. Mr. Kansara submitted the documents pertaining to allotment of land to the college and the legislation having been passed by the State Assembly. He also cited a judgment of the Supreme Court in the D.A.V. College case, holding that the institutions like schools, colleges and hospitals which received "substantial aid" from the government in the form of land at discounted rate were bound to give information to the citizens under the RTI Act. The Information Commission accepted the appellant's contention that



the non-government organisations receiving financing from the government were a public authority under the provisions of the RTI Act. While imposing penalty on the principal, the Commission directed the college to provide information on its decision and action taken on six points raised by the RTI applicant within the stipulated time frame.

ASSESSING INDIA'S COUNTER TO 'DIMINISHING DEMOCRACY'

The first three weeks of March saw major developments in the ongoing drama over international assessment of how New Delhi has overseen the functioning of Indian democracy in the recent past. There were the annual reports of the United States-based Freedom House and the Sweden-based V-Dem Institute, which downgraded and redesignated Indian democracy. And farmers' safety and curbs to press freedom in the context of the ongoing protests by farmers were debated in the British Parliament. New Delhi has hit back. But how do we assess its response? Consider three elements.

Aggressive, fine-tuned

First, there is decidedly a new approach. Something more layered is replacing the reliance on hard sovereignty. While the establishment continues to underline the internal nature of the issues raised, it is also beginning to counter the criticisms aggressively. The strongest evidence of this yet came from a discussion in the Rajya Sabha, on March 15, 2021, on racism in the United Kingdom. It appeared to implicate everyone, from the royals to society at large, in systemic racism. India's External Affairs Minister S. Jaishankar noted the concern on behalf of the government and made the assurance that it would be taken up with the U.K. even as India would 'monitor these developments very, very closely'. Earlier, on March 9, 2021, in response to the debate in the U.K. Parliament on the 'safety of farmers' and 'press freedom' in India, the Indian High Commission in London had noted the 'need to set the record straight' regardless of claims of 'friendship and love for India' professed by anyone. The statement was brash, while the location from which it was released was symbolically significant. The response is also becoming fine-tuned. The London statement called India 'the largest functioning democracy in the world'. The key word here was 'functioning'. The emphasis had moved from the size of Indian democracy to its quality. What it was insinuating became clear with Mr. Jaishankar's remark made in Chennai on March 13, 2021: 'Look at the politics of these places... whatever you might say... in this country [India] nobody questions an election. Can you say that in those countries?' The reference obviously was to the United States. Further, the London statement mentioned India's 'well-established independent democratic institutions'. This formulation sought to counter the allegations that authority has become increasingly personalised in India. It asserted the apparent autonomy of Indian institutions. Finally, it has sought to narrow down the scope of the issue and belittle its opponents. A statement by the Ministry of External Affairs on February 3, 2021, arguably put out in response to the celebrity tweets, claimed that a 'very small section of farmers in parts of India' had 'some' reservations about the farm reforms. It also referred to international critics as 'fringe elements' and linked them to desecration of Gandhi statues. This was built upon in the London statement. It referred to the discussion as involving 'a small group' of parliamentarians in 'a limited quorum'.



A favourable global situation

Second, the assertiveness in the establishment's response is partly because India currently enjoys a favourable international constellation. Relatively speaking, the novel coronavirus pandemic has spared India and allowed the world's largest vaccine manufacturer (by number of doses produced and sold globally) to engage in vaccine diplomacy and position itself as an 'internationalist' actor. Here, New Delhi has attempted a transference of latitude, leveraging the goodwill generated by 'Vaccine Maitri' to counter the criticisms. Thus, in Chennai, Mr. Jaishankar asked what the (presumably western) critics of the Delhi regime had done in comparison with India's critical health aid to 70 countries. The fact that the western countries have struggled to cope effectively with the pandemic and remain inconsistent as well as, as in Europe, divided in their governmental and medical responses, also makes India look coherent and 'functional'. Further, the contemporary crisis within western democracies is deep rooted. While it eludes resolution, the fact is that it has robbed western governments of the reputational privilege and the moral right to criticise what they view as assaults on liberal democratic values. We see governments quiet but streets and legislators vocal. This factor, coupled with their need for India for economic, environmental, and geopolitical reasons, offers New Delhi considerable space for an aggressive response. Finally, the conservative allies in western countries that New Delhi has likely cultivated have also helped it undercut international criticism. Recall the October 2019 visit to Kashmir of about two dozen largely right-wing Members of European Parliament. Further, a quick review of the remarks of Conservative UK MPs Bob Blackman and Theresa Villiers on contentious issues concerning India over the past nearly two years will be revealing. In fact, Ms. Villiers' statement during the U.K. parliamentary discussion in early March was remarkably understanding of New Delhi's position.

Key question unanswered

Third, the question of the effectiveness of its response. How substantive is New Delhi's counter? In part, as Mr. Jaishankar's remarks in Chennai showed, it has met facts with rhetoric. In addition, it has questioned the practice of western institutions and civil society of judging and criticising those political processes in non-western democracies that do not match up to western standards. The objection is useful insofar as it checks sorry remnants of western cultural arrogance as well as 'knowledge imperialism'. But it does not address the fundamental point of the critics, which is that human dignity and freedoms are universal and an assault on them anywhere is an assault on them everywhere. New Delhi was well within its rights to offer the sovereignty shrug and say it did not care. But it has engaged the critics, not on facts but on values. And now it must make its position clear. If it does not believe that these values apply to all human beings everywhere, regardless of the society and culture in which they find themselves, then it can state it unambiguously. This would deprive its critics of the moral basis for their criticism. At the Munich Security Conference in February last year, Mr. Jaishankar argued that democracy and the West should not be equated, implying that there are different types of democracies. Fair point. But the Minister did not pursue the thought fully. His South Korean counterpart did. Speaking after him, Minister of Foreign Affairs, Republic of Korea Kang Kyung-wha said: 'South Korea is West if you are going by values... Instead of talking about the West let's talk about the values that we are trying to prove.' This is an approach worth considering. For in order to effectively counter its critics, the establishment must first confront itself.

**LAW AND CONTROL**

Less than 10 days after it was introduced in the Lok Sabha, the Government of National Capital Territory of Delhi (Amendment) Bill, 2021 has got the approval of both Houses of Parliament. Surely, *a piece of legislation that proposes far-reaching changes in the National Capital Territory's administration, drastically undermines the powers of Delhi's elected government and virtually upturns a landmark Supreme Court verdict, warranted a longer journey in both Houses. It required thorough deliberation, even referral to a Select Committee, as demanded by members of the Opposition. That this did not happen speaks of the hubris of the central government, and draws attention, again, to its disturbing tendency of using its majority to steamroll contentious Bills — the farm laws, just before this — through Parliament.* It also shines light on the volte face by the BJP, whose championing of Delhi's quest for statehood dates back to at least 25 years. In fact, as Home Minister, LK Advani introduced the Delhi State Bill in Parliament in 2003. Is it not revanchism that when relegated to a distant runner-up in two successive elections to the Delhi assembly, the BJP uses its majority at the Centre to push legislation that requires Delhi's AAP government to seek the L-G's sanction for every administrative action? Delhi's special position as the country's capital requires a bold re-imagining of the federal contract that currently determines its executive and legislative boundaries. On paper, that contract has been skewed against the elected government. But over a substantial period in the past 20 years, the Centre, its representative, the L-G, and the Delhi government seemed to have developed a working relationship, indeed a partnership at times, whose benefits continue to be felt by the city's residents — the conversion of the city's public transport fleet to the environment-friendly CNG, introduction of private players in the power sector, and the Metro. It is true that AAP's advent on the city's political scene, its shrill political pitch and its preference for agitational politics over patient negotiations led to a setback in the evolving concord between the Centre and the elected government. However, the Supreme Court verdict of 2018 that removed the ambiguities of the powers of Delhi's L-G vis-à-vis its council of ministers inaugurated a period of relative calm. The apex court's ruling that the elected government has pre-eminence on all matters other than police, public order and land enabled AAP to turn its welfarist agenda into policies — mechanisation of the sewage system, free bus rides to women, free electricity to those using less than 200 units of power. Except on a few occasions, the L-G and the Delhi government were on the same page during the critical period of the pandemic last year. The new law, by making Delhi's L-G synonymous with the city's government, will reverse the progress made in the past 20 years in the NCT's quest for statehood, and also be bad news for federalism. The court must step in, and apply to the law the constitutionality test.

The Bill states clarification of the expression "Government" and addressing "ambiguities" in legislative provisions as its core objectives. *Underlining Delhi's status as a Union Territory, modifications have been proposed to four sections of its three-decade-old predecessor, the Government of National Capital Territory of Delhi Act, 1991. The legislation was enacted to supplement constitutional provisions for the Legislative Assembly and a Council of Ministers for the NCT of Delhi in 1992.*

What are the changes sought?

The amendments seek to promote "harmonious relations between the legislature and the executive" and provide for rules made by the Legislative Assembly of Delhi to be "consistent with



the rules of the House of the People” or the Lok Sabha. *The Bill also seeks to define the responsibilities of the elected government and the Lieutenant Governor along the constitutional scheme of governance of the NCT interpreted by the Supreme Court in recent judgments regarding the division of powers between the two entities.* The amendments also propose to ensure that the Lieutenant Governor is “necessarily granted an opportunity” to exercise powers entrusted to him under proviso to Clause (4) of Article 239AA of the Constitution. The clause provides for a Council of Ministers headed by a Chief Minister for the NCT to “aid and advise the Lieutenant Governor” in the exercise of his functions for matters in which the Legislative Assembly has the power to make laws.

How did it come about?

The genesis of the Bill lies in the administrative *tug of war between the Aam Aadmi Party (AAP)-led Delhi government and then Delhi Lieutenant Governor (L-G) Najeeb Jung*, immediately after the former came to power for the second time in 2015. The L-G refused to send files regarding three reserved subjects — land, police and public order — to the Chief Minister’s office. Between early 2015 and mid-August 2016, several orders issued by the Delhi government related to matters such as transfer of bureaucrats, setting up of Commissions of Inquiry and the administration of the Anti-Corruption Branch (ACB), were either declared void or reversed by the L-G citing procedural lacunae ranging from lack of approval from his office to not being constitutionally empowered to take such decisions. *The issue of which entity was “the competent authority” was taken by the Delhi government to the Delhi High Court which, in August 2016, held that the L-G had “complete control” of matters related to the NCT and “nothing will happen without the concurrence of the L-G”.* However, the judgment held that the L-G was bound by the aid and advice of the Council of Ministers in some matters. The Delhi government then moved the Supreme Court. *On July 4, 2018, a five-judge bench of the Supreme Court held that the “real authority to take decisions lies in the elected government”.* The NCT’s government, it also ruled, needed only to inform the L-G of its “well-deliberated” decisions instead of obtaining his “concurrence” in every issue of day-to-day governance. On February 14, 2019, a two-judge bench hearing the issue of Services — the transfer and posting of bureaucrats — and power over the ACB delivered a split verdict. This verdict stated that while the L-G was free to form an opinion on any matter, “any” did not mean in every “trifling matter” and the L-G should not intervene routinely but only in matters fundamental to Delhi. The matter awaits hearing before a larger Bench. Two years later, on February 3, 2021, the Union Cabinet approved the Bill for introduction in Parliament during the Budget Session.

Why does it matter?

Some experts believe that the amendments will turn the administrative clock of the Capital back by several decades and take it to the era of the Delhi Metropolitan Council, which was considered a mere municipal body, and “snatch” the right of the city’s citizens to vote for those they deem fit to administer them. Other experts argue that the elected government of Delhi had always been a local administrative body to be headed by the L-G as an administrator. *Experts on both sides of the argument agree that the proposed amendment has put paid to the question of statehood for Delhi, which had been demanded by major political players in the capital, including the AAP, the Bharatiya Janata Party (BJP) and the Congress.* The immediate impact of the *Bill will be to render void several committees created in the Delhi Legislative Assembly* on administrative issues over the last six years allowing direct communication between MLAs and bureaucrats.



It states the opposite of what the apex court said when it interpreted Article 239AA of the Constitution. Strangely, however, the Bill proclaims that it seeks to give effect to the interpretation. First, the Bill says the expression "Government" referred to in any law to be made by the Legislative Assembly in Delhi shall mean the "Lieutenant Governor". Second, it vests in the Lieutenant Governor the power to refuse assent and reserve a Bill passed by the Legislative Assembly for the consideration of the President, if, in his opinion, the Bill incidentally covers any of the matters which fall outside the purview of the Assembly's powers. Third, and most drastically, the Bill says before taking any executive action, the opinion of the Lieutenant Governor shall be obtained on such matters as may be specified. The Supreme Court has the last word on the interpretation of the Constitution. That constitutional provision (Article 239AA) remains unamended. Any legislation which speaks to the contrary would be plainly illegal. The basis of the judgment remaining the same, the attempt in the Bill is to legislatively overrule a judgment. That would be an exercise of judicial power, which Parliament does not possess. All that the Bill does is to regurgitate the rebuffed arguments of the Central government by the court. The court stated in Govt. of NCT of Delhi v. Union of India (2018) that Council of Ministers should keep the Lieutenant Governor informed of its decisions. This would enable any decision on which there was a difference of opinion between the Lieutenant Governor and the government to be referred to the President. It said the power to refer to the President was an exception; that the Lieutenant Governor need not in a mechanical manner refer every decision; and most important, he will be guided by the concept of constitutional morality and the question of prior concurrence was out of question, since that would set at nought the ideals of representative governance and democracy. The idea was twofold. The earlier judgment in Samsher Singh v. State of Punjab (1974) had ruled against the deification of any individual like the Lieutenant Governor, for it had warned that elections would then become but "Dead Sea fruits". Second, the voice of the citizen could not go unrecognised. "This is only possible if the agency enacting and enforcing the law comprises of the elected representatives chosen by the free will of the citizens," thundered the court in Govt. of NCT of Delhi v. Union of India. The elected representatives and the Council of Ministers, being accountable to the voters of Delhi, must have the appropriate powers so that they can perform their functions effectively and efficiently, the court emphasised. Any other interpretation, felt the court, would nullify the concepts of pragmatic federalism and collaborative federalism.

When the Constitution came into force, there were four kinds of States, called Parts A, B, C and D States, with the last two being administered by centrally appointed Chief Commissioners and Lieutenant Governors, with no locally elected Assemblies to aid and advise them.

