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CURRENT AFFAIRS FOR UPSC



INTERNATIONAL

WHAT IS NET-ZERO, AND WHAT ARE INDIA'S OBJECTIONS?

John Kerry, the US President's Special Envoy on Climate, is currently on a three-day visit to India trying to rekindle a climate change partnership that had been all but put on hold during the four years of the Donald Trump administration. The immediate purpose of the visit is to exchange notes ahead of the virtual Climate Leaders' Summit convened by US President Joe Biden on April 22-23 where Prime Minister Narendra Modi is one of the invitees. This is Biden's first big international intervention in climate change, and his administration would be keen to ensure a substantive outcome from it. In its bid to reclaim the global climate leadership, the US is widely expected to commit itself to a net-zero emission target for 2050 at the summit. Several other countries, including the UK and France, have already enacted laws promising to achieve a net-zero emission scenario by the middle of the century. The European Union is working a similar Europe-wide law, while many other countries including Canada, South Korea, Japan and Germany have expressed their intention to commit themselves to a net-zero future. Even China has promised to go net-zero by 2060. India, the world's third biggest emitter of greenhouse gases, after the US and China, is the only major player holding out. One of the objectives of Kerry's visit is to explore whether New Delhi can be nudged to drop its hard opposition, and open up to the possibility of pledging itself to a 2050 net-zero goal.

The net-zero goal

Net-zero, which is also referred to as carbon-neutrality, does not mean that a country would bring down its emissions to zero. Rather, *net-zero is a state in which a country's emissions are compensated by absorption and removal of greenhouse gases from the atmosphere.* Absorption of the emissions can be increased by creating more carbon sinks such as forests, while removal of gases from the atmosphere requires futuristic technologies such as carbon capture and storage. This way, *it is even possible for a country to have negative emissions, if the absorption and removal exceed the actual emissions.* A good example is *Bhutan which is often described as carbon-negative because it absorbs more than it emits.* A very active campaign has been going on for the last two years to get every country to sign on to a net-zero goal for 2050. *It is being argued that global carbon neutrality by 2050 is the only way to achieve the Paris Agreement target of keeping the planet's temperature from rising beyond 2°C compared to pre-industrial times. Current policies and actions being taken to reduce emissions would not even be able to prevent a 3–4°C rise by the turn of the century.* The goal of carbon neutrality is only the latest formulation of a discussion going on for decades, on having a long-term goal. Long-term targets ensure predictability, and continuity, in policies and actions of the countries. But there has never been a consensus on what this goal should be. *Earlier, the discussions used to be on emission-reduction targets, for 2050 or 2070, for rich and developed countries, whose unregulated emissions over several decades are mainly responsible for global warming and consequent climate change.* The net-zero formulation does not assign any emission reduction targets on any country. *Theoretically, a country can become carbon-neutral at its current level of emissions, or even by increasing its emissions, if it is able to absorb or remove more.* From the perspective of the developed world, it is a big relief, because now the burden is shared by everyone, and does not fall only on them.



India's objections

India is the only one opposing this target because it is likely to be the most impacted by it. India's position is unique. *Over the next two to three decades, India's emissions are likely to grow at the fastest pace in the world, as it presses for higher growth to pull hundreds of millions of people out of poverty. No amount of afforestation or reforestation would be able to compensate for the increased emissions.* Most of the carbon removal technologies right now are either unreliable or very expensive. But on principle as well as practice, India's arguments are not easy to dismiss. *The net-zero goal does not figure in the 2015 Paris Agreement, the new global architecture to fight climate change.* The Paris Agreement only requires every signatory to take the best climate action it can. *Countries need to set five- or ten-year climate targets for themselves, and demonstrably show they have achieved them. The other requirement is that targets for every subsequent time-frame should be more ambitious than the previous one. Implementation of the Paris Agreement has begun only this year. Most of the countries have submitted targets for the 2025 or 2030 period. India has been arguing that instead of opening up a parallel discussion on net-zero targets outside of the Paris Agreement framework, countries must focus on delivering on what they have already promised.* New Delhi is hoping to lead by example. It is well on its way to achieving its three targets under the Paris Agreement, and looks likely to overachieve them. *Several studies have shown that India is the only G-20 country whose climate actions are compliant to the Paris Agreement goal of keeping global temperatures from rising beyond 2°C.* Even the actions of the EU, which is seen as the most progressive on climate change, and the US are assessed as "insufficient". In other words, India is already doing more, relatively speaking, on climate than many other countries. *New Delhi also repeatedly points to the fact that the developed nations have never delivered on their past promises and commitments. No major country achieved the emission-cut targets assigned to them under the Kyoto Protocol, the climate regime preceding the Paris Agreement. Some openly walked out of the Kyoto Protocol, without any consequences. None of the countries has delivered on the promises they made for 2020. Even worse is their track record on their commitment to provide money, and technology, to developing and poor countries to help them deal with the impacts of climate change.* India has been arguing that the 2050 carbon-neutrality promise might meet a similar fate, although some countries are now binding themselves in law. It has been insisting that the developed countries should, instead, take more ambitious climate actions now, to compensate for the unfulfilled earlier promises. *At the same time, it has been saying that it does not rule out the possibility of achieving carbon-neutrality by 2050 or 2060. Just that, it does not want to make an international commitment so much in advance.*