Governing Delhi

Delhi as the National Capital, belonged to the nation as a whole. It was felt that if Delhi became a part of any constituent State of the Union, that State would sooner or later acquire a predominant position in relation to other States. Second, the need for keeping the National Capital under the control of the Union Government was deemed to be vital in the national interest. It was felt that if Delhi became a full State, the administration of the National Capital would be divided into rigid compartments of the State field and Union field. Conflicts would likely arise in vital matters, particularly if the two governments were run by different political parties. Hence, Delhi was initially made a Part C State. Its population then was around 14 lakh people. In 1951, a Legislative Assembly was created with an elected Chief Minister. Chaudhary Brahm Prakash became the first Chief



Minister in 1952. However, a prolonged stand-off with the Chief Commissioner, and later the Union Home Minister, Govind Ballabh Pant, over issues of jurisdictions and functional autonomy, eventually led to his resignation, in 1955. In 1956, when the Constitution of India was amended to implement the provisions of the States Reorganisation Act, only two categories, namely, States and Union Territories remained in the Indian Union. Delhi then became a Union Territory to be administered by an Administrator appointed by the President. The Legislative Assembly of Delhi and the Council stood abolished, despite loud protests in Parliament. Ten years later, the Delhi Administration Act, 1966 provided for a limited representative Government in Delhi through a Metropolitan Council comprising 56 elected Members and five nominated Members. This structure continued for many years, with repeated political demands for full statehood to be granted to Delhi. In 1987, the Balakrishnan Committee was set up to submit its recommendations with regard to the status to be conferred on Delhi. In 1989, the Committee recommended that Delhi should continue to be a Union Territory but that there must be a Legislative Assembly and Council of Ministers responsible to the said Assembly with appropriate powers; and to ensure stability, appropriate constitutional measures should be taken to confer the National Capital a special status. Based on this report, the Constitution (69th) Amendment Act and the Government of National Capital Territory of Delhi (GNCT) Act, 1991 were passed. They roughly restored the kind of governance system that was offered to Delhi in 1952: a Union Territory with a Legislative Assembly, a Council of Ministers and an elected Chief Minister. This limited reincarnation has continued to hold the field to date, despite several efforts to progress to full or near-statehood.

WAS AADHAAR DATA BREACHED

The Madras High Court on Friday directed the Unique Identification Authority of India (UIDAI) to ascertain immediately if Aadhaar data of citizens had been compromised. The High Court asked the UIDAI to ascertain if the Puducherry unit of the BJP had been able to access mobile phone numbers of voters from the UIDAI database, as claimed by a public interest litigant. Chief Justice Sanjib Banerjee and Justice Senthilkumar Ramamoorthy issued the direction after expressing displeasure over a submission made by a Central government standing counsel, representing UIDAI, that the litigant, A. Anand, of the Democratic Youth Federation of India had not made any representation to it. The judges said the authority could have acted on the basis of information provided by the Election Commission. Passing interim orders on the Public Interest Litigation (PIL) petition, the first Division Bench wrote: "It is apparent that the sixth respondent (BJP) political party may have resorted to a form of campaigning (sending bulk SMS with links to join the party's booth level WhatsApp groups) not permissible under the model code of conduct." It added, "Unfortunately, rather than the seventh respondent (UIDAI) authority trying to ascertain how the personal details of voters may have been leaked from its system, such authority accuses the petitioner of not having brought the matter to the notice of the relevant authority. The Election Commission, however, says that it has brought the matter to the notice of the seventh respondent. The seventh respondent should immediately ascertain how such material could have been accessed by a particular political party." The Bench also took note of elaborate submissions made by the Election Commission with respect to the action taken by it and granted it time till March 31 to file another status report. When the petitioners' counsel complained that the bulk SMSs were being sent unabatedly even after the filing of the case, the judges said: "It is for the Election Commission to take immediate action if such is the case." Earlier, the Puducherry Chief Electoral Officer informed the court of having issued a show cause notice to the BJP on March 7. Senior

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counsel G. Rajagopalan, representing the Commission and the CEO, said the BJP had not responded to the notice.

DEADLY TRAIL

Firefighters keep reminding people that fire is a good servant but a bad master, and the blaze that engulfed a private COVID-19 hospital in Mumbai's Bhandup area on Thursday night comes as a reminder of how true that axiom is. At least nine people died as flames and smoke spread through the facility housed in a mall. Coming soon after the fire that snuffed out the lives of infants in Bhandara, again in Maharashtra, the tragedy focuses attention on the failure to make fire safety a systemic imperative in public buildings. There is no clarity on where the inferno originated, and whether the hospital housed in a commercial building under 'extraordinary circumstances' for COVID-19 patients was equipped for the purpose. The majority of patients were evacuated and admitted to other hospitals. A solatium for the families of the victims has been announced by the State government, and predictable promises to investigate the incident have been made. These steps, though welcome, do little to change the image of decrepitude that marks policies on public safety in the country, and the generally ineffectual nature of inspections and certifications. Fire may be an accident, but the idea of protocols is to prevent it from having a devastating effect on lives and property. It should be pointed out that after a fire in Rajkot last November, the Supreme Court took suo motu cognisance of the incident and issued directions, one of which was to task an officer with fire safety for each COVID-19 hospital. States have only themselves to blame, if their officers ignore such guidelines, and avoidable fires claim lives. Hospital fires are a distinct entity in the literature on safety, since the presence of incapacitated patients, oxygen-suffused environments, plenty of air-conditioning and lack of sufficient physical space creates a devastating combination when disaster strikes. The National Disaster Management Guidelines of 2016 issued by the NDMA address these characteristics, with recommendations on infrastructural and systemic improvements — from comparative to ultimate safety — to reduce the risk of deadly fires. Yet, it is clear that even some of the basic recommendations, such as the availability of open space to move patients in an emergency, are beyond the scope of legacy buildings created for other purposes. What is feasible is for experts to assess the quality of infrastructure, specifically electrical installations, ensuring the retrofitting of structures with flame retardant materials and triaging of patients to reduce crowding. Recurring infernos should also convince States that they must create scientifically designed public health facilities that meet the needs of populous cities, reversing the policy of leaving this crucial function largely to for-profit entities where the imperative to cure is often pitted against cost and profit concerns.

MUMBAI MUCKRAKING

Former Mumbai Police Commissioner Param Bir Singh's allegations against Maharashtra Home Minister Anil Deshmukh are sensational, and threatening for the State government. The nexus between crime, politics, policing and business is an old story. In that sense, Mr. Singh's charge that the Minister was forcing police officers to extort money from businesses is not surprising; it is nevertheless an extremely serious one that needs serious investigation. However, *Mr. Singh's credibility is hardly inspiring, and he raised the allegation only after he was removed as Commissioner.* The circumstances leading to his removal were inglorious. *Sachin Vaze, an officer arrested by the National Investigation Agency (NIA) in connection with the discovery of explosives*

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near industrialist Mukesh Ambani's house, was perceived to be close to Mr. Singh. The Minister sought to put Mr. Singh on the mat over the case, who made a retaliatory move by accusing the former of trying to use Mr. Vaze as a henchman. Mr. Singh approaching the Supreme Court for a CBI inquiry against Mr. Deshmukh is intriguing and self-implicating. As Commissioner he could have — and should have — acted upon the allegations that he is now raising. The muckraking by Mr. Singh cannot be seen disconnected from the ceaseless political manoeuvring in the State. The formation of the unlikely coalition of the Shiv Sena, Congress and the Nationalist Congress Party (NCP) in 2019 was a setback to the storied managerial skills of the BJP. Speculation of an impending collapse have loomed over the Maha Vikas Aghadi government since its formation. The BJP, with the active help of Central agencies, has been trying to unsettle the State government. In the tug of war, Mr. Singh has been an active instrument of the MVA, and the Shiv Sena sprung up to his defence immediately after he was removed. Now the leaders of all three parties have termed his allegations as a conspiracy to topple the State government. After the initial panic, the parties have closed ranks behind the embattled Minister. The lure of power is universal, but in Maharashtra, which is home to India's economic capital Mumbai, it is even more intense. The ideological mismatch of the alliance partners is evident, but the State government has matched up to the BJP's challenge several times in political combat. All three parties are united by a strong survival instinct in the face of the BJP onslaught. The BJP's impatience to reclaim power in Maharashtra is more than usual considering the bruised egos involved. The chances of a politically motivated investigation are high, given the context. Only an independent, transparent investigation can separate the wheat from the chaff in this sordid tale. Unfortunately, a probe by either the State police or a central agency is not a reassuring option.

WHAT IS THE DIATOM TEST DONE IN THE MANSUKH HIRAN DEATH CASE?

The Maharashtra (ATS) relied on a forensic test known as diatom tests for leads in the alleged murder case of Mansukh Hiran. A look at what a diatom test is and when it is used.

What is a diatom test?

Diagnosis of death by drowning is deemed as a difficult task in forensic pathology. A number of tests have been developed to confirm the cause of such deaths with the diatom test emerging as one of the most important tests. The test entails findings if there are diatoms in the body being tested. Diatoms are photosynthesizing algae which are found in almost every aquatic environment including fresh and marine waters, soils, in fact, almost anywhere moist.

What is the science behind the diatom test

A body recovered from a water body does not necessarily imply that the death was due to drowning. If the person is alive when he enters the water, the diatoms will enter the lungs when the person inhales water while drowning. These diatoms then get carried to various parts of the body, including the brain, kidneys, lungs and bone marrow by blood circulation. If a person is dead when is thrown in the water, then there is no circulation and there is no transport of diatom cells to various organs. Diatom analysis is considered positive only when the number of diatoms recovered from the body is more than a minimal established limit. Forensic experts also correlate the diatoms extracted from the body and the samples obtained from the water body where the drowning took place to ascertain the place of drowning. "The result of a diatom test will be different if a person is thrown



in the water after he is dead,” Dr S C Mohite, Professor and Head of the Department of Forensic Medicine, told The Indian Express.

Is the Diatom test reliable?

“Yes. It is reliable unless and until the deceased person has been drinking water from the same source of water before his death. *For example, a person is drinking water from a well, then the diatoms from the well will be found in the body and so if he has drowned in the same well, then the diatom test will not be reliable.* Also, *the test will be negative if the person died instantly after falling into the water,*” said Mohite. He added that the diatom test need not be done if classical signs of drowning — like froth at mouth and nostrils, cadaveric spasm, presence of water from drowning medium is seen in stomach and oedema of lungs — are present.

What have the ATS found so far in Mansukh Hiran’s case?

The body of Hiran, who knew how to swim, was found with a cloth mask around his mouth, and the mouth was stuffed with pieces of cloth. While doctors at Chhatrapati Shivaji hospital in Kalwa, who conducted the post-mortem examination, reserved their opinion on the cause of death, they said there was no external injury on the body. A diatom test was done at JJ Hospital’s forensic laboratory, which has remained inconclusive. ATS officials are pursuing two angles, one that Hiran was alive when he was thrown in the creek or he jumped on his own. The samples have now been sent to Haryana forensic science lab for further investigation.

IN SACHIN WAZE CASE, RIGHT TO COUNSEL IN CUSTODY

On Friday, the National Investigation Agency (NIA) told a special court in Mumbai that the arrested assistant police inspector Sachin Waze, now suspended from Mumbai Police, was not cooperating in the probe against him and was insisting on his lawyer being present during interrogation. Separately, Waze filed an application seeking to be allowed to meet his lawyer in privacy while he is in police custody. A look at what the law says about legal counsel for those in police custody.

Is access to a lawyer the right of an accused?

Across the world, various rights are available to a person while in custody of an investigating agency to prevent him or her from being forced into giving self-incriminating statements through means including torture. The International Covenant on Civil and Political Rights affirms the right of an accused to be informed of the reasons for an arrest, the charges against him and the right to be provided legal assistance. The “Miranda rights” or “Miranda warning”, as they are referred to in the US, require a police officer to inform a suspect being arrested that he has the right to talk to a lawyer for advice before being questioned, and the right to have a lawyer with him during questioning. In India, the safeguards available to a person in such circumstances are enshrined in the Constitution. *Article 20 (3)* states: “No person accused of any offence shall be compelled to be a witness against himself”. And *Article 22* states that a person cannot be denied the right to consult and to be defended by a legal practitioner of his choice. This includes provisions that grant an accused the “right to consult” a lawyer. *Section 41D of the Criminal Procedure Code (CrPC)* states



that an accused is entitled to “meet an advocate of his choice during interrogation, though not throughout interrogation”.

Are lawyers allowed to remain present during interrogation of an accused in custody?

Unlike in some countries, lawyers in India are not allowed to be with an accused throughout their investigation. Apart from the provisions of Section 41D of the CrPC, courts also rely on the *Supreme Court judgment in the D K Basu case of 1997*, considered the guiding principles to be followed by investigating agencies in cases of arrest or detention. *The judgment states that “an arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation”*. The Supreme Court stressed the safeguards for accused, but also spoke of “difficulties in detection of crimes”, especially in cases of “hardcore criminals”, and ruled that a lawyer cannot be permitted to remain present throughout the interrogation. *In Senior Intelligence Officer vs Jugal Kishore Sharma (2011)*, the Supreme Court took into consideration alleged threats given to an accused of being subjected to third degree methods, as well as his medical condition as he had suffered a heart attack. *It allowed the accused’s lawyer to “watch the proceedings from a distance or from beyond a glass partition”, but said “he will not be within the hearing distance and it will not be open to the respondent to have consultations with him in course of the interrogation”*. The same judgment was referred to by the special court in Mumbai, which allowed for Waze’s lawyer to remain present during interrogation but separated by a glass partition. In many criminal cases, it is left to the discretion of the court that has remanded an accused to the custody of the police, to decide on whether the lawyer can be permitted to meet the person for a stipulated time in private when interrogation is not in progress.

NO BRIDGES IN PATNA

The unseemly scenes of chaos and confrontation that followed the passage of the *Bihar Special Armed Police Bill, 2021* in the assembly on Tuesday shine extremely unflattering light on the Nitish Kumar government. *The provisions of the Bill are seen to be controversial — it converts 21 battalions of Bihar Military Police to a special police force on the lines of the Central Industrial Security Force to protect industrial units in the state. The manner in which it was passed in the House, overriding reservations and concerns of the Opposition parties, has deepened the political impasse.* The police behaviour in the assembly premises and outside with Opposition legislators has given credence to the RJD’s accusations of government high-handedness.

An active and lively Opposition is good for the state, even as it apparently unsettles Kumar, who has not been robustly challenged as politician and administrator for over two decades. Kumar, once cited as a potential Opposition candidate for the PM’s office, cannot be unaware of his own diminished stature. He recently walked the extra mile to accommodate former colleague and bitter rival for nearly a decade, Upendra Kushwaha, as JD-U party president. Kushwaha and the Rashtriya Lok Samta Party (RLSP) failed to make a dent in the election, but Kumar, recognising that RLSP’s social base overlaps with that of JD-U, has presided over a joining of forces. This may be aimed at strengthening JD-U at a time when ally BJP and opponent RJD seem to be expanding their footprint and clout at its expense. The veteran chief minister needs to display similar nous in the assembly and negotiate with the Opposition parties on sensitive legislation.



WORK PROGRESS UNDER BIHAR CM'S SCHEME UNSATISFACTORY

The Comptroller and Auditor General (CAG) of India report tabled in the Bihar Assembly on Tuesday underlined that the work done under Mukhya Mantri Nishchaya Yojna has not been "satisfactory". The CAG report for the year that ended on March 31, 2018-19, tabled on the State Assembly floor stated that the "progress of works under Mukhya Mantri Nishchaya Yojna was not satisfactory as only 15% and 24% was completed in test checked in Gram Panchayats and Municipalities, respectively". The report also stated "at State-level only 9% to 41% work completed". The Mukhya Mantri Nishchaya Yojna is considered as CM Nitish Kumar's ambitious programme.

Medical sectors

The report also highlighted shortfalls and deficiencies in medical sector in Bihar. "Against construction of 12 medical colleges, including a dental college, taken during 2006-07 to 2016-17, only two colleges became functional till 2018. Construction of only two nursing institutes could be completed till 2018 against 61 planned. The Bihar government did not take effective efforts to increase seats of existing medical colleges," said the report. It has also underlined "shortage of teaching and non-teaching staffs, significant deficiencies in infrastructure and shortage of medical equipment" in medical colleges in the State. "Only 75% amount was spent under the plan head during 2013-18, which is attributable to poor progress of construction works taken up under different schemes of State government," it added. The CAG report also said: "Works valued at ₹424.67 crore were started without obtaining Technical Sanction in 13 packages and an excess payment of ₹3.57 crore was made on road marking work under three packages in the Road division. Also, an excess payment of ₹99.05 lakh was made on PM work under Road Division, Molinari and Sitamarhi."

Excess payment

"Irregular sanction of lead by road in place of rail, led to excess payment of ₹12.04 crore," it added. The report further highlighted "additional burden on State Exchequer by action of Bihar Renewable Energy Development Agency to execute agreement with the agency without taking Performance Guarantee and not taking any legal action to recover PG led to additional financial burden of ₹5.93 crore on State Exchequer due to re-tendering". It also underlined "misappropriation of municipal revenue and fraudulent payment" in the department. While making reference of "incomplete projects", the CAG report said: "A total 68 projects were due for completion during the period 2011-12 to 2018-19. Since the details of all 68 projects with an estimated cost of ₹790.99 crore were not furnished by the departments, their revised cost was not exhibited in the Finance Accounts and was thus not ascertainable".

WHAT IS THE KEN-BETWA LINK PROJECT; WHICH REGIONS WILL BENEFIT FROM IT?

On the occasion of World Water Day on April 22, a memorandum of agreement was signed between Union Minister of Jal Shakti and the chief ministers of Madhya Pradesh and Uttar Pradesh to implement the Ken-Betwa Link Project (KBLP) on Monday. The agreement was signed through a video conference in the presence of Prime Minister Narendra Modi.



What is the Ken Betwa Link Project?

The Ken-Betwa Link Project is the first project under the National Perspective Plan for interlinking of rivers. Under this project, water from the Ken river will be transferred to the Betwa river. Both these rivers are tributaries of river Yamuna. The Ken-Betwa Link Project has two phases. Under Phase-I, one of the components — Daudhan dam complex and its appurtenances like Low Level Tunnel, High Level Tunnel, Ken-Betwa link canal and Power houses — will be completed. While in the Phase-II, three components — Lower Orr dam, Bina complex project and Kotha barrage — will be constructed. According to the Union Jal Shakti Ministry, the project is expected to provide annual irrigation of 10.62 lakh hectares, drinking water supply to about 62 lakh people and also generate 103 MW of hydropower.

The project involves building a 77-metre-tall and a 2-km-wide Dhaudhan dam and a 230-km canal.

What is the estimated cost of the KBLP?

According to the Comprehensive Detailed Project Report, the cost of Ken-Betwa Link Project is estimated at ₹35,111.24 crore at 2017-18 prices.

Which region will get the benefits of the KBLP?

The Ken-Betwa Link *Project lies in Bundelkhand, a drought-prone region, which spreads across 13 districts of Uttar Pradesh and Madhya Pradesh.* According to the Jal Shakti Ministry, the project will be of immense benefit to the water-starved region of Bundelkhand, especially in *the districts of Panna, Tikamgarh, Chhatarpur, Sagar, Damoh, Datia, Vidisha, Shivpuri and Raisen of Madhya Pradesh and Banda, Mahoba, Jhansi and Lalitpur of Uttar Pradesh.* “It will pave the way for more interlinking of river projects to ensure that scarcity of water does not become an inhibitor for development in the country,” the Ministry said in a statement.

Will the project affect the Panna tiger reserve?

According to a written reply given by Minister of State for Jal Shakti Rattan Lal Kataria, *out of the 6,017 ha of forest area coming under submergence of Daudhan dam of Ken Betwa Link Project, 4,206 ha of area lies within the core tiger habitat of Panna Tiger Reserve. It will affect the habitat of vultures and jackals. After years of protests, however, it was finally cleared by the apex wildlife regulator, the National Board for Wildlife, in 2016.*

This will upset the symbiotic relationship of the Ken with the forest, imperilling the water body — while the Ken nourishes biodiversity, roots and leaves of trees in the forests hold water and recharge the river’s aquifers. *That is why in 2019, a report of the Supreme Court’s Central Empowered Committee questioned the project’s viability.* It recommended that “alternatives to meet the objectives of the proposed project are examined by agencies with expertise in arid zone agriculture and water conservation”. The MP and UP governments would do well to revisit this report.

Are there previous examples of river-linking in India?

In the past, several river linking projects have been taken up. For instance, *under the Periyar Project, transfer of water from Periyar basin to Vaigai basin was envisaged. It was commissioned in*



1895. Similarly, other projects such as Parambikulam Aliyar, Kurnool Cudappah Canal, Telugu Ganga Project, and Ravi-Beas-Sutlej were undertaken.

Recent developments on interlinking of rivers in India

In the 1970s, the idea of transferring surplus water from a river to water-deficit area was mooted by the then Union Irrigation Minister (earlier the Jal Shakti Ministry was known as Ministry of Irrigation) Dr K L Rao. Dr. Rao, who himself was an engineer, suggested construction of a National Water Grid for transferring water from water-rich areas to water-deficit areas. Similarly, Captain Dinshaw J Dastur proposed the Garland Canal to redistribute water from one area to another. However, the government did not pursue these two ideas further. It was in August, 1980 that the Ministry of Irrigation prepared a National Perspective Plan (NPP) for water resources development envisaging inter basin water transfer in the country. The NPP comprised two components: (i) Himalayan Rivers Development; and (ii) Peninsular Rivers Development. Based on the NPP, the National Water Development Agency (NWDA) identified 30 river links—16 under Peninsular component and 14 under Himalayan Component. Later, the river linking idea was revived under the then Atal Bihari Vajpayee Government. Ken Betwa Link Project is one of the 16 river linking projects under the Peninsular component.

Which are the clearances required for a river-linking project?

Generally, 4-5 types of clearances are required for the interlinking of river projects. These are: Techno-economic (given by the Central Water Commission); Forest Clearance and Environmental clearance (Ministry of Environment & Forests); Resettlement and Rehabilitation (R&R) Plan of Tribal Population (Ministry of Tribal Affairs) and Wildlife clearance (Central Empowered Committee).

On paper, these are good reasons to embark on the project. Two related questions, however, demand urgent answers: Is the idea of transferring the waters of one river to another backed by science? Can the scheme stand scrutiny of an ecologically sound cost-benefit analysis? *Linking one river to another is not just a matter of transferring water. It means tampering with the ecological functions a river performs when in flow — carrying minerals, nourishing the ecosystems en route, charging groundwater, promoting biodiversity and catering to the needs of people downstream. The Ken performs these functions the best when it's flooded during the monsoons. But as hydrologists correctly point out, this does not mean that the river has water to spare. Moreover, during most parts of the dry season, the Ken is barely a rivulet. As late as 2016, the river had run dry even during the monsoon season.* The annual average-based estimates of the Ken's water behind the "surplus water" reasoning fail to reckon with such seasonal vagaries in the river's flow that could aggravate because of climate change. The first phase of the project will involve building a dam in Dhaudan in Panna district to channel water from the Ken to the Betwa.

ENGINEERING SANS MATHS AND PHYSICS

Some time ago, the All India Council for Technical Education (AICTE) made Chemistry non-mandatory in the higher secondary course (HSC) for engineering aspirants. Now, in its Approval Process Handbook 2021, Maths and Physics have also been declared non-essential for BE/BTech candidates and candidates can have studied any three of the 14 subjects: Physics, Maths, Chemistry,



Computer Science, Electronics, IT, Biology, Informatics Practices, Biotechnology, Technical Vocational Subject, Agriculture, Engineering Graphics, Business Studies and Entrepreneurship. Universities are expected to offer suitable bridge courses such as Maths, Physics and Engineering Graphics. Subsequently, in a press conference, the AICTE chairman clarified that the change was only a relaxation, and that institutions and universities decide what they wanted to do. The proponents of this change seem to have taken refuge in the 'flexibility' that the National Education Policy 2020 advocates. However, experts believe flexibility should also have limits. Can this change be extended to say that Biology need not be studied in HSC to do health science programmes such as Medicine and Dentistry and that 'suitable bridge courses' can be offered for them too?

Additional requirements

There are students who have gone through HSC with a full dose of MPC but failed in one or more of these subjects in college. Then, how will a bridge course serve the purpose? Further, will colleges be able to take up this burden, which will require with more man power, expenses, and infrastructure in addition to their normal work? If Maths, Physics and Chemistry are no more required for admission in engineering, why are competitive exams like the JEE (Main) and JEE(Advanced) conducted with these subjects? Perhaps, no changes will be done in the exam pattern. Then, a large chunk of engineering aspirants will be denied admission in nationally important institutions such as the IITs and NITs. When Anna University introduced biology-based courses such as Industrial Biotechnology, Biomedical Engineering and Bioinformatics, it allowed candidates who had done Biology and not Maths in HSC to join. However, after observing that they could not cope, it had to include Maths for all branches of engineering. Interestingly, for the B.Arch programme, for which AICTE's approval is not required, Maths, Physics and Chemistry are mandatory at the HSC level, as per the gazette notification dated August 11, 2020, issued on behalf of the Council of Architecture. Technical subjects are analytical in nature, and Maths is the best tool to master them. Emerging technologies such as AI, Machine Learning, Data Science and Deep Learning involve much statistical knowledge. Most research in Engineering utilises advanced mathematical techniques. Subjects such as forecasting, reliability, solid/ fluid dynamics and the like integrate Maths with seemingly unrelated subjects such as Economics, Management and Medicine. Thus the relaxation proposed by AICTE is viewed by many academicians and technologists as a retrograde step that may result in further deterioration of the standard of technical education.

HOW TO TREAT UNPAID WORK (INDIRA HIRWAY - PROFESSOR OF ECONOMICS, CENTRE FOR DEVELOPMENT ALTERNATIVES)

Women everywhere carry a disproportionately higher burden of unpaid work, namely, unpaid domestic services as well as unpaid care of children, the old and the disabled for their respective households. Though this work contributes to overall well-being at the household level and collectively at the national level, it is invisible in the national database and particularly in national policies. This work is repetitive, boring and frequently drudgery — a 24-hour job without remuneration, promotions or retirement benefits. It restricts opportunities for women in the economy and in life. Women do this job not necessarily because they like it or are efficient in it, but because it is imposed on them by patriarchal norms, which are the roots of all pervasive gender inequalities. This unequal division of unpaid work between women and men is unfair and unjust and it deprives women of equal opportunities as men. For political parties to recognise this



work is a positive development, and the demand for wages for housewives has emerged from this concern. However, its implementation may create problems such as affordability of the government and calculation of the amounts. Women may not be eager to enter the labour market. More important, these wages may confirm unpaid work as women's work only, which would deny opportunities to women in the wider world. Payment of pension to old women (60+ years) may be a better idea to compensate them for their unpaid work.

What the government could do

What governments could do is recognise this unpaid work in the national database by a sound time-use survey and use the data in national policies. Also, they could relieve women's burden of unpaid work by improving technology (e.g. better fuel for cooking), better infrastructure (e.g. water at the doorstep), shifting some unpaid work to the mainstream economy (e.g. childcare, care of the disabled, and care of the chronically sick), and by making basic services (e.g. health and transportation) accessible to women. Also, they could redistribute the work between men and women by providing different incentives and disincentives to men (e.g. mandatory training of men in housework, childcare, etc.) and financial incentives for sharing housework. These measures will give free time to women and open up new opportunities to them.

Unpaid work and the economy

What is critical is to understand the linkages between unpaid work and the economy. The household produces goods and services for its members, and if GDP is a measure of the total production and consumption of the economy, it has to incorporate this work by accepting the household as a sector of the economy. At the macro level, unpaid work subsidises the private sector by providing it a generation of workers (human capital) and takes care of wear and tear of labour who are family members. The private sector would have paid much higher wages and earned lower profits in the absence of unpaid work. Unpaid work also subsidises the government by taking care of the old, sick and the disabled. The state would have spent huge amounts in the absence of unpaid work. Unpaid work is a privately produced public good which is critical for the sustenance of the mainstream economy. This work, therefore, needs to be integrated with the mainstream economy and policies. It will be up to public policies then to improve the productivity of unpaid workers, reduce their burden, and tap their potential in development, as the household could also be an important economic sector. By excluding this work from the economy, macroeconomics shows a clear male bias. It is not surprising that many economists call economics "a wrongly conceived discipline" that is narrow, partial and truncated. There is an urgent need to expand the purview of economics not only for gender justice but mainly for moving towards a realistic economics.

WCD MINISTRY TO SEEK ₹37,000 CR. LOAN TO EXECUTE SCHEMES

The Women and Child Development Ministry plans to seek loans totalling ₹37,179 crore from five different multinational development banks to implement new and existing schemes, including a research centre on child development as well as plantation of 200 million trees under mission Kalpatru to eradicate malnutrition. The Ministry has sent its proposals to the Department of Economic Affairs for approval and the documents have been reviewed by The Hindu. The Ministry is planning to apply for a loan of ₹14,600 crore from Asian Infrastructure Investment Bank,

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



₹11,550 crore from Japan International Cooperation Agency, ₹7,300 crore from New Development Bank (formerly BRICS Development Bank), ₹3,650 crore from Asian Development Bank and ₹79 crore from GIZ (German Development Cooperation). Each of these funds have been sought for a period of four years and 11 months from April 2021 to March 2026. The additional support cover the entire gamut of programmes under the Ministry, including safety of women, child protection and delivery of nutrition. The Ministry received ₹24,435 crore in the Budget for financial year 2022. It is already implementing Poshan Abhiyaan or Nutrition Mission at a cost of ₹9,000 crore for three years from 2017, half of which is funded through a World Bank loan. The Ministry has sought a loan of ₹11,550 crore from the Japan International Cooperation Agency, which will be supplemented by another ₹11,550 from the Centre. The total amount of ₹23,100 crore will be spent on yet to be announced Mission Kalpatru, under which the government plans to plant 200 million trees as “food forests” for long-term nutritional requirements. With a funding of ₹14,600 crore from the Asian Infrastructure Investment Bank, the Ministry aims to augment the infrastructure of its various institutions, including ‘One Stop Centres’ for survivors of gender-based violence, anganwadis and children’s homes. This will include water supply, electricity back-up, provision for stoves, digital infrastructure for last-mile connectivity. The Ministry plans to rope in the private sector for maintenance of these facilities. With a loan of ₹7,300 crore from the New Development Bank, too, the Ministry plans an infrastructure upgrade vis-a-vis sanitation, setting up child-friendly toilets, provision of safe disposal of sanitary napkins and ensuring awareness about health and sanitation measures.