REWORKING NET-ZERO FOR CLIMATE JUSTICE

Global transformation is affecting the planet. But there is no uniform transformation across the world. Global temperature increased sharply only after 1981 with little contribution from the developing countries as their industrialisation and urbanisation had yet to begin. In 2015, at the UN General Assembly when the Sustainable Development Agenda 2030 was adopted and at the Paris Conference, Prime Minister Narendra Modi stressed a reframing of climate change to climate justice, arguing that just when countries such as India were becoming major industrial and middle class nations, they should not pay the price for the pollution caused by the West. The Paris Agreement, explicitly recognises that peaking will take longer for such countries and is to be achieved in the context of "sustainable development and efforts to eradicate poverty". This

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balance is now being upset for a common target and timetable, with non-governmental organisations (mostly foreign funded) in support and negotiators (mostly public servants) opposing the pressure. *India will meet its Paris Agreement target for 2030, its per-capita emissions are a third of the global average, and it will in future remain within its share of ecological space.* The pressure arises from the way the agenda has been set.

Treaty's inequity

First, inequity is built into the Climate Treaty. *Annual emissions make India the fourth largest emitter, even though climate is impacted by cumulative emissions, with India contributing a mere 3% compared with 26% for the United States and 13% for China. According to the United Nations, while the richest 1% of the global population emits more than two times the emissions of the bottom 50%, India has just half its population in the middle class and per capita emissions are an eighth of those in the U.S. and less than a third of those of China*

New framework

A global goal-shaping national strategy requires a new understanding. India must highlight unique national circumstances with respect to the food, energy and transportation systems that have to change. For example, *consumption of meat contributes to a third of global emissions. Indians eat just 4 kg a year compared with around 68 kg per person for the European Union and twice that in the U.S. where a third of the food is wasted by households.* Transport emissions account for a quarter of global emissions, are the fastest growing emissions worldwide and have surpassed emissions from generation of electricity in the U.S., but are not on the global agenda.

Coal use

Coal accounts for a quarter of global energy use, powered colonialism, and rising Asia uses three-quarters of it as coal drives industry and supports the renewable energy push into cities. India with abundant reserves and per-capita electricity use that is a tenth that of the U.S. is under pressure to stop using coal, even though the U.S. currently uses more coal. India wants to eliminate the use of oil instead with renewable energy and hydrogen as a fuel for electrification, whose acceleration requires international cooperation around technology development and transfer. In the Paris Agreement, 'climate justice' was relegated to the preamble as a political, not policy, statement. It needs to be fleshed out with a set of 'big ideas'. The first is a reframing of the global concern in terms of sustainable development for countries with per capita emissions below the global average, in line with the Paris Agreement. Second, the verifiable measure should be well-being within ecological limits. Third, international cooperation should centre on sharing technology of electric vehicles and hydrogen as a fuel, as they are the most effective response to climate change.

BIDEN LIFTS TRUMP'S SANCTIONS ON INTERNATIONAL COURT OFFICIALS

President Joe Biden on Friday lifted sanctions that Donald Trump had imposed on two top officials of the International Criminal Court (ICC), undoing one of the past administration's more aggressive moves targeting international institutions and officials. Secretary of State Antony Blinken in a statement stressed that the U.S. still strongly disagreed with some actions by the court. "We believe, however, that our concerns about these cases would be better addressed" through



diplomacy “rather than through the imposition of sanctions,” Mr. Blinken wrote. *The U.S. sanctions had targeted ICC chief prosecutor Fatou Bensouda and the court’s head of jurisdiction, Phakiso Mochochoko, for pressing ahead with investigations into the U.S. and its allies, notably Israel, for alleged war crimes.* Two sets of sanctions were imposed, the first being *a travel ban* on Ms. Bensouda in March 2019, and then 18 months later *a freeze on any assets* she and Mr. Mochochoko may have in the U.S. or U.S. jurisdictions. The second round also made giving the pair “material support” a potentially sanctionable offence. *The Trump administration was openly hostile to the tribunal for pursuing prosecutions of Americans for actions in Afghanistan and Israelis for actions against the Palestinians.* Both sets of sanctions had been roundly denounced by the ICC. The removal of the sanctions was the latest signal that the Biden administration is intent on returning to the multilateral fold.