OPPOSITION DECRIES ADOPTION OF REPORT ON FARM LAW

Opposition members of the Parliamentary Standing Committee on Food, Consumer Affairs and Public Distribution say they were not consulted before the adoption of a report calling for the implementation of the Essential Commodities Amendment (ECA) Act. Protesting farm unions calling for the repeal of the law have slammed parties who were part of the committee for “betraying farmers”. The committee is chaired by Trinamool Congress MP Sudip Bandyopadhyay and includes members of the Congress, Aam Aadmi Party (AAP), Samajwadi Party, Nationalist Congress Party and Shiv Sena, all of whom have previously called for the repeal of three farm laws, including the ECA Act. However, the report adopted by the committee says the law “will become a catalyst for unlocking vast untapped resources in the agriculture sector” and recommends that the government implements the law “in letter and spirit, and without let or hindrances”. The report on price rise of essential commodities was submitted to the Lok Sabha on Friday. Mr. Bandyopadhyay was not present for the final meeting of the committee on Thursday, March 18, when the report was adopted. Instead, that last meeting was chaired by Bharatiya Janata Party MP Ajay Misra. “This is the BJP’s cheap and dirty tricks department in action,” tweeted Trinamool MP Derek O’Brien. “Con job was done when Chairman of Parliament Committee was not at meeting,” he said. Congress MP Saptagiri Ulaka says he was not present at the meeting either, although his name is on the list of attendees in the minutes appended to the report. “The 18th meeting was called at a very short notice. I got a call at around 9 p.m. [on 17th] informing about it. The draft report, running into 100 pages, also landed around that time. I couldn’t attend the 18th meeting because I had to be in the Lok Sabha for the demand for grants discussion,” he told The Hindu. Fellow Congress MP Rajmohan Unnithan also missed the meeting on March 18 as he was in his constituency in Kerala in the run-up to State polls. “It is unprecedented that a report is adopted in the absence of the Chairman. It has never happened in my 17 years as an MP,” said Jairam Ramesh,

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who is the Congress' chief whip in the Rajya Sabha. AAP MP Bhagwant Mann was present at the meeting on March 18, but told The Hindu that his opposition was not taken into account.

MINING THREAT LOOMS OVER ARAVALIS IN HARYANA

Around two years after the Haryana Assembly passed the Punjab Land Preservation (Haryana Amendment) Bill, 2019, amid opposition by the environmentalists and the Gurugram residents, the State government's recent move to seek permission from the Supreme Court to begin mining in the Aravalis in Gurugram, Faridabad and Nuh is being viewed as another threat to one of the oldest mountain ranges with adverse impacts to the environment in the region. Strongly opposed to legalising mining in the Aravalis in the National Capital Region, the environmentalists argue that this could cause colossal damage to the environment, especially when the region is already grappling with poor air quality and fast depleting groundwater level.

Worst air quality

Faridabad has the worst air quality in Haryana and figures among the most polluted cities in the world. Gurugram, too, had topped the list of most polluted cities in the world in 2018. It is also argued that Gurugram and Faridabad have a high population density, but low per capita forest cover. "With the ban on mining in Gurugram and Faridabad, there has been a significant improvement in the forest cover. The wildlife surveys show that Gurugram and Faridabad hills act as a significant wildlife habitat and corridor, especially for the leopards. There is also movement from and into the Asola wildlife sanctuary. The resumption of mining here will be disastrous for the wildlife, air quality and health of the residents," said an environment analyst not willing to be named. He added that mining should be confined to isolated hillocks in distant areas with minimal impact on wildlife corridors and air quality. "Mining should not be done in NCR districts adjacent to Delhi which are important wildlife habitats and corridors, have poor air quality and high population," the analyst said. He also questioned the rationale behind opening new mines when mining was already booming in Haryana. As per the Economic Survey of Haryana 2020-21, the collection from mining for 2020-21 till January is ₹770.00 crore, the highest since 2005-06.

Mines allocated

Besides, as many as 58 mines of the total 119 in the State have already been allocated. More than 26,000 cases of illegal mining, including 1,358 till September 2020 for the current financial year have been reported. Mining is banned in Gurugram and adjoining districts for more than a decade now as per the Supreme Court orders. R.P. Balwan, former conservator of forests, said that mining, when earlier allowed, was carried out in a haphazard manner without adhering to the norms causing huge damage to the environment and the wildlife. "Mining should not be allowed in thick forest areas such as Mangar. The need for construction material can also be met by mining at isolated hills causing minimum damage to environment to ensure sustainable development," said Mr. Balwan.

Residents' demands

In an email campaign to the Chief Justice of India, the residents have been demanding that no mining and real estate be allowed in the Aravalis. Instead, the government should come up with a



three-year road map to take the legal native forest cover in the State to 20% as per the Haryana Forest Department policy target and an all-India average. The other demands include demolition of illegal construction in Aravalis, planting of saplings, notify 50,000 acre of Aravalis as deemed forest and to retain all Aravalis in south Haryana as natural conservation zone. The residents, in the email, argued that destruction of the Aravalis would worsen the NCR air pollution situation and the mountain range is the only natural barrier against desertification. The Aravalis with their natural cracks and fissures have the potential to accommodate two million litres of water per hectare in the ground every year. Besides, the mountain range is a biodiversity hotspot with 400-odd species of trees, shrubs and herbs; 200-odd native and migratory bird species; 100-odd butterfly species; 20-odd reptile species and 20-odd mammal species, including leopards, says the email. Anil Kumar, Gurugram mining officer, said that mining in this region would not just help meet the demand for construction material but also generate employment. He argued that mining was also allowed in the Aravalis in neighbouring Rajasthan. "Mining will be done in areas with minimum harm to the environment. A survey has also been done in this connection to identify the possible areas for mining. Though there are few areas available for mining in Gurugram, there is a large scope for mining in neighbouring Nuh," said Mr. Kumar.

NITI AAYOG VISION FOR GREAT NICOBAR IGNORES TRIBAL, ECOLOGICAL CONCERNS

In what appears to a re-run of recent developments in Little Andaman Island (A bullet through an island's heart, The Hindu, February 1), more than 150 sq. km. of land is being made available for Phase I of a NITI Aayog-piloted 'holistic' and 'sustainable' vision for Great Nicobar Island, the southernmost in the Andaman and Nicobar group. This amounts to nearly 18% of the 910 sq. km. island, and will cover nearly a quarter of its coastline. The overall plan envisages the use of about 244 sq. km. — a major portion being pristine forest and coastal systems. Projects to be executed in Phase I include a 22 sq. km. airport complex, a transshipment port (TSP) at South Bay at an estimated cost of ₹12,000 crore, a parallel-to-the-coast mass rapid transport system and a free trade zone and warehousing complex on the south western coast. What stands out prominently in the whole process, starting with the designation in mid-2020 of the Andaman and Nicobar Islands Integrated Development Corporation (ANIIDCO) as the nodal agency, is the speed and coordination with which it has all unfolded. The other is the centrality of the NITI Aayog. First, on September 4, 2020, the Director, Tribal Welfare, A&N Islands, constituted an empowered committee to examine NITI Aayog's proposals for various projects in Little Andaman and Great Nicobar Islands. A copy of the 2015 'Policy on Shompen Tribe of Great Nicobar Island' was part of the communication sent out, giving an indication of the aims of the committee. Significant changes have also been effected to the legal regimes for wildlife and forest conservation.

Ecological uniqueness

In its meeting on January 5, 2021, the Standing Committee of the National Board for Wildlife (NBWL) denotified the entire Galathea Bay Wildlife Sanctuary to allow for the port there. The NBWL committee seemed unaware that India's National Marine Turtle Action Plan that was under preparation then (it was released on February 1, 2021) had listed Galathea Bay as one of the 'Important Coastal and Marine Biodiversity Areas' and 'Important Marine Turtle Habitats' in the country. It is included in Coastal Regulation Zone (CRZ)-I, the zone with maximum protection. Then, on January 18, another Environment Ministry expert committee approved a "zero extent"



Ecologically Sensitive Zone (ESZ) for the Galathea NP to allow use of land in the south-eastern and south-western part of the island for the NITI Aayog plan. The October 2020 draft notification for this zero extent ESZ had ironically listed out in great detail the park's ecological uniqueness — that it is part of a UNESCO World Heritage Site, houses a range of forest types, has one of the best preserved tropical rainforests in the world, is home to 648 species of flora and hosts 330 species of fauna including rare and endemic ones such as the Nicobar wild pig, Nicobar tree shrew, the Great Nicobar crested serpent eagle, Nicobar paradise flycatcher and the Nicobar megapode. It also notes that the park is home to the indigenous Shompen community. The notification says that an ESZ is needed to protect the park from an ecological, environmental and biodiversity point of view, but goes on in the very next para to propose a zero extent ESZ for nearly 70% of the periphery of the park. It is almost as if the unique diversity of life just listed suddenly disappeared because of an arbitrary line drawn to allow a slew of high value projects. This is illustrated in the case of the Giant leatherback turtle and the Nicobar megapode, two charismatic species for whom Great Nicobar is very important. The beaches here, like at the mouth of the river Galathea in South Bay, are among the most prominent nesting sites globally of the Giant leatherback. It for this reason that the bay was declared a wildlife sanctuary in 1997, but has now been denotified to allow for the transshipment port. In his 2007 study of the Nicobar megapode, the globally endangered bird unique to the Nicobars, K. Sivakumar of the Wildlife Institute of India documented 90% of this ground nesting bird's nests to be within a distance of 30 m from the shore. He notes that the existing protected area network in Great Nicobar is not designed for the protection of the megapode and recommends that the entire west and southern coast of Great Nicobar – precisely the area sought for the NITI Aayog proposals – be protected for the megapode and other wildlife like nesting marine turtles. This is also in stark contrast to the current move to create a zero extent ESZ for the Galathea National Park.

Threat to Shompen

Similar concerns exist about the impact on the Shompen community. The proposed project areas are important foraging grounds for this hunter-gatherer nomadic community and the official Shompen Policy of 2015 specifically noted that the welfare and integrity of these people should be given priority “with regard to large-scale development proposals in the future for Great Nicobar Island (such as trans-shipment port/container terminal etc.)”. Now, large forest areas here could become inaccessible and useless for the Shompen. Available evidence suggests that issues of the geological volatility of these islands are also not being factored in. The December 26, 2019, tender document by WAPCOS Limited for a “Traffic Study for Creating Transshipment port at South Bay, Great Nicobar Island’ justifies the port here by noting that “the topography of the island is best suited, which has not been damaged much even by the tsunami on 26.11.2004 (sic)”. Yet, a 2005 Earthquake Engineering Research Institute (EERI) Special Earthquake Report by a team from the Indian Institute of Technology Kanpur, recorded witness accounts of 8-metre-high tsunami waves hitting the Great Nicobar coast on December 26, 2004. “The lighthouse at Indira Point, the southernmost tip of the Great Nicobar Island, which was on high ground before the earthquake,” the report notes, “is now under water, indicating a land subsidence of about 3-4 m.” Loss of life and property then was limited because the Great Nicobar coast is largely uninhabited. This raises questions over safety of life, property and the investments in this zone and that too without accounting for the complex ecological, social and geological vulnerabilities here. Little, if anything, is also known of the NITI Aayog vision document itself – What is its rationale? What was



the process of its creation? Which agencies/individuals were involved? What impact assessments, if any, have been done at all? Neither the NITI Aayog nor the agencies that are facilitating it with zeal have made this available.

WILL THE LOW FATALITY RATE OF SECOND WAVE HOLD FOR LONG?

The rapid rise in coronavirus cases has begun to show its impact on the death numbers as well. The daily death count, which had dropped to double digits in February, has risen to more than 250 the last two days. However, compared to the sharp increase in cases, the rise in deaths has been quite low as of now. The fatality rate in the ongoing second wave is still significantly lower than what was seen in the peak months of July, August and September last year. But for the last two weeks, it has begun to rise. On Wednesday, India reported more than 53,000 cases and 251 deaths. The first time that the daily case count had breached the 50,000-figure was on July 29 last year. On that day, 775 deaths were reported. That was because the daily case count at that time had already remained in the 30,000 and 40,000 range for two weeks before hitting the 50,000 mark. This time, the rise in cases has been much more rapid. India has spent only five days in the 40,000s and two days in the 30,000s, before reaching the 50,000 range on Wednesday. It is possible, therefore, for the daily death count to show a sudden rise in the coming two weeks. The last time India reported more than 50,000 cases was on November 6, and on that day 577 deaths were reported. But by that time, cases had begun to decline steadily, and had remained well below 50,000 for two weeks prior to that date. The fatality rate in the second wave, starting February 9, has been significantly lower than not just in the previous wave, but also the overall fatality rate. Since the start of the epidemic, about 14 out of every 1,000 infected persons in the country have died due to the disease. During the second wave, this number has been below ten. In Maharashtra, which accounts for more than a third of all coronavirus-related deaths in the country, 24 out of every 1,000 infected persons have died. But after February 8, this number has come down to ten. This trend has been visible in almost every other state as well. But there are signs that this trend is beginning to reverse, even though the increase has just started to become noticeable. The case fatality rate for India as a whole has increased from 0.76 per cent in the week ending February 21, to 0.87 per cent in the week ending February 28. This has gone up further to 1.12 per cent in the week ending March 7. Because the deaths usually happen only two to three weeks after the infection is detected, the impact of the rise in cases after March 9 is still to get reflected fully in the death numbers. In Maharashtra, the CFR had actually dropped in the week between February 21 and February 28, from 0.9 per cent to 0.83 per cent, but climbed back to 0.9 per cent again in the following week. Till about ten days ago, there used to be between 18 and 20 states on any given day that were not reporting even a single death. These included states like Rajasthan, Gujarat, or Uttar Pradesh on some days. This number has been coming down now. On Tuesday, for example, only ten states reported zero deaths, while on Wednesday 13 states had no deaths. Almost all of these are now smaller states or union territories. Meanwhile, active cases in the country rose by more than 26,000 on Wednesday, the steepest single-day increase ever. There are now more than 3.95 lakh active cases in the country. This number had come down to 1.36 lakh on February 11. Not surprisingly, more than 62 per cent of all the active cases in the country are in Maharashtra. The state has seen its active cases rise from less than 35,000 in the first week of February to almost 2.5 lakh now. Kerala and Punjab, the next two states with the highest number of active cases, have more than 20,000 each. In contrast, Pune alone has close to 50,000 while Nagpur has 34,000.



THE GENDER CRISIS

The COVID-19 pandemic's role in amplifying gender inequality has exacerbated one of the toughest challenges to the India story. Women are being pushed out of the workforce at an alarming rate, as several economic surveys and a special series of reports in this newspaper have highlighted. Women's labour participation rate in India was worryingly low to start with. But the economic blow of the pandemic has fallen disproportionately hard on women, with the female labour participation rate falling from around 11 per cent between mid-2018 and early 2020 to 9 per cent, according to data from the Centre for Monitoring Indian Economy (CMIE). By November 2020, 49 per cent of total job losses were of women, who were already present in fewer numbers in the workforce. Again, while India was an outlier in the distressingly low levels of female urban workforce participation, the devastation of service sectors and the textile industry, which tend to employ more women, has battered urban women incomes. For women across several strata, the statistics add up to economic distress, layoffs and more precarious work in the informal sector. They also mean a reversal of journeys from small towns to cities, from familial dependence to financial autonomy. Cultural notions about work appropriate for women and restrictions on their mobility have always played a role in holding women back from economic mobility. Indian society has largely chosen to incentivise male earnings and wealth at the expense of women's labour and "place" in the house. The prolonged closure of schools and the increased burden of carework on women that the pandemic has entailed imply that women will find it that much harder to return to paid work. In a scenario of widespread economic distress, families are also unlikely to pay for childcare that enables women to step out of the house. This has grim implications for gender equity in India, especially on women's health and nutrition, education and autonomy, especially at the bottom of caste and class hierarchies. For decades now, the rising numbers of women in higher education represent a spurt in aspiration. The pandemic threatens to undo the gains. For India to not waste its gender dividend, it needs to enable more women to transition from the home to the workplace. Governments and policymakers must pay urgent attention to this snowballing crisis. In the short term, that could mean greater support for women workers and industries that employ women. In the long term, it would mean catalysing processes of social change that unleash the potential of half the population.

THE LEGACY OF TOMAR KING ANANGPAL II AND HIS CONNECTION WITH DELHI

The government has recently formed a committee to popularise the legacy of 11th-century Tomar king, Anangpal II. Crediting him with giving Delhi its present name and also repopulating it, the National Monument Authority — which functions under the Ministry of Culture — has embarked on a mission to present "correct history" to the people through the works of historians, academics and archaeologists. We look at Anangpal II's legacy and his association with Delhi.

Who was Anangpal II?

Anangpal II, popularly known as Anangpal Tomar, belonged to the Tomar dynasty that ruled parts of present-day Delhi and Haryana between the 8th and 12th centuries. The capital of Tomars changed many times from being initially at Anangpur (near Faridabad) during the reign of Anangpal I (who founded the Tomar dynasty in the 8th century), to Dhillikapuri (Delhi) during the reign of Anangpal II. The Tomar rule over the region is attested by multiple inscriptions and



coins, and their ancestry can be traced to the Pandavas (of the Mahabharata), says BR Mani, former joint director-general of the Archaeological Survey of India (ASI), who led excavations between 1992 and 1995 at Lal Kot and Anang Tal (in south Delhi), supposed to be built by Anangpal II. Anangpal Tomar II was succeeded by his grandson Prithviraj Chauhan, who was defeated by the Ghurid forces in the Battle of Tarain (present-day Haryana) after which the Delhi Sultanate was established in 1192.

His connection with Delhi

Anangpal II is credited to have established and populated Delhi during his reign in the 11th century. Mani says, "Anangpal II was instrumental in populating Indraprastha and giving it its present name, Delhi. The region was in ruins when he ascended the throne in the 11th century, it was he who built Lal Kot fort and Anangtal Baoli." Tarun Vijay, Chairman of NMA, adds, "During one of our field visits last year, we discovered that Anangpal II was the founder of Dhillikapuri, which eventually became Delhi." Tomars and their Delhi link find mention in some modern-day literature as well. Noted medieval historian Professor KA Nizami's Urdu book, Ehd-e-Wusta ki Dilli, translated in English as Delhi in Historical Perspectives, looks at Delhi across six centuries (from 1300 to 1800). Tracing the antecedents of Delhi, Nizami refers to Persian annals that describe it as "Inderpat". And yet, according to his book, Delhi formally emerged as a city only in the 11th century when Tomar Rajputs took over the mountainous Aravalli region.

The committee's mandate

The aim of the 'Maharaja Anangpal II Memorial Committee', headed by BJP MP from UP's Gonda, Brij Bhushan Singh, is to establish Anangpal II as the founder of Delhi. Its proposals seminar include building a statue of Anangpal II at the Delhi airport and building a museum dedicated to his legacy in Delhi. An exhibition — comprising coins, inscriptions and literature — held on the sidelines of the seminar will be taken abroad through the Indian Council of Cultural Relations (ICCR) so that the narrative takes roots outside India as well. There is also a proposal to make Lal Kot an ASI-protected monument so that vertical excavation could be carried out to establish more links between Tomars and Delhi.

BARTER CONTINUES IN THIS ANDHRA HAMLET

The Edugurallapalli tribal shandy that gathers on Fridays is reminiscent of the ancient barter system. Here the tribals exchange forest produce for rice, iodised salt and other commodities. The shandy is in Chintoor Agency in Andhra Pradesh's East Godavari district. The majority of those engaged in exchanging the forest produce are Muria tribal women from Banda and Muriagudem areas in the Naxal-hit Sukma region in Chhattisgarh. They travel nearly 40 km to reach the shandy and return in the evening. In the 'exchange trade practice', middlemen decide the worth of the forest produce, thus exploiting the tribals. Communication in the tribal language enables non-tribal middlemen to convince the Muria to sell their products at throwaway rates. On March 19, this correspondent documented the thriving sales at the shandy, where tribals traded sesame seeds, dry mahua flowers, tamarind seeds and tamarind fruit primarily in exchange for two commodities — rice and iodised salt. Very few tribals were seen accepting money for commodities. Presently, a kg of dried mahua flowers (used by the local tribes to brew liquor) and



sesame are being traded for two kg of rice or a few packets of iodised salt. The products traded here varies every season but mahua is sold round the year, according to some traders.

ARTS AND AWARDS

The announcement of the 67th National Film Awards on Monday, to recognise films certified in 2019, quite predictably drew its share of controversies. While some attributed a few of the awards to the political alignment of the personalities and films concerned, there were others who thought that deserving candidates were overlooked. However, there was no disputing the fact that the awards acknowledged both well known and less known films from different pockets of the country. Malayalam, Tamil, Telugu, Marathi and Bengali films have always had their fair share of recognition, winning a clutch of awards. Thanks to the blurring of regional and language boundaries in cinema in recent years, a Tamil or a Telugu film, for instance, now stands a better chance at enjoying a pan-Indian theatrical release with subtitles, and thereafter reaching wider audiences through digital platforms. Dhanush, Vetri Maaran and Vijay Sethupathi are names that are recognised well beyond the boundaries of Tamil cinema, appreciated for projects that have smudged the line between art house and mainstream cinema. Dhanush being declared the Best Actor for *Asuran*, which was also acknowledged the Best Tamil Film, and Sethupathi winning Best Supporting Actor for *Super Deluxe*, have been lauded widely. Sharing the Best Actor honours with Dhanush is Manoj Bajpayee for his internalised performance in *Bhonsle*. The Kannada film *Avane Srimannarayana* was chosen for Best Action Direction. The Malayalam period magnum opus *Marakkar: Lion of the Arabian Sea* bagged Best Feature Film. The award that drew the fiercest criticism was that of Kangana Ranaut for being declared Best Actress for *Panga* and *Manikarnika: The Queen of Jhansi*. Whether or not her politics was a factor in the choice, there is no doubting Kangana's talent. Look beyond the noise surrounding this recognition, and the National Awards also put the spotlight on films from the Northeast region — the Khasi film *Iewduh* for Best Audiography (Location Sound Recordist) and *Water Burial*, in Arunachal Pradesh's tribal Monpa language, for Best Film for Environment Conservation. For film industries that rarely enjoy their place in the sun, a National Award should ideally help winning films find a wider audience. It has not always been the case, but there is hope, in a world where cinema may increasingly be consumed on digital platforms. Perhaps, brushing aside the high-pitched debates, it is imperative to look at how some of these less known feature films, and award-winning non-feature films, can find their target audience, without having to rely on marketing muscle. A framework to bring these films to limelight, with the help of digital platforms, will be an incentive to film-makers striving to narrate stories from the remote corners of the country.

ART NOT APPROPRIATE FOR LIVE-IN OR SAME-SEX COUPLES

Given the Indian family structure, social milieu and norms, it will not be very easy to accept a child whose parents are together but not legally married, says the 129-page report of the Parliamentary Standing Committee on Health and Family Welfare on the Assisted Reproductive Technology (ART) (Regulation) Bill, 2020, submitted in Parliament earlier this week. The committee, in its report, said that keeping the best interest of the child born through ART services and other parentage issues in case of their separation, it would not be appropriate to allow live-in couples and same sex couples to avail themselves of ART. "The rights of people in same-sex relationship and live-in relationships frequently keep getting redefined; however, the ART Bill endorsed the

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



recommendations of the Select Committee on Surrogacy (Regulation) Bill, 2019, wherein the definition of “couple” has been retained and live-in couples and same-sex couples have been excluded from availing surrogacy services,” the Committee said in its report.

Six IVF clinics

In its observation, the committee expressed anguish over the fact there were only six IVF (in vitro fertilisation) clinics in the government sector, while the remaining thousands of IVF centres were in the private sector. “The committee, therefore, recommends that the government should ensure that each medical college or premier Government Hospital/ Institute must have IVF/ART facilities so as to enable the common poor masses to avail the services of ART,” it said. Stating the India had become one of the major centres for ART, the committee noted that “there are only guidelines of ART, and no law still exists.”

WHY NEW UTTARAKHAND CM WANTS NO ‘ROK-TOK’ ON KUMBH CROWDS

The Kumbh Mela is taking place in Haridwar, with the Centre advising that the number of devotees be capped as Covid-19 cases rise in Uttarakhand. Yet the new Chief Minister, Tirath Singh Rawat, has been insisting that the Mela should be “open for all”. This is in contrast with the approach of his predecessor, Trivendra Singh Rawat, who had backed the Centre’s guidelines and said no risk should be taken that might make Haridwar another “Wuhan” or “markaz”. When officers cited the Centre’s guidelines, Tirath said he would answer to Prime Minister Narendra Modi, Union Home Minister Amit Shah and BJP national president J P Nadda on this. The key to fighting Covid-19, he has told them, is in following the Centre’s guidelines like wearing masks and use of sanitisers, but there would be no rok-tok (impediments). On March 11, over 32 lakh devotees had turned up in Haridwar on the first shahi snan on Maha Shivratri, and the crowd is expected to swell on the upcoming shahi snans on April 12, 14 and 27. As of Friday, there were 728 active cases in Uttarakhand, with Haridwar recording the highest at 248. This is up from 463 active cases in the state (141 in Haridwar) only a fortnight earlier; since then, 1094 new cases have been detected. Yet there are several reasons that could explain the CM’s insistence on bringing in the crowds, with precautions:

Politics & religion

For the BJP, it is politically important not to upset the seers at the Kumbh Mela. Sources in the government said the strict conditions this year — a curtailed duration and stringent rules related to permission for entry in the Mela area — had conveyed a message that the BJP government was stopping people from taking part in a religious event. Akharas and seers, and devotees who had been waiting for taking holy dip at Har ki Pauri for the last over one decade since the *last Kumbh in Haridwar in 2010 — when seven million devotees attended* — were questioning *why there should be such restrictions on a religious event when huge crowds are turning up in election rallies and roadshows of leaders in states like West Bengal and Assam*. In fact, if seers and office-bearers of various Akharas are upset, there is a sense that it could harm the party in elections in those states as well. The Kumbh Mela was on top of the agenda of Tirath’s first meeting with officers after taking oath. He directed that flowers be showered from helicopters on devotees doing shahi snan. The following day, Tirath himself visited Haridwar, showering flowers on seers, and sought their blessings. “There is no strictness. But Covid guidelines should be followed... It’s open for everyone,” Rawat said there.

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



Economics

The lockdown last year had hit tourism with the Kanwar Yatra cancelled and the Char Dham Yatra starting late and on a limited scale. The local hospitality sector was hoping for a revival in the Kumbh Mela, and had staged a demonstration in Haridwar last month demanding that "SOP hatao, Kumbh karao". "The conditions in the SOPs sent a negative message. There were hardly any tourists until the first week of March, and even tourists to places other than Kumbh were hesitating to come," said Ashutosh Sharma, president of the Hotels' Association in Haridwar. "But then the new CM said there will be no rok-tok, and devotees turned up in huge number on Mahashivratri from Haryana, Delhi and Western UP. Hotels are getting advance bookings from April 5 onwards from across the country," he said. There are more than 500 hotels in the Mela area and over 600 dharmshalas; all are booked from April 1 onwards.

The saint fraternity

The Chief Minister is visiting Haridwar again on Saturday, March 20. In an address to BJP workers, the CM said he has directed officials to let people travel to Kumbh because Akharas are taking out processions without an audience. Sources said Akharas and other bodies of seers raise funds during Kumbh Mela to sustain themselves. Akharas have followers from across the country, who stay in camps to attend religious programmes including discourse sessions and make donations. Akharas too spend on preparations for the stay of followers, and other seers too receive donations from devotees during the congregation.

UNDERSTANDING COVID-19 VACCINE WASTAGE IN INDIA

At a meeting with Chief Ministers on Wednesday, Prime Minister Narendra Modi raised concerns on vaccine wastage emerging from the Covid-19 inoculation drive. What are the concerns, and how is wastage determined?

What is vaccine wastage?

Vaccine wastage is an expected component of any large vaccination drive, and a vaccine is procured from the maker with an estimated wastage. For each vaccine type, the wastage has to be within recommended limits. In general, high vaccine wastage inflates vaccine demand and increases unnecessary vaccine procurement and supply chain costs. Vaccine wastage is directly linked to vaccine usage, which is the proportion of vaccines administered against vaccines issued to a vaccination site. The vaccine wastage rate is defined as 100 minus the vaccine usage rate. And the wastage rate directly determines the "wastage factor" that needs to be established for each vaccine in the immunisation schedule to accurately plan vaccine needs.

How is wastage factor calculated? How much is it in the ongoing programme?

Wastage Multiple Factor (WMF) is calculated from the formula $WMF = 100 / (100 - \text{wastage})$. In the Centre's operational guidelines on Covid-19 vaccination, WMF has been calculated at 1.11 after assuming an allowable programmatic wastage of 10%, so that $WMF = 100 / (100 - 10) = 1.11$.



Vaccine wastage is one of the key factors to be considered for vaccine forecasting and need estimation. The number of Covid-19 vaccines required in a month in a catchment area (state/district/ block/ sector) for a month is calculated from the formula:

Requirement = (Total population to be covered in the catchment area) × (% of the population to be covered in this catchment area/no. of months of the campaign) × 2 doses × WMF.

How does vaccine wastage happen?

It is broadly divided into two categories: wastage in unopened vials, and in opened vials. Wastage in unopened vials can occur due to six broad reasons: if the expiry date has been reached; if the vaccine is exposed to heat; if the vaccine has been frozen; breakage; missing inventory and theft; and while discarding unused vials returned from the vaccination site. Wastage in opened vials can occur due to five broad reasons: while discarding remaining doses at the end of the session; not being able to draw the number of doses in a vial; submergence of opened vials in the water; suspected contamination; and poor vaccine administration practices.

At what stages can wastage occur?

Wastage occurs at three levels: during transportation; during cold chain point; and at a vaccination site — both at service and delivery levels. At the cold chain point, the operational guidelines state: Issue of vaccine doses should match the registered list of beneficiaries (rounded off to the nearest higher whole number of vials) without any adjustment made for vaccine wastage in terms of the WMF, and vaccine vials with earlier manufacturing dates should be prioritised for issue first. At the district vaccine stores, the guidelines state: Vaccine doses issued should be equal to the number of registered beneficiaries for each cold chain point (rounded off to the nearest higher number of vaccine vials) without adjustment for vaccine wastage in terms of the WMF. The issue quantity will depend on the supply frequency (e.g. weekly estimate of registered beneficiaries at cold chain points in the district), and vaccine batches with earlier manufacturing dates should be prioritised for issue first. At the vaccination session site, the operation guidelines state: Each vaccination session will be expected to cater to a maximum of 100 beneficiaries; however, in the case of remote and sparsely populated areas, the state could organise sessions for a lower number of beneficiaries ensuring that there is no vaccine wastage. If the number of beneficiaries at a session is low, then that session site will be clubbed with other sessions.

Why are certain states showing a higher vaccine wastage?