REVERSING A BAN

Last June, the administration of former President Donald Trump, a Republican, halted the issuance of non-immigrant work visas of several types, including the skilled worker visa, or H-1B. At the time, the White House had stated that the aim of the policy was to stop foreign workers from cornering American jobs during the economic distress and consequent shortage of economic opportunities brought on by the ongoing COVID-19 pandemic. While the original order was valid until December 31, 2020, it was extended by the Trump administration to be valid until March 31, 2021. Now, the 46th and current U.S. President, Democrat Joe Biden, has allowed the ban on H-1B visa issuance to expire, potentially bringing relief to a large number of Indian nationals, especially IT workers who are prospective applicants for the visa.

What was the context for the Trump administration issuing rules tightening immigration policy?

Immigration reforms in favour of protecting U.S. jobs for Americans and favouring legal over undocumented migration was a major policy thrust for Mr. Trump even during his days campaigning for the 2016 presidential election. In April 2020, the final year of Mr. Trump’s term in office, the White House announced *a 60-day halt on legal migration, effectively a ban on “green card” issuance.* Then came the proclamation of June 22, which was justified by the White House on the grounds that the COVID-19 pandemic “significantly disrupted Americans’ livelihoods”, to the extent that the overall unemployment rate in the country nearly quadrupled between February and May 2020 to a little over 13%. Later, *the Trump administration also announced that it would stop issuing visas for incoming students who had enrolled in programmes that were entirely online. Lawsuits filed by top U.S. universities challenging this policy resulted in the White House partially walking back on the new rules.*

In allowing the H-1B visa ban to expire, he is walking a fine line between restoring the inflow of skilled workers into the U.S., a source of productivity-increase for its labour force, and not being seen as overly aggressive in unwinding Trump-era immigration crackdowns. After all, around 74 million people voted for Mr. Trump in the 2020 presidential election, and they will continue to be vocal advocates for a political system that puts ‘America First’, even if their leader no longer occupies the Oval Office.

What was the economic fallout of the visa ban?



Even more than Mr. Biden, it turned out that America Inc., the employers of perhaps millions of non-immigrant foreign workers, from Wall Street to Silicon Valley, was at the vanguard of the backlash against the skilled worker visa ban. For example, Google CEO Sundar Pichai lashed out at the policy, saying at the time of its announcement, “Immigration has contributed immensely to America’s economic success, making it a global leader in tech, and also Google the company it is today. Disappointed by today’s proclamation — we’ll continue to stand with immigrants and work to expand opportunity for all.” SpaceX founder and Tesla CEO Elon Musk and Apple CEO Tim Cook posted similar messages on social media. *Until now, the U.S. issued 85,000 H-1B visas annually, of which 20,000 went to graduate students and 65,000 to private sector applicants, and Indian nationals would garner approximately 70% of these.* Analysts predicted that around 2,19,000 workers around the world might have been prevented from taking up work in the U.S. as a result of Mr. Trump’s visa ban.

What will be the impact of the ban’s expiry on Indian corporations?

Given that the order banning H-1B visa issuance expired on Thursday, all H-1B applicants will now be in a position to receive a visa and travel to the U.S. to begin or resume work as full-time employees or independent contractors. In time, that will lead to a steady increase in the size of the talent pool available to IT companies with U.S. operations. This would also benefit Indian IT companies with U.S. operations. The opening up of H-1B visa availability is also premised on U.S. diplomatic missions worldwide resuming new visa issuance to appropriately qualified skilled workers.

UKRAINE URGES NATO TO SPEED UP MEMBERSHIP

Ukrainian President Volodymyr Zelensky on Tuesday urged NATO to speed up his country’s membership in the alliance, saying it was the only way to end fighting with pro-Russia separatists. Mr. Zelensky spoke with NATO Secretary General Jens Stoltenberg after an increase in clashes and Russian military movements on the border raised fears of an escalation of the separatist conflict in eastern Ukraine. In a tweet after the call, Mr. Zelensky said it was time for NATO to move

forward with Ukraine’s longstanding desire for membership. He said Kiev was committed to defence reforms requested by the alliance for membership. “But reforms alone will not stop Russia,” said Mr. Zelensky, whose government has said it hopes to be invited this year



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to join a NATO Membership Action Plan (MAP). “NATO is the only way to end the war in Donbas. Ukraine’s MAP will be a real signal for Russia.” *Fears have been mounting of a major escalation of the conflict in eastern Ukraine, where government forces have battled separatists in the mainly Russian-speaking Donbas region since 2014.* Ukraine last week accused Russia of massing thousands of military personnel on its northern and eastern borders as well as on the Crimean peninsula annexed by Moscow in 2014. Kiev’s Western allies have rushed to its defence, with a series of statements warning Russia against taking further action. Mr. Stoltenberg said on Tuesday he had called Mr. Zelensky “to express serious concern about Russia’s military activities in and around Ukraine and ongoing ceasefire violations”.