At the vaccination site, the wastage of vaccines has a direct relationship with session size — the number of beneficiaries per session — and vial size. The first reason identified by the Centre is inadequate planning of sessions. For instance, if the vial contains doses for 10 people and only six turn up, four doses can go waste. The Centre has advised the states to mobilise people and not to open the vials if they don't have 10 people. "We have advised the states to ask beneficiaries to wait for half an hour or so; if no one comes, then we have asked the states to give the beneficiary an option to come the next day, where they will be given the first slots. All this comes down to granular planning at vaccination centre level. That is the kind of planning that is required," a senior Health Ministry official said. The second reason identified by the Centre is inadequate training. Officials said vaccinators are ending up drawing, maybe, only nine doses against ten doses. "We are seeing that those who are trained vaccinators know how to draw a vaccine. These



trained vaccinators will tell you that even in a vial of ten doses, you can actually take out 11. This is a crucial aspect to reduce vaccine wastage,” the official said. Also, open vial policy guidelines have to be strictly followed to minimise vaccine wastage. In the Covid-19 vaccination drive, the Health Ministry fact sheet sent to the states mandates that both Covishield and Covaxin have to be discarded after four hours of opening.

What are the concerns raised by the PM, and his suggestions to the states?

Modi specifically pointed out that vaccine wastage in Telangana, Andhra Pradesh and Uttar Pradesh is to the tune of 10%. “The states have to examine why the vaccine is being wasted and there has to be a mechanism where every evening this is being monitored. Because by wasting the doses of the vaccine, we are denying another beneficiary’s right to get vaccinated. The states have to immediately correct the drawbacks of planning and governance at the local level to reduce vaccine wastage. The states have to target zero per cent wastage,” he said. Modi asked the states to increase vaccination centres and stay vigilant about the vaccine expiry date. “... We have to increase the number of vaccination centres, both in private and government facilities. If we the Centre work proactively there will be a reduction in wastage of vaccine. There is also the issue of vaccine expiry date: the doses that have arrived first should be used first; however, if the states use doses that have arrived later, then again there could be a situation of wastage,” he said.

FASTER, SOONER

Just three weeks after it rolled out the second phase of the mass vaccination programme for people above 60 years and those above 45 years with comorbidities, India has now undertaken course correction — to vaccinate anyone above 45 years immaterial of comorbidity status from April 1. By following the U.K. model of vaccination based on age bands rather than on comorbidities, millions would become eligible to receive the vaccine and be fully protected. Indeed, people with comorbidities are at greater risk of becoming critically ill and even dying. However, the list of comorbidities that made a person eligible for a vaccine was not only highly restrictive but also focused on multiple comorbidities, and that too of severe nature. Also, the need for a medical certificate meant that vaccinating as many people as quickly as possible was unachievable. Since a vast majority, particularly the poor and those in rural areas, are ignorant of their underlying disease, the decision, though belated, to make comorbidities redundant for a vaccine is commendable. As vaccines are a tool to promote health equity, all attempts should be made to remove any artificial barriers, more so when several States are witnessing a surge in cases. While hesitancy towards the two available vaccines was partly responsible for the low uptake initially, there is now increasing willingness to get vaccinated. While 0.8 million doses administered on February 25 was the highest before the second phase began, the numbers have been rising steadily thereafter; increasing the gap between two Covishield doses partly addresses vaccine shortage. Yet, the seven-day rolling average crossed two million doses per day only in the last couple of days; only about 50.23 million doses have been administered as on March 24, or less than four doses per 100 people. The vaccination programme has also been witnessing lukewarm participation by private medical facilities. The reasons for this, besides the slow pace of expansion in some States, need to be fixed. Though the COVID-19 vaccination, which targets adults, is vastly different from the universal immunisation programme, India has the wherewithal to accelerate the daily vaccination rate. What is missing is the political will to achieve that, reflected in absent



targets and awareness building exercises, including vaccine safety, vaccine sites and permissibility of walk-ins. Also, unlike the immunisation programme, overreliance on the CoWIN platform has made vaccination into a largely passive, facility-based exercise rather than a public-health initiative. Lack of microplanning and outreach activities are further impacting uptake. Clearly, there is a case for reaching out to people to quickly increase vaccine uptake.

INDIAN ISRAELI COLLABORATION TESTING ORAL COVID VACCINE

An Indian-Israeli collaboration has reportedly developed an oral vaccine for COVID-19, one that can be swallowed like a pill instead of being injected, as is the norm. A preliminary test in animals showed that the vaccine produced the expected antibodies that confer protection. However, the findings have not been reported in a scientific publication yet and cannot be independently verified. The product is also far from being tested in human trials, though company promoters say depending on how tests pan out, the vaccine could be ready for human trials in the next three months. Premas Biotech, a Gurugram-based biotechnology firm, and Oramed Pharmaceuticals, a Jerusalem headquartered company, have a long-standing collaboration on developing new drug delivery techniques. The nascent COVID-19 vaccine candidate is a “protein-based VLP (Virus Like Particle) vaccine candidate” that generates “triple protection” against the SARS CoV-2 virus, i.e., it is able to target the spike, membrane, and envelope proteins of the coronavirus. Oravax, the company developing the vaccine, is a joint venture between Premas and Oramed. “The vaccine candidate is also safe, efficacious and well-tolerated at normal to high doses, and generated high titres of neutralising antibodies. The VLP is manufactured using Premas’ proprietary D-Crypt platform, which is highly scalable and can be manufactured on large scales,” Oravax said in a statement.

SOOTHING FEARS ABOUT THE ASTRAZENECA VACCINE

Safety concerns around the Oxford-AstraZeneca vaccine led several European countries to temporarily stop administering the shot last week. On Thursday, the European Medicines Agency (EMA) cleared the vaccine as safe for use for mass administration, saying the “benefits” of the vaccine in combating COVID-19 “continue to outweigh the risk of side effects”.

What were the concerns in Europe?

Starting with Denmark, sporadic reports started to emerge of blood clots in a small number of recipients of the Oxford-AstraZeneca vaccine. The vaccine is a recombinant one, i.e., it is formed by mixing genetic material from different organisms — in this case from an adenovirus that causes common colds and affects chimpanzees and the spike protein from the coronavirus. It was expected that some recipients of the vaccines would experience side effects such as rashes, swellings and flu-like symptoms. During the trials, some had experienced even serious reactions such as transverse myelitis, or an inflammation of the spinal cord. However, the decision to roll out a vaccine was premised on the overall benefits. Germany, too, reported such “thrombotic events” and experts noted that some clots were of a very rare kind, located in the brain’s veins that prevented efficient draining of the blood. Some were accompanied by a deficiency of blood platelets.



How many such cases were observed?

AstraZeneca said as of March 8, it had received reports of 37 instances of blood clots after 17 million inoculations across the EU and the U.K. This was well below the number of cases of blood clots — 1,000 to 2,000 — reported every day in the general population, as per studies based on the U.S. population. It was also unclear whether it was the vaccine itself that caused the clots.

What was the final verdict after the investigation?

After investigation, the EMA reported that the “vaccine is not associated with an increase in the overall risk of blood clots (thromboembolic events) in those who receive it”. It said there was no evidence of problems related to specific batches of the vaccine or particular manufacturing sites. However, the EMA said the vaccine “may be associated with very rare cases of blood clots associated with thrombocytopenia, i.e., low levels of blood platelets (elements in the blood that help it to clot) with or without bleeding, including rare cases of clots in the vessels draining blood from the brain”. Even before its report, the EMA and the World Health Organization (WHO) had not called for a halt to vaccination. On Thursday, the EMA said it had concluded its investigation and declared the vaccine safe. “This vaccine is safe and effective in preventing COVID-19, and its benefits continue to be far greater than its risks,” said Dr. Sabine Straus of the EMA’s Pharmacovigilance Risk Assessment Committee. Dr. Straus said because the vaccine is effective in preventing COVID-19, which in itself is a cause of blood clots, vaccination likely reduces the risk of thrombotic events overall. While the EMA ruled that vaccination did not increase the overall risk of clots, there were “uncertainties”. Some very rare case reports described “specific, unusual events” of a combination of blood clots, low blood platelet levels, and bleeding. There were also instances of tiny clots developing in multiple blood vessels in the first 7-14 days after vaccination. So, some “association” between vaccines and clots could not be entirely ruled out. In the end, the very small risk of clots far outweighed the threat from COVID-19. However, the risk must be conveyed in factsheets accompanying the vials of the vaccine and those getting vaccinated must be told to seek medical care if they fall ill after vaccination.

How does this affect India?

Covishield, which is based on the AstraZeneca vaccine, constitutes almost 90% of the over 4 crore doses so far administered in India. Trials on safety and efficacy of the vaccine are based entirely on data from the United Kingdom, South Africa and Brazil. Bridging studies (to show that a vaccine performs equivalently on Indians) have been announced but no results have been made public or are available in scientific literature. Events as rare as vaccine-linked clots in the brain are one in a million, meaning that it requires millions to be vaccinated for them to be detected, if at all. India’s ‘Adverse Event Following Immunization’ panel has not reported adverse events of this kind. Thrombotic events following vaccination have been reported in India but they were said to be unrelated to vaccination.

RESEARCH INSTITUTION JOINS EFFORTS TO BRING LAW ON RIGHT TO HEALTH

A Jaipur-based research institution has joined the efforts for bringing a “robust legislation” on right to health in Rajasthan with the emphasis on setting the standards for delivery of services, human resources and medical facilities. The 2021-22 State budget has made a provision for the

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law along with a new model of public health. Chief Minister Ashok Gehlot had announced the implementation of the Rajasthan Model of Public Health, while presenting the State Budget on February 24, and said that it would include a Right to Health Bill as well as measures for preventive, primary and curative care as envisioned by the World Health Organisation (WHO). The Mukhya Mantri Chiranjeevi Yojana will also be launched on May 1 as a universal health care scheme with an allocation of ₹3,500 crore in the upcoming financial year as part of measures to reinforce health infrastructure and ensure accessibility to all citizens. The scheme stipulates cashless health services up to ₹5 lakh to every family in the State. The Indian Institute of Health Management Research (IIHMR) has recommended setting of standards in accordance with the resources available in the State to match with the rights of patients as well as the service providers. The Indian Public Health Standards (IPHS), set by the Union government, have also been revised keeping in view the changing protocols of the existing programmes.

'Dynamic process'

IIHMR president P.R. Sodani said here on Saturday that the quality of medical services could not be measured unless the standards were laid down as per the availability of resources at primary and tertiary levels. "It should be a dynamic process. The standards can further be enhanced when a satisfactory level of medical investigation, treatment and supply of drugs is achieved," he said. Dr. Sodani highlighted the aspect of ensuring high quality of public health services at a State-level consultation on the Right to Health Act here. He said the State government should first set the norms and later allow flexibility to suit the diverse needs of different regions.

NEW TOOLS NEEDED TO CONTROL SPREAD OF TB

Amid concerns over a second wave of the COVID-19 pandemic, experts have warned that there is a need for new interventions and tools to control the increasing pace of spread of tuberculosis (TB) and also improve the cure rate of the disease. Ashok Mahasur, senior chest consultant, P.D. Hinduja Hospital, Mumbai, said those with lower immunity are prone to develop tuberculosis and TB patients with low immunity may develop COVID-19 and this was inter-related. On the positive side, the use of masks during the pandemic has reduced cases of TB and chronic respiratory diseases. It is a useful tool to prevent spread of TB, he said. The discussions were part of a webinar on 'Eradicating Tuberculosis-The Clock is Ticking' on Tuesday, organised as part of The Hindu Wellness Series presented by Macleods. S.K. Katiyar, past president, Indian College of Chest Physicians and Indian Chest Society said there was a rise in new cases of TB every year. He underlined the need for new interventions like vaccines and new drugs would help reduce burden of TB. Nearly 55% of the TB cases emerge due to malnutrition, which also hampers response to drugs, he said. Shilpa Joshi, vice-president, Indian Dietetic Association, elaborated on the need to follow balanced nutritious diet post treatment.

WATER, THE LOOMING FRONTIER

While we are still in the grip of the COVID-19 pandemic, which is airborne, we have forgotten that another such blight could well come from contaminated water. NITI Ayog and WaterAid, amongst others, have found that over 70% of India's surface and groundwater is contaminated by human and other waste and is likely to carry viruses. Indiscriminate human activity is often the reason



for environmental degradation and pandemics. The practice of keeping animals locked together for mass production of meat produces an artificial environment that can birth mutations in erstwhile dormant viruses. Earlier, in the wild, animals were far away from human habitats. The viruses they harboured remained isolated. But today's practices can spawn viruses that can easily transfer to the human population.

A source of virus

Once the virus has found its way into the human population, it is bound to proliferate in wastewater. For example, in England, Wales and Scotland, several wastewater samples were tested and were found to carry traces of SARS-CoV-2. Remnants of the virus have also been detected in raw sewage across Sydney. Research at the University of Stirling in Scotland indicates that the SARS-CoV-2 virus can spread through sewage water. But such water is often discharged into water bodies in India. This is an alarming prospect for us as river water or lake water, which carries human waste, sewage, and toxic waste, can be a very generous host for viruses of different kinds and we do not know where and how they can mutate and strike. Some water-transmitted viral pathogens are astrovirus, hepatitis A and norovirus. Unlike in the developed world, a huge section of the population in India uses polluted water from sources like rivers, lakes, or groundwater for drinking. Are we prepared for this? Certainly not. Can we be prepared? Very unlikely, even if we understood the viruses, and we are not there yet. Can we decontaminate our water bodies and groundwater? This could take several decades. But despite the poor quality of water in India, the government has announced a ₹3 lakh crore 'Nal se Jal' scheme to provide drinking water connections to every rural household by 2024. Since most of the water sources are contaminated, the only way to purify water is through reverse osmosis (RO). But though RO removes contaminants, it also takes out all the healthy minerals and nutrients required by the human body. This is an unhealthy and exorbitantly priced proposition. To neutralise the virus, we would need at least an ultraviolet aquaguard treatment. While this won't take out chemical contaminants, it is also costly. So, what is the solution? The simple answer is that there is no technological substitute for living natural resources like pristine natural water and soil. This means that we must conserve and use our natural living resources. The water beneath our forests is as good as natural spring water. We must safeguard it for our own lives and for future generations. We have destroyed our natural living resources in our rush for development. Our development model is always focused on artificial infrastructure, building highways, industrial plants, high-rise structures. In doing this, we kill our natural resources. As a result, we are running out of natural infrastructure at an alarming pace. Let's not forget that developed countries have stable landscapes and populations whereas India has a growing population, which means there will be growing consumption.

Freshwater sources

There are two unpolluted fresh water sources left in the country. The first is the water lying below our forests; the second is the aquifers that lie below the floodplains of rivers. Both these sources provide natural underground storage and are renewable – the rains provide natural recharge year after year and it is this recharge which can be used to water our cities and towns. There is one sacred conservation condition: we should use only a fraction of the annual recharge. The aquifers underlying forests can provide healthy mineral water purely for drinking purposes. Since a person drinks only 2-3 litres of water a day, the mineral water requirement is modest. The river



floodplains are a great source of water for cities. The Yamuna floodplains in Delhi already use such a scheme to provide water to a million people each year. Forests and floodplains must be declared as water sanctuaries. Such schemes work with nature rather than against it. They can be used around the globe. It is important to remember that these evolutionary resources, once lost, will be lost forever. It is time we understood this is natural infrastructure bequeathed to us by nature. If we don't realise this, it will only be our loss.

MOVE HEALTH TO CONCURRENT LIST

Health should be shifted to the Concurrent list under the Constitution, and a developmental finance institution (DFI) dedicated to healthcare investments set up, Fifteenth Finance Commission Chairman N.K. Singh said on Friday. Making a case for enhancing government spending on health to 2.5% of GDP by 2025, Mr. Singh said primary healthcare should be a fundamental commitment of all States in particular and should be allocated at least two-thirds of such spending. Bringing health into the Concurrent list would give the Centre greater flexibility to enact regulatory changes and reinforce the obligation of all stakeholders towards providing better healthcare. Addressing the NATHEALTH summit, he said the health sector was in dire need of a DFI similar to the one being set up to stimulate infrastructure investments. "Such a DFI would increase healthcare access in tier-2 and tier-3 cities and also come in with technical assistance that ensures proper usage of funds," he said. He also emphasised the importance of universalising healthcare insurance as a large section of the society still remained uncovered. "While the PMJAY covers the bottom two income quintiles, commercial insurance largely covers top-income quintile, thereby creating a 'missing middle' class in between. "This refers to people in the middle two income quintiles, where the population is not rich enough to afford commercial insurance and not poor enough to be covered under government-sponsored health insurance schemes," the Commission's Chairman pointed out.

DreamIAS



BUSINESS & ECONOMICS

20 STATES COMPLETE EASE OF DOING BUSINESS REFORMS

'They can borrow 0.25% more of GSDP'

As many as 20 States have successfully completed ease of doing business reforms, the Finance Ministry said on Saturday. States completing the reforms are eligible for additional borrowing of 0.25% of Gross State Domestic Product (GSDP). "The number of States that have successfully completed the 'Ease of Doing Business' reforms has reached to 20. Five more States namely, Arunachal Pradesh, Chhattisgarh, Goa, Meghalaya and Tripura have completed the 'Ease of Doing Business' reforms stipulated by the Department of Expenditure," the Ministry said in a statement. The Department of Expenditure has granted permission to these 20 States to raise additional financial resources of ₹39,521 crore through Open Market Borrowings. The ease of doing business is an important indicator of the investment friendly business climate in the country. Improvements in the ease of doing business will enable faster future growth of the state economy. Therefore, the government of India, had in May 2020, decided to link grant of additional borrowing permissions to States that undertook the reforms to facilitate ease of doing business, the Ministry added.

SOME STATES INFLATED GSDP IN BUDGETS

GSDP numbers may undergo revision

Some States including West Bengal and U.P. are likely to have overestimated economic performance in their revised estimates, economists at SBI said in a report. If States' revised estimates were to be aggregated, the national GDP would have grown 3% on a nominal basis which is contrary to the National Statistical Office (NSO) estimate of a contraction, it said. "State GSDP numbers might undergo revision," the economists said. To validate States' GSDP estimates for this fiscal, the economists created their own projection based on a simulation of the last few years' performances. For some States, there was a significant gap between the economists' estimates and revised estimates provided by these States for FY21, as in the case of "West Bengal, Uttar Pradesh, Madhya Pradesh, Karnataka and Tamil Nadu." Though these States showed a rosy picture on GSDP, "the same is not reflected in tax collections," they said in the report.

DFI IS REQUIRED FOR THE NEXT 25 YEARS OF GROWTH: MINISTER

Rajya Sabha clears Bill; Jairam says it's a rejected concept

The Rajya Sabha on Thursday cleared the legislation to establish the National Bank for Financing Infrastructure and Development (NBFID), which was announced in the Budget speech by Finance Minister Nirmala Sitharaman as the principal development financial institution (DFIs) for infrastructure financing. Opposition members argued unsuccessfully for sending the Bill to a select committee, saying that in its present form, there was no scope for "external oversight or surveillance". Ms. Sitharaman, however, said all safeguards had been provided for and an audited report would be placed in Parliament every year. Senior Congress leader Jairam Ramesh opened

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the debate, saying the concept of DFIs had already been tried, tested and rejected. The first such institution was set up in 1948. In 1991, Manmohan Singh, as Finance Minister, had set up the Narsimham committee, which came to the conclusion that the era of the DFIs was over. "Thirty years after Dr. Manmohan Singh's Budget, the clock has turned back and we are going back to the DFI era," Mr. Ramesh said. He said that despite the government having a 26% stake in this bank, the Bill did not provide for an oversight mechanism. The other lacuna was the protection provided to management for the decisions it takes as an "act of good faith", he said. "What is an act of good faith? Who will determine an act of good faith," Mr. Ramesh asked. Ms. Sitharaman said the NBFID was the need of the hour and the need of the next 25 years. The infrastructure that it planned to fund was not only roads but also social infrastructure like schools and hospitals. It would be a professionally run body, with only the government appointing the Chairperson. The Bill, she said, had safeguards, including the provision that the NBFID had to furnish to the Centre and the RBI a copy of its balance-sheet and accounts.

CENTRE READIES DRAFT PLAN FOR DISTRICT-WISE EXPORT PROMOTION

Government eyes double-digit export growth in 500 districts in 3-5 years

The government has readied a draft district-wise export promotion plan for 451 districts in the country after identifying products and services with export potential in 725 districts, Commerce Secretary Anoop Wadhawan said on Monday. Aiming for double-digit export growth from 500 districts over 3-5 years, the Commerce Ministry has asked States to prepare an annual 'export ranking index' of districts on export competitiveness with the assistance of the Directorate General of Foreign Trade (DGFT). While foreign trade constitutes 45% of India's GDP, most export promotion efforts are driven by the Centre. The district-specific approach that perforce involves the States in identifying potential export sectors and the logistics bottlenecks to be fixed, was taken up after Prime Minister Narendra Modi pushed for each district to aim to be an export hub during his Independence Day address in 2019. In the initial phase, products and services with export potential in each district have been identified and an institutional mechanism of State and District Export Promotion Committees (SEPC) are being created, with an action plan to grow exports from each district. Draft District Export Action Plans have been prepared by regional DGFT authorities in 451 districts. "Products/services with export potential have been identified in 725 districts across the country (including Agricultural & Toy clusters and GI products in these Districts)," the Ministry said. "District Export Promotion Committees have been notified in the districts of all the States except West Bengal," it added.

INCREASE IN TAXABLE PROVIDENT FUND LIMIT

In a move that will allow government officials to park double of what is available to private sector employees for earning tax-exempt income on provident fund contribution, the government, Wednesday, introduced an amendment to the Finance Bill, 2021. In its amendment, the government proposed to double the cap on contribution from ₹2.5 lakh to ₹5 lakh for tax exempt interest income, if the contribution is made to a fund where there is no contribution by the employer. In the budget 2021-22, the finance minister had proposed to tax interest income on own contribution of employees exceeding ₹2.5 lakh in a year. However, with this amendment, the limit for government employees now stands revised at ₹5 lakh. This will be applicable for all contributions beginning April 1, 2021.



What does it mean?

This means that additional contribution of ₹2.5 lakh can be made to a fund where the employer makes no contribution. So, the fund that qualifies for it is General Provident Fund that is available only to government employees. While it does not change anything for the private sector employees' from what was proposed in the Budget, the government employees will now be able to contribute up to ₹5 lakh and earn tax-free interest on that amount. For private sector employees though, if they contribute any amount beyond ₹2.5 lakh as their own contribution, tax will be applicable on the interest income of the additional contribution. So, if a private sector individual contributes ₹12 lakh in a year, the tax will be applicable on interest income on ₹9.5 lakh (₹12 lakh - ₹2.5 lakh). While the interest income on ₹9.5 lakh would amount to ₹80,750 (at EPF interest rate of 8.5%), the tax payable on the same would be ₹25,000 (at marginal tax rate of 30%).

Why did the government propose to tax interest income on EPF?

Justifying its move in February, the government stated that it had found instances where some employees were contributing huge amounts to these funds and getting the benefit of tax benefit. With an aim to exclude HNIs from the benefit of high tax-free interest income on their large contributions, the government proposed to impose a threshold limit of contribution at ₹2.5 lakh for tax exemption.

In a country with a large informal workforce and sparse social security systems, reasonable savings for retirement should not be penalised. But to give tax relief for such savings only to government employees smacks of bureaucratic preservation of self-interests deriding an equitable approach to taxation. The least the government could have done was to offer the same cap of ₹5 lakh to EPF members, by including their employer contributions during the year.

BOARDROOM CLOSURE

After a period of prolonged uncertainty, the Supreme Court on Friday gave its ruling in the Tata-Mistry case, bringing the curtains down on one of the ugliest boardroom battles in recent history. The court has ruled in favour of the Tatas, setting aside the National Company Law Appellate Tribunal (NCLAT) order which had reinstated Cyrus Mistry as the chairman of Tata Sons, while holding the appointment of his successor N Chandrasekaran as illegal. The court has also rejected the plea against the conversion of Tata Sons into a private company, which will have a bearing on other companies which plan to go private. With this ruling, the lingering uncertainty that has continued to haunt one of India's largest business groups for the past few years, has been put to rest.

In October 2016, the widely admired Tata group was engulfed in controversy, with Mistry being removed from the chairman's post by a majority of the board of directors. Mistry challenged this ouster at the Mumbai bench of the National Company Law tribunal (NCLT), alleging, also, oppression of minority shareholders. The challenge was dismissed by the NCLT in 2017. Mistry appealed to the NCLAT, which in 2019, declared his removal "illegal", and ordered his reinstatement. Subsequently, Tata Sons challenged the NCLAT order before the Supreme Court. Now, a three-judge bench, led by the Chief Justice of India, has set aside the 2019 NCLAT order. The court has also held that there was no oppression of minority shareholders nor mismanagement at Tata Sons. *However, it has left a key issue of the terms of separation — the valuation of the 18.4 per cent stake that the Mistry family holds in Tata Sons — to the parties concerned. Given the sharp variance in the valuation — the Mistry family had previously valued its*



share in the group at ₹1.75 lakh crore, while the Tata group had assigned a lower value at ₹70,000-80,000 crore — this may well continue to rankle. With the broader legal closure, however, the Tata group can now move ahead on the strategy drawn up by its chairman N Chandrasekaran. The manner in which the saga has played out also throws up larger issues that need to be acknowledged and addressed by India Inc. These centre on the need for greater transparency in decision making and fidelity to norms of governance, strengthening the role of independent board members, assuring their “independence”, and making them more accountable. The protection of minority investors and rights of shareholders, along with the extent of corporate transparency, form an integral part of the Ease of Doing Business rankings — failure to abide by best practices will reflect poorly on the country’s standing. These gaps in governance structures in corporate houses, be they listed or unlisted, promoter driven or professionally managed, must be addressed.

RINGING OUT THE OLD

Announcing the government’s new policy for scrapping old and unfit automobiles last week, Union Minister for Road Transport and Highways Nitin Gadkari gave estimates of the country’s old car fleet. *About 1 crore vehicles more than 15 years old ply on the country’s roads.* Given the well-documented environmental and road safety risks of such large numbers of old automobiles, the policy is a step in the right direction. *It frames a phased and non-coercive approach to flushing out polluting and unsafe vehicles.* At the same time, *it allows the minuscule number of owners of “sentimental” vehicles and collectors of unique automobiles to preserve them, albeit at a price. The policy will kick in from April 2022 with the government setting an example by retiring about 2.3 lakh old vehicles owned by various agencies under it. Mandatory tests for heavy commercial vehicles will begin from April 2023 and for other automobiles in June 2024.* The policy *aims to nudge vehicle owners into compliance through a system of incentives and disincentives.* It is also *expected to stimulate the auto industry and boost fuel-efficiency in the long run. Diesel vehicles older than 10 years and petrol vehicles that have run more than 15 years are banned on Delhi’s roads following the NGT ruling of 2015.* Two years ago, West Bengal initiated a scheme to phase out more than 15-year-old commercial vehicles — the plan has not yet come into effect, reportedly because of the COVID pandemic. *The National Clear Air Programme of 2019 asks cities to frame policies to retire old cars but it does not define the criteria for end-of-life vehicles.* The policy announced last week will provide a roadmap to these sporadic initiatives. In the coming months, however, the government will have to seek legal opinion to clear the air on whether the new policy will take precedence over the NGT ruling on Delhi. *The announcement of the scrapping policy coincided with the sobering conclusions of the World Air Quality Report: Twenty-two of the 30 most polluted cities in the world are in India — transportation is among the major sources of air pollution.* The scrapping policy is a reassuring testament to the government’s awareness of such concerns. *It’s also in sync with its endeavour to reduce road accidents by introducing safety provisions in the Motor Vehicles Act 2019. The policy will ensure that more cars on Indian roads are equipped with the rapidly improving technology to secure passengers during a crash.* The government must now take the next step for modernising the country’s car fleet by introducing the long-awaited electric vehicle policy.

States must also come on board to provide road tax and registration concessions, while the automobile industry is expected to sweeten the deal with genuine discounts on new vehicles. Transport Minister Nitin Gadkari, who has had limited success with enforcement of the amended Motor Vehicles Act of 2019 because States are not entirely on board, has the difficult task of



ensuring that the scrappage plan gets their support, and the backing of manufacturers who stand to benefit from a spurt in demand. Heavy commercial vehicles, which contribute disproportionately to pollution — 1.7 million lack fitness certificates — pose the biggest challenge. Many of these cannot be replaced quickly in the absence of financial arrangements for small operators, who have opposed the new measures. *Vehicle scrappage and replacement is seen internationally as a route to rejuvenate COVID-19-affected economies by privileging green technologies, notably electric vehicles (EVs), and also as an initiative to achieve net zero emissions by mid-century under Paris Agreement commitments.* India's automobile ecosystem is complex, with dominant, legacy motors spanning fossil-fuel driven vehicles and a nascent EV segment. *The industry's share pre-COVID-19 was about 7.5% of GDP with significant downstream employment, but it also imposes a fuel import burden.* The Centre has to arrive at a balance and have incentives that reward manufacturers of vehicles that are the most fuel-efficient. *Failure to prioritise fuel efficiency and mandate even higher standards and enhance taxes on fuel guzzlers will only repeat the mistakes of vehicle exchange programmes abroad, where full environmental benefits could not be realised, and taxpayers ended up subsidising inefficiency.* Ecological scrapping, as a concept, must lead to high rates of materials recovery, reduce air pollution, mining and pressure on the environment.

ADDING COAL TO THE FIRE

If India loses the fight against climate change, new investments in coal will be a decisive factor. India has reaffirmed its commitment to bold plans for switching to renewable energy. Yet, one of the world's largest new coal investments is Adani's \$16.5 billion dollar Carmichael coal mine project in Queensland. That this project is going ahead despite coal's declining competitiveness raises valid concerns that the new coal investments are viable only because they are supported by the Australian government's subsidies or incentives.