PALACE ROW: JORDAN’S PRINCE PLEDGES LOYALTY TO KING

Jordan’s Prince Hamzah pledged loyalty to the King on Monday as the monarch accepted mediation over a rift within the royal family that saw the Prince placed under house arrest, the palace said. The government has accused the former Crown Prince Hamzah, half-brother of King Abdullah II, of a “wicked” plot and involvement in a seditious conspiracy to “destabilise the kingdom’s security”. Prince Hamzah, detained along with at least 16 others, had earlier struck a defiant tone saying he had been placed under house arrest inside his Amman palace, but insisting he would not obey orders restricting his movement. But in an apparent easing of the palace turmoil, the 41-year-old Prince pledged his backing to King Abdullah. “I will remain... faithful to the legacy of my ancestors, walking on their path, loyal to their path and their message and to His Majesty,” he said in a signed letter, quoted by the palace. Prince Hamzah — whom King Abdullah stripped of the title of Crown Prince in 2004 — has emerged as a vocal critic, accusing Jordan’s leadership of corruption, nepotism and authoritarian rule.

Meeting with critics

A new audio recording that surfaced on Tuesday indicated that Jordanian authorities tried to silence the Prince for meeting internal critics but contained no mention of a foreign plot to destabilise the Western-allied monarchy that officials alleged he was involved in. The recording appeared to capture Saturday’s explosive meeting between Prince Hamzah and Gen. Yousef Huneiti, the military Chief of Staff, who came to the Prince’s palace to inform him that he was being placed under a form of house arrest. The Army chief is heard saying that the Prince was being punished because of meetings he had with individuals who “started talking more than they should”. The Prince responded: “You come to me and tell me in my house what to do and who to meet with in my country and from my people? Are you threatening me? ... You come to my house and tell me you and security leaders are threatening me? Not to leave your house, only go to your family and don’t tweet?” “The bad performance of the state is because of me? The failure is because of me? Forgive me but the mistakes are my fault?” he said. Gen. Huneiti, speaking in a calm voice, denied threatening him and said he was simply delivering a message from the heads of intelligence and general security. Neither man mentioned the King or a foreign plot.

Washington and Gulf allies stressed their support for the pro-Western government in Amman, seen as an anchor of stability in the West Asia.



MAYHEM IN MYANMAR

The violence of March 27, Myanmar's Armed Forces' Day, in which over 100 protesters were killed, has sent shockwaves. India, which initially expressed its "deep concern" and called for the "rule of law" and "the democratic process" to be upheld, had stopped short of directly condemning the junta's violence. It had also sent a representative to attend Saturday's celebrations. But on the day India's defence attaché, along with the representatives of seven other countries, including China, Pakistan and Russia, was attending a massive military parade in Naypyidaw, the junta was gunning down its people. The violence and the prolonged crisis seem to have triggered a stronger response from several capitals, including New Delhi. *On April 2, India, which has cultivated deep ties with Myanmar's civilian and military leaderships, condemned "any use of violence" and called for "restoration of democracy".* There is growing international appeal for ending the bloodshed, but the junta seems unperturbed. Even after the March 27 killings, protests and regime violence continue. According to independent agencies, *the junta has killed over 570 civilians, including 46 children, since the February 1 coup.* When the regime resorted to violence, *it may have calculated that swift repression would extinguish the fire for freedoms, like in 1988 and 2007. But there is a fundamental difference this time. If in the past the protests erupted against the continuing military rule, in February, the military usurped power from an elected government after a decade of partial democracy.* Those who enjoyed at least limited freedoms, first under the transition government and then under Aung San Suu Kyi, have built a stronger resistance to the junta this time. *Street protests are not the only challenge the Generals are facing. The banking system is on the brink of collapse with most staff on strike. Cash is scarce and prices of essential goods are rocketing. Industrial workers are also on strike, bringing the pandemic-battered economy to its knees.* The Generals' efforts to bring bank and government employees and port and industrial workers back to work have been unsuccessful so far. *Worse still, armed insurgent groups have thrown their weight behind the protesters, triggering fears of a wider civil conflict.* The Generals are unlikely to give up power on their own. They should be nudged to end the violence and make concessions. Initially, India and China, both vying for influence in Myanmar, were ambivalent in condemning the junta's violence because they did not want to antagonise the Generals. But an unstable Myanmar is not in the interest of any country. India, China and other countries in ASEAN should heap pressure on the junta and work towards restoring democracy in Myanmar, which is the only way forward.