Gains and losses

Coal mining provides incomes for Australia's local economy, but the health and environmental harm from mining and combustion represents a big net loss for the world. CO₂ emissions, the chief cause of climate change, totalled 36 billion metric tonnes globally in 2019, of which nearly 40% came from coal. The Carmichael mine is set to become Australia's largest coal mine, producing up to 60 million tonnes of coal annually and 2.3 billion tonnes over its 60-year lifespan. Of the nearly 8 billion tonnes of coal produced globally in 2019, a sixth is exported, with the largest share, one third, coming from Australia. In 2020, 16% of Australia's coal exports were shipped to India. As India is the primary buyer of the Carmichael coal, the project will significantly add to its emissions. Australia's coal mining and coal exports generate incomes and jobs, but when the destruction from pollution, soil erosion, and biodiversity loss is included, the net contribution for India is negative. In south-western China, the environmental and social damage from burning coal exceeds the price of coal by four times. The health damages from coal-fired power stations in the U.S. are estimated at 1-6 times the value of the power output. In India, coal contributes to 1,00,000 premature deaths annually: the poor are hit hardest. With declining coal prices, the mine may be unable to generate sufficient revenue to get a return on investment. That the project might not be viable even financially — and this without considering the environmental, social and health impacts — is damning. It supports the worry that government subsidies underlie Adani's decision to proceed



with the project. It bears mentioning that 17 international banks declined to fund the Carmichael mine based on its weak financials and environmental danger; State Bank of India's plan to provide financing is under scrutiny. A report by the Australia Institute points out that the spillover harm from extracting and burning coal is not included in the true cost of coal projects. One estimate puts the damage to health alone in Australia at \$2.6 billion annually. The mining of coal emits massive amounts of particle pollution, contributing to heart disease, lung disease and lung cancer. With exports of coal, India will be hurt too from burning coal, and the global harm is a multiple of Australia's.

Leave coal underground

Then there is the environmental and climate impact. Annual emissions of 79 million tonnes of carbon equivalent from the Carmichael mine is higher than Malaysia's 75 million tonnes and Austria's 76 million tonnes. The mine will also lead to the Galilee Basin being opened up to nine additional coal mines, which would cumulatively emit an estimated 705 million tonnes of CO₂ every year, more than 1.3 times Australia's current emissions. After facing heat waves, bushfires, and intense rainfall that are linked to climate change, Australia should be deeply concerned — and so should India. The Government of India is drawing up plans for carbon neutrality, following several others that have announced 2050 as their target date for this. Achieving a zero-carbon target will require vast investments in the production, storage, and distribution of renewable energy. But the approval for Adani to mine and export coal to India makes reaching those targets much harder. It is time for India and Australia to leave coal underground.



DreamIAS



DETECTING THE UNIFIED CALL OF BLACK HOLES

Since the first detection of the merger of black holes dated September 14, 2014, by the two gravitational wave detectors at LIGO in the U.S., the field has witnessed important developments. The LIGO detectors have been joined in their search for gravitational waves from various sources by the VIRGO detector in Italy and the KAGRA detector in Japan. The Indian detector LIGO India is being developed and is expected to join these in their search. In the meantime, Indian scientists have been involved in many aspects of the research and data analysis, especially in gravitational wave radiometry, which is a way to measure gravitational waves from hitherto unknown sources and detect their presence in the sky.

Background hum

Until now, the number of mergers detected by LIGO, VIRGO and KAGRA detectors is minuscule compared with the number of mergers actually taking place in the sky. The idea that the gravitational waves arising from the collection of all these mergers should be present like a background signal has been around for some time. As suggested by Sanjit Mitra of IUCAA Pune, who has worked in this area, take the analogy of people watching a football game: When you observe individual members among the spectators, you can see their actions, hear their comments etc. But when you look at the crowd as a whole, you may observe the roaring sound of the applause and the cheering which is quite different from observing individuals. The background gravitational waves are like watching the stadium from far, while detections made by the detectors so far has been like observing individuals. Dr. Mitra and a team of researchers have contributed significantly to building up an algorithm that is geared to detect such a so called stochastic gravitational wave background. Their recent work has been published in Physical Review D. Just as studying the cosmic microwave background tells us about the early universe, its formation, the stochastic gravitational wave background would reveal the structure of the universe around us. Detections till now have been of events that were relatively close to us. Distant binary coalescences, milli-second pulsars, etc are expected to produce a background, and detecting any of this would be a great breakthrough.

Radiometer algorithm

The radiometer algorithm which Indian researchers played a key role in developing, comes in useful as a tool for detecting hitherto unknown sources: with recent algorithms developed in India, the radiometer analysis has been made hundreds of times faster and they are now being used by the international collaboration for the official analysis. The gravitational wave background consists of an isotropic component and an anisotropic component. The isotropic component is constant when you look in different directions and the anisotropic component depends on the direction. The present results are not that the isotropic component has been detected, we are still far from that, but that the group has successfully shown that it must be below a certain level as otherwise it would have been detected. Future improved versions of the detectors will have to work below this level to detect the background. "If the gravitational wave



background is discovered, it will be a major discovery in astronomy, probably one of the most celebrated ones," says Dr.Mitra.

THE EMERGING CRISIS OF OBTAINING HELIUM IN INDIA

Helium is colourless, odourless, tasteless, inert and a noble gas. Yet, it finds many applications, mainly in magnetic resonance imaging (MRI) scans, in rockets and in nuclear reactors. India imports helium for its needs, and with the U.S. appearing set to cut off exports of helium since 2021, Indian industry stands to lose out heavily. What is the solution? Can India become self-reliant towards its needs of helium gas?

Helium on Earth

Dutch physicist Kamerlingh Onnes liquefied Helium by cooling the gas to -270 degrees Celsius. It is known that Kamerlingh Onnes collected helium gas from the springs of Bath in Baden Baden, Germany for his liquefaction experiment. Some scientists and geologists started looking for helium underground – they guessed it may be present there by analysing debris from volcanic eruptions. From the oil drilling operation in Dexter, Kansas, in the U.S., chemists Hamilton Cady and David McFarland discovered the presence of helium in natural gas. They further went on to discover that despite its overall rarity, helium was concentrated in large quantities under the American Great Plains. The U.S. became the most important exporter of helium across the world. It was soon realised that U.S. was also the biggest store house of helium. The U.S., now, is planning to switch off export of helium from 2021. Qatar is a possible exporter but acute political and diplomatic wrangles have made Qatar unreliable. Every year, India imports helium worth Rs 55,000 crores from the U.S. to meet its needs. Around 1956, as vice chancellor of Viswabharati University, Professor Satyendranath Bose once visited a village called Bakreswar (near Santiniketan) where he found water boiling naturally in a small tank. Satyen Bose was keen to analyse the natural gas that came out of the tank. Satyen Bose asked his student Shyamadas Chatterjee to look into this. What Shyamadas Chatterjee found out was stunning: 1.8% of the natural gas emanating from the boiling water was helium. After further experiments, this result was established. Shyamadas Chatterjee's hunch was that the area called Rajmahal volcanic basin around Bakreswar and nearby Tantloi, now in Jharkhand, were floating on an ocean of helium. He and his student Debasis Ghose started exploring Tantloi, which is populated by tribal people. The village is situated next to a stream, with naturally hot water with natural gas emanating from it. Preliminary investigations of the stream indicated there was around 1.6% of helium in the emanating gas, a little less than that in Bakreswar. This was around (1965-66).

Emerging project

Homi Sethna, then the Chairman of the Atomic Energy Commission arranged for the project to be part of the newly started Variable Energy Cyclotron Centre (VECC) project of Kolkata. When I came over to Kolkata around 1984 to VECC from BARC, Bombay the helium project did not show much activity. The adventure of it all attracted me. I persuaded Dr. Divatia then the director of VECC to take a trip to Bakreswar along with Professor Chatterjee and Dr. Ghose. It should be mentioned that Bhabha Atomic Research Centre under the leadership of R. K. Garg, head of the Chemical and Engineering Division, in the 1970s made an effort to extract helium from monazite sand. Unfortunately, this project was doomed, and BARC did not push it any further. When we

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took over the project in late 1980s we got very busy with other research and development projects. We all thought collection of helium on a large scale is a semi-commercial operation and nothing very much to do with research or development. Besides which, we just did not have the adequate man power. So, this vast reservoir of helium in the Rajmahal volcanic belt remained untapped.

Scientific fraternity

Extracting helium on a large scale did not seem to be of great importance to our scientific fraternity. After I stepped down from my official job in 2009, the possibility of helium extraction looked even more bleak. Then, I found a very understanding and enthusiastic person in the present chairman of Atomic Energy Commission, Dr. K. N. Vyas, who readily agreed to give the project a push with all the might of the Department of Atomic Energy (DAE). Work has started in right earnest in collaboration with Atomic Mineral Division of DAE. Preliminary measurements and survey have already started. Our target is to at least meet India's requirement of helium. India consumes about 70 million cubic metres per year. But the reserve of helium by far exceeds this. So, this effort although somewhat late is not too late yet! India's Rajmahal volcanic basin is the store house of helium trapped for billions years, since the very birth of our Earth from the Sun. At present, we are mapping the Rajmahal basin extensively for future exploration and harnessing of helium. In conclusion, helium is not just for balloons but it is the key ingredient for India's high technology and the most sophisticated medical diagnosis.

INDIAN MONSOON 25 MILLION YEARS AGO RESEMBLED PRESENT DAY AUSTRALIA'S

About 180 million years ago, India separated from the supercontinent Gondwana and took a long northward journey of about 9,000 km to join Eurasia. The subcontinent moved from the southern hemisphere, crossed the Equator to reach its current position. Due to these changing latitudes, it experienced different climatic conditions, and a new study has now tried to map these variations using leaf fossils. "The evolution of the monsoonal climate in India is still debatable and not fully understood. Though recent data indicates that the monsoon system we experience now dates back to about 25 million years, it is still unclear how the climate was during its long voyage," says Gaurav Srivastava from Birbal Sahni Institute of Palaeosciences, Lucknow, corresponding author of the paper published in Gondwana Research. The team analysed the morphological characters of fossil leaves collected from Deccan Volcanic Province, East Garo Hills of Meghalaya, Gurha mine in Rajasthan and Makum Coalfield in Assam. The four fossil assemblages were found to be from different geological ages and helped to study the climate during 65, 57, 54, and 25 million years ago. "It has been observed from across the globe that plant leaf morphological characters such as apex, base and shape are ecologically tuned with the prevailing climatic conditions to adapt for all the seasons throughout the year. We applied this model to characterise the past monsoon from fossil leaves," explains Dr. Srivastava.

Fossil truths

The results indicated that the fossil leaves from India were adapted to an Australian type of monsoon and not the current Indian monsoon system during its voyage. The reconstructed temperature data show that the climate was warm (tropical to subtropical) at all the studied fossil sites with temperatures varying from 16.3–21.3 degrees C. All the fossil sites experienced high



rainfall, which varied from 191.6 cm to 232 cm. Dr. Srivastava explains that since India was the only subcontinent to have crossed from the southern hemisphere to the northern hemisphere, it is a laboratory to study biogeographic changes and understand how the flora and fauna changed accordingly. “Our future plan is to better understand the evolutionary history of Indian monsoon and its role in the evolution of biodiversity hot spots in South and Southeast Asia. This will help in the conservation of modern biodiversity hot spots. Understanding the past dynamics of Indian monsoon will also help in climate modelling for future monsoon prediction,” he adds.

THE HUM OF THE HUMMINGBIRD

The hummingbird gets its name from the sound it makes when it hovers in front of flowers to feed. The humming sound is generated by the bird's wings. A new study (published in eLife) noted that the wings beat rapidly at 40 beats per second. The hum originated from the pressure difference between the topside and underside of the wings. Unlike other species of birds, the hummingbird's wing was found to generate a strong upward aerodynamic force during both the upward and downward wing stroke. The researchers explained that most birds are relatively quiet because they generate most of the lift only once during the wingbeat at the downstroke. Hummingbirds and insects are noisier because they do so twice per wingbeat. Using high-speed cameras and over 2,000 microphones, the team from the Netherlands, studied the hummingbirds drinking sugar water from a fake flower in a special chamber. They precisely recorded each wing-beat while the bird hovered in front of the flower and found that the wings generated sounds in a fashion similar to how insects do. Understanding the hum of the hummingbirds may also help engineer new devices and also improve aircraft and drone rotors.

IN CATS AND DOGS, UK STRAIN OF CORONAVIRUS AND A HEART CONDITION

The fact that the coronavirus SARS-CoV-2 can infect animals, including pet cats and dogs, was established early in the Covid-19 pandemic. Now the first few cases have been reported of cats and dogs being infected with the so-called “UK variant” of the coronavirus, otherwise known as B.1.1.7. What is of particular concern is that some of the infected animals have also been diagnosed with a heart condition known as myocarditis. It is not yet established if this condition was caused by the coronavirus infection, although researchers have underlined the need for recognising the association.

Where did the cats and dogs get infected?

The infections have been detected in two places — in the UK and the US — and reported in separate studies. The humans of all the pets had tested positive before the infection was detected in animals, suggesting human-to-animal transmission. One study is part of an ongoing project undertaken by the Texas A&M College of Veterinary Medicine & Biomedical Sciences, and funded by the US Centers for Disease Control, that involves surveillance of pets living in “high risk” households with people who have Covid-19. Researchers detected infection with the B.1.1.7 variant in a black lab-mix dog and a domestic shorthair cat from a household where their human had been diagnosed with Covid-19 in mid-February. The heart condition was detected among a number of cats and dogs in the other study, conducted at The Ralph Veterinary Referral Centre near London. Two cats and a dog, which had presented with myocarditis, subsequently tested



positive for the B.1.1.7 strain of SARS-CoV-2, while three more were found to have antibodies against the virus. The study is awaiting peer review and is currently on a preprint server.

What is this heart condition?

Myocarditis is an inflammation of the heart muscle that decreases the ability of the heart to pump blood normally. It can be caused by a number of factors, including a viral infection. The severity of symptoms varies; in extreme cases, patients of myocarditis can suddenly lose consciousness or show signs of heart failure.

What is its connection with Covid-19?

While the UK paper does not establish the coronavirus infection as the cause for myocarditis in the animals, it notes that among people, myocarditis associated with multisystem inflammatory syndrome is a well-recognised complication of Covid-19. "The association between myocarditis and B.1.1.7 152 infection in domestic pets has to be acknowledged and addressed," it says. In fact, the UK animals were diagnosed with myocarditis first, and the virus infection later. Veterinarians at RVRC noticed a sudden rise in the number of domestic dogs and cats presented with myocarditis. "This sudden surge of cases appeared to mimic the curve and timeline of the COVID-19 human pandemic in the UK due to the B.1.1.7 variant... Notably, most owners and handlers of these pets with myocarditis had developed Covid-19 respiratory symptoms within 3-6 weeks before their pets became ill, and many of these owners had tested PCR-positive for Covid-19," they write. The researchers examined eight cats and three dogs, among which three tested positive for B.1.1.7 and three more showed antibodies.

Are humans or their pets at risk?

Throughout the pandemic, several experts who have studied coronavirus infection in animals have observed that pets appear to be more at risk of infection from humans than the other way round. Among pets, cats appear to be more vulnerable than dogs because the ACE2 protein on their cell surface, as in humans, facilitates first contact with the coronavirus spike protein. The Texas researchers too have highlighted the fact that pets appear to be more vulnerable than humans. "Based on the information available to date, the risk of pets spreading SARS-CoV-2 to people is considered to be low," the Texas A&M University said on its website. "... People with suspected or confirmed cases of COVID-19 should avoid contact with pets and other animals to protect them from infection and illness. If contact cannot be avoided, people with COVID-19 should wear a mask around pets and wash their hands before and after interacting with them."

How are the animals infected with the B.1.1.7 strain doing?

In Texas, neither animal showed any overt sign of illness at the time of their positive tests. "These companion animals were retested March 11, at which time the owner disclosed that the dog and cat had both been sneezing over the past weeks; the owner is now reporting that both are in good health," the University said. In the UK study, none of the 11 animals with myocarditis developed any influenza-like symptoms, and they all clinically improved within a few days of intensive care. But one cat suffered a relapse one week after discharge, and her humans chose to euthanise her.