VIETNAM'S PM PHUC SWORN IN AS PRESIDENT

The man behind Vietnam's successful handling of the coronavirus pandemic, *Nguyen Xuan Phuc, was formally sworn in as President in Hanoi* on Monday. Mr. Phuc, 66, was Vietnam's PM for the last five years, a period in which the economy boomed, and his government's COVID-19 response won plaudits at home and abroad. Following secret voting on Monday, Mr. Phuc scored the maximum votes among the almost 500-member rubber-stamp national Assembly. "This is his well-deserved award," said Nguyen Khac Giang, a Vietnamese politics expert. Vietnam is run by the Communist Party and officially led by the party general secretary, President, and Prime Minister Pham Minh Chinh, 62, a former deputy minister of public security, was sworn in as PM on Monday.

READING THE LAW THAT ALLOWS PUTIN TO STAY RUSSIA PRESIDENT UNTIL 2036



On Monday, Russian President Vladimir Putin signed the legislation that may be able to keep him in power until 2036, when he will be 83 years old. Putin, a former KGB officer who is now 68, completes his ongoing six-year tenure — his fourth as President — in 2024. He has already run the country either as President or as Prime Minister for more than 20 years. This is the longest period a leader has been in power since Joseph Stalin, who was Secretary General of the Communist Party of the Soviet Union (1922-1953) and the premier of the Soviet Union from 1941-1953.

What's the change

Before the new legislation was signed, a President could serve a maximum of two consecutive six-year terms. That term limit remains even in the new legislation. What has changed is that Putin's previous terms will not be counted once the new legislation comes into effect. These will be "zeroed out", giving him the option of serving two more consecutive terms after the current one ends in 2024. Putin has remained in power for so long in spite of the limit of two consecutive terms because he has alternated his roles as President and Prime Minister. At the end of his first two consecutive terms as President In 2008, Putin stepped down to become Prime Minister while the President's chair went to a chosen successor, Dmitry Medvedev. Until then, the term of the Russian President was of four years, and Putin has served in the chair from 2000 to 2008. Also in 2008, the President's term was lengthened to six years, which is why Putin's current two successive terms run for 12 years, from 2012 to 2024.

How it was changed

The legislation Putin has now signed formalises changes to the Russian Constitution that were endorsed by the people through a referendum held last year. The changes he proposed were approved by over 78% of the vote. In January 2020, he called for changes to the Constitution, which included the removal of term limits. In a speech to the State Duma (Russia's Lower House of Parliament) in March 2020, Putin cited the example of US President Franklin D Roosevelt, who served four terms — starting 1932, 1936, 1940 and 1944. Roosevelt's four-term presidency paved the way for the 22nd Amendment to the US Constitution, ratified in 1951, that limited the Presidential term to two four-year terms. In his speech, Putin said Roosevelt had to serve four terms because of the problems the US was facing at the time (Great Depression, World War II) and that, therefore, putting limits on Presidential terms was sometimes superfluous. "In conditions when a country is experiencing such shocks and difficulties, of course stability is perhaps more important and must be a priority," a Reuters report quoted Putin as saying. The Amendments in Russia were passed by the Lower House of Parliament in March last year.

Criticism

Some critics have likened Putin's move to a power grab while others have called them a "constitutional coup".

A POLITICAL GAME OF CHICKEN

If Madhav Kumar Nepal goes on to lead a new political outfit, after a vertical split of the Communist Party of Nepal-Unified Marxist-Leninist (UML), as reported in The Hindu on March 31, it would



mark the end of a long journey with the party that he was associated as a general secretary for a decade and a half and as a single-term Prime Minister of Nepal. The circumstances leading to this decision were not atypical of Nepal's polity or the vicissitudes of communist party politics, but Mr. Nepal would certainly be leaving the UML with his rival and current Prime Minister K.P. Sharma Oli in a much stronger position than he had expected after the Supreme Court on February 23 had overturned Mr. Oli's decision to dissolve Parliament. In a quirk of fate, the Supreme Court followed that decision with another one on March 7 that de-recognised the unified Nepal Communist Party (NCP) and reverted it to its two composite units before merger — the Oli-led UML and the Communist Party-Maoist Centre (led by Pushpa Kumar Dahal). In the unified NCP, Mr. Oli's supporters included former Maoist leaders such as Ram Bahadur Thapa, while the dissident wing included Mr. Dahal, Mr. Nepal and former UML general secretary and ex-Prime Minister Jhalanath Khanal. When Mr. Oli had unilaterally dissolved Parliament and sought fresh elections, the Dahal-Nepal faction led protests. The NCP was split vertically with the Dahal-Nepal faction retaining an edge in the restored Parliament, even as this divide carried over to the provinces where the NCP was in power. But the revocation of the party name by the Supreme Court changed the equations. Mr. Nepal and Mr. Khanal were back in the UML, while Mr. Dahal had to revert to reconstituting the smaller Maoist Centre. As things stand, reports indicate that the Nepal-Khanal faction has the support of more than half of the UML's Central Committee, but less than 40% of the parliamentary members — the magic figure that will allow Mr. Nepal to split the party as per the Political Parties Act, 2017. Mr. Oli's prestige might have diminished after the Supreme Court's chastening, but his power seems to have substantially restored in the UML, allowing him to include former Maoist leaders such as Mr. Thapa in the party over the dissidence of Mr. Nepal and others. If Mr. Nepal goes ahead and splits the party, irrespective of the consequences (such as losing his Parliament seat), Mr. Oli will still find it difficult to gain the support to form a majority government and that is what seems to lead to a protracted game of chicken between him and Mr. Nepal. Ever since his All Nepal Communist Revolutionary Coordination Committee (Marxist-Leninist) merged into the Communist Party of Nepal (Marxist-Leninist) in 1978, Mr. Nepal has held a senior position in both the merged outfit and later, the consolidated UML.

Democratic transition

The UML was led by Madan Bhandari during the period of transition into a multi-party democracy. Mr. Bhandari and Mr. Nepal played a significant role in changing the ideological position of the party in accepting "people's multi-party democracy" that abandoned the idea of a communist vanguard to promote a democratic multi-party system. Following Mr. Bhandari's death in a jeep accident in 1993, Mr. Nepal took a prominent role in the UML and steered the party through a long period of moderation of its ideology and adoption of flexible political positions — which included being in coalition governments with royalist parties such as the Rashtriya Prajatantra Party. After a gruesome civil war led to the emergence of the Maoists as a major political force, and following the usurping of power by the monarchy, Mr. Nepal was among the key leaders who forged first the seven-party alliance, including the Nepali Congress, the UML and others, and followed it with the eight-party alliance with the Maoists on board. This ultimately led to the downfall of the monarchy and the first Constituent Assembly (CA) elections in 2008. But Mr. Nepal, along with other senior leaders such as Mr. Oli, suffered humiliating defeats as the UML emerged as the third largest party after the Maoists and the Nepali Congress. Mr. Nepal had to resign his post and was nominated to the CA after this loss, but skilfully emerged as the Prime Minister in 2009 after being



supported by the Nepali Congress in a bid to prevent the Maoists from getting back to power. Mr. Nepal and Mr. Khanal enjoyed small stints as Prime Ministers during the first iteration of the CA that ended in a deadlock following the inability of the parties to agree on the issue of federal state restructuring. Mr. Oli's strident opposition to the demands of the plain dwelling Madhesis for a more thoroughgoing federalism and his recourse to Nepali jingoism against what was perceived as Indian interference in the Constitution making process allowed him to gain primacy as a face of status quoist forces in the UML, which emerged as second largest party in the second CA elections in 2013 behind the Nepali Congress. Mr. Oli went on to further consolidate his leadership of the UML and the turn of events following the merger of the UML with the Maoist-Centre brought Mr. Nepal and Mr. Khanal closer to the former Maoists. If the Nepal-Khanal faction creates a new party taking on Mr. Dahal, it remains to be seen how it will differentiate itself ideologically from Mr. Oli's outfit. But if his history is any clue, it won't be a surprise if Mr. Nepal manages yet another unity of disparate forces for power.

THE BIG PUSH FOR DIGITAL CURRENCY IN CHINA

China in February launched the latest round of pilot trials of its new digital currency, with reported plans of a major roll-out by the end of the year and ahead of the *Winter Olympics in Beijing in February 2022*. While several countries have been experimenting with digital currencies, China's recent trials in several cities have placed it ahead of the curve and offered a look into how a central bank-issued digital tender may impact the world of digital payments.

How does China's digital currency work?

Officially titled the *Digital Currency Electronic Payment (DCEP), the digital RMB (or Renminbi, China's currency) is, as its name suggests, a digital version of China's currency*. It can be downloaded and exchanged via an application authorised by the People's Bank of China (PBOC), China's central bank. China is among a small group of countries that have begun pilot trials; others include Sweden, South Korea and Thailand.

How is it different from an e-wallet?

Unlike an e-wallet such as Paytm in India, or Alipay or WeChat Pay, which are the two dominant apps in China, the Digital RMB does not involve a third party. For users, the experience may broadly feel the same. But from a "legal perspective", points out Santosh Pai, an Honorary Fellow at the Institute of Chinese Studies (ICS) in New Delhi and a corporate lawyer who researches Chinese regulations, the digital currency is "very, very different". This is legal tender guaranteed by the central bank, not a payment guaranteed by a third-party operator. There is no third-party transaction, and hence, no transaction fee. Unlike e-wallets, the digital currency does not require Internet connectivity. *The payment is made through Near-field Communication (NFC) technology. Also, unlike non-bank payment platforms that require users to link bank accounts, this can be opened with a personal identification number, Dong Ximiao, a think-tank researcher with the Asian Financial Cooperation Association, told Chinese media, which means "China's unbanked population could potentially benefit"*.



How widely is it being used in China?

Following trials launched last year shortly after the COVID-19 pandemic struck, 4 million transactions worth \$300 million had used the Digital RMB, the PBOC said in November. In the latest round of trials in February to coincide with the Chinese New Year holiday, Beijing distributed around \$1.5 million of the currency to residents via a lottery, with “virtual red envelopes” worth 200 RMB each (around \$30) sent to each resident. Shenzhen and Suzhou were other cities that distributed currency as part of pilot trials, which the Ministry of Commerce said will be expanded in coming months, with a wider roll-out expected before the Winter Olympics.

What are the reasons behind the push?

The trials coincided with moves by Chinese regulators to tame some of its Internet giants, including Alibaba, which is behind Alipay, and Tencent, which owns WeChat Pay. “While digital payment platforms have helped to facilitate commerce in China, they have placed much of the country’s money into the hands of a few technology companies,” said a recent report from the Center for *Strategic and International Studies (CSIS)*. *“In the fourth quarter of 2019, Alibaba controlled 55.1% of the market for mobile payments in China. Tencent controlled another 38.9%.” A “key objective of China’s sovereign digital currency” was “to maintain financial stability should ‘something happen’ to Alipay and WeChat Pay,”* Mu Changchun, the director-general of the PBOC’s digital currency institute, was quoted as saying by the South China Morning Post. Chinese regulators have also warily viewed the rise of cryptocurrencies. The central bank-issued digital RMB will turn the logic of decentralised cryptocurrencies on its head, without the privacy and anonymity they offer, by giving regulators complete control over transactions. There are global motivations as well. “Beyond China’s borders, DCEP could help facilitate the internationalisation of the renminbi,” the CSIS report said.

PHILIPPINES ACCUSES CHINA OF PLANS TO OCCUPY MORE AREAS

The Philippines’ Defence Secretary said on Sunday that China was looking to occupy more areas in the South China Sea, citing the continued presence of Chinese vessels that Manila believes are manned by militias in disputed parts of the strategic waterway. “The continued presence of Chinese maritime militias in the area reveals their intent to further occupy (areas) in the West Philippine Sea,” Defence Secretary Delfin Lorenzana said in a statement, using the local name for the South China Sea. It was the second hostile statement by Mr. Lorenzana in two days as he repeated calls by the Philippines for Chinese boats to leave Whitsun Reef, which Manila calls the *Julian Felipe Reef, located within its 200-mile exclusive economic zone.* Chinese diplomats have said the boats anchored near the reef — numbering more than 200 based on initial intelligence gathered by Philippine patrols — were sheltering from rough seas and that no militia were aboard. On Saturday, Mr. Lorenzana said there were still 44 Chinese vessels at Whitsun Reef, despite improved weather conditions.

‘No reason to stay’

“I am no fool. The weather has been good so far, so they have no reason to stay there,” he said. The Chinese Embassy responded to Mr. Lorenzana’s comments, saying it was “completely normal” for Chinese vessels to fish in the area and take shelter near the reef during rough conditions. It added,



“Nobody has the right to make wanton remarks on such activities.” *An international tribunal invalidated China’s claim to 90% of the South China Sea in 2016, but Beijing does not recognise the ruling and has built artificial islands in the disputed waters equipped with radar, missiles batteries and hangars for fighter jets. “They have done this (occupy disputed areas) before at Panatag Shoal or Bajo de Masinloc and at Panganiban Reef, brazenly violating Philippine sovereignty and sovereign rights under international law,”* Mr. Lorenzana said in his statement.

CHINA, PAKISTAN TO BACK EACH OTHER’S ‘CORE INTERESTS’ AT UN

China and Pakistan have pledged to back each other’s “*core and major interests*” in the United Nations after holding bilateral consultations on UN affairs. The countries, which describe their relationship officially as one of “*all-weather partners*” and “*iron brothers*”, *have in recent months stepped in to provide crucial support to the other on issues they see as sensitive, with Beijing raising the Kashmir issue at the UN Security Council and Islamabad backing China on Hong Kong and Xinjiang.* The two sides on Thursday held the third round of consultations on UN affairs virtually, led by Yang Tao, Director-General of the Department of International Organisations and Conferences of China’s Foreign Ministry, and Usman Iqbal Jadoon, Director-General (United Nations) of Pakistan’s Foreign Ministry, and with their permanent missions to the UN in New York and Geneva also participating. In a joint statement, the two countries said they would “*firmly safeguard multilateralism and support the central role of the United Nations in international affairs.*” *This comes amid heightened Chinese criticism of what it calls United States-led “selective multilateralism”, aimed particularly at the India, U.S., Australia and Japan Quadrilateral framework, as well as the “rules-based order” advocated by the Quad.*

Peace and stability

China and Pakistan also agreed to “strengthen their cooperation on the UN and other multilateral platforms and to support each other on each side’s core and major interests, work toward the political and peaceful resolution of regional and international hotspot issues, and jointly safeguard peace and stability of the world, especially in Asia.” The statement said they would “continue to strengthen cooperation on counter-terrorism and peacekeeping in the UN framework, by addressing the issue of terrorism in all its forms and manifestations”. *China has in the past stepped in on many instances to block the listing of Pakistani terrorists at the UNSC sanctions committee..* The statement added they would “*consolidate strategic coordination in the field of human rights, jointly opposing double standards and the politicisation of human rights issues, and working for the promotion and protection of all human rights in a cooperative manner.*” *China in 2019 and 2020 raised the Kashmir issue at the UNSC on at least three occasions, calling for discussions in the wake of India’s dilution of Article 370, reorganisation of Jammu and Kashmir and revocation of special status. Pakistan, meanwhile, has lobbied for China’s support amid increasing criticism from western countries over Xinjiang. In October, Pakistan also made a joint statement on behalf of 55 countries at the UN “opposing interference in China’s internal affairs under the pretext of Hong Kong.”*

RUSSIA TO SUPPLY MILITARY GEAR TO PAKISTAN

Russia’s Foreign Minister on Wednesday said Moscow and Islamabad would boost ties in the fight against terrorism, with Russia providing unspecified military equipment to Pakistan and the two



holding joint exercises at sea and in the mountains. Sergey Lavrov spoke on the second day of a two-day trip to Pakistan. It's the first visit by a Russian Foreign Minister in nine years, part of an effort to improve ties. It comes as Moscow seeks to increase its stature in the region, particularly in Afghanistan. There, it has sought to inject itself as a key player in efforts to find a peaceful end to decades of war. "We stand ready to strengthen the anti-terrorist potential of Pakistan, including by supplying Pakistan with special military equipment," Mr. Lavrov said, without going into detail about the equipment. Washington is reviewing an agreement it signed more than a year ago with the Taliban as it rethinks a May 1 withdrawal of its soldiers. Meanwhile, Moscow has stepped up its involvement in Afghanistan, emerging as a significant player. Last month, it hosted talks between the Taliban and senior government officials, and Mr. Lavrov suggested another high-level meeting could again be held in Moscow. Mr. Lavrov arrived in Pakistan on Tuesday from neighbouring India, with whom Moscow has had a long and solid relationship. The apparent reset in Pakistani-Russian relations, however, is by contrast a recent phenomena. In the 1980s, Pakistan was a staging arena for anti-communist Afghan rebels who were aided by the U.S. to oust the former Soviet Union, which negotiated an end to a 10-year occupation in 1989.

Gas pipeline

Russia is also building a gas pipeline between the southern port city of Karachi and eastern Lahore. Pakistan's Foreign minister Shah Mahmood Qureshi said Islamabad will also buy 5 million doses of the Russian made COVID-19 Sputnik V vaccine, and expressed a desire to eventually manufacture it in Pakistan. He said Pakistan also wanted Russian expertise to modernise its antiquated railway system as well as its energy sector. The visit underlines the waning influence of the U.S. in the region, while Russian and Chinese clout grows, says Michael Kugelman, deputy director of the Asia Program at the U.S.-based Wilson Center. "There's a good reason why this is the first Russian Foreign Minister visit to Islamabad for nearly a decade: Russia-Pakistan relations are on the ascent," he said. *He also noted a new 25-year development agreement between Iran and China. Pakistan also is a key player in China's Belt and Road Initiative — a massive, cross-continental infrastructure development project aimed at expanding China's commercial connections globally. "America will soon be ceding important real estate to its top rivals," said Mr. Kugelman. "That's the cost of an impending U.S. withdrawal from the region. But with the U.S. intent on pulling back, it is seemingly a cost it is willing to bear."*

MISOGYNY, BY IMRAN

For someone who has lived a storied life, as player and playboy, cricket captain and prime minister, Imran Khan could have been an exception. But, here he is, doing what all disappointing men in power do: Blaming it on women. *The Pakistan PM, who prefers a homily to action as much as any other politician, responded to questions of rising sexual crimes in Pakistan with a lecture on modesty. The purdah, he said, was necessary if hapless men without "will power" had to be saved from the "temptation" of raping women. He went on to denounce an epidemic of "vulgarity", and hinted darkly at Bollywood's role in turning Delhi into a "rape capital".* Just the kind of fervour that would have made indignant uncles on this side of the border proud, especially those who go around taking offence to women in ripped jeans and female political rivals who show off a plastered leg. *Such regressive loose talk from a PM has grim implications in a country in which the connections between rape and patriarchal bias of family and religion are rarely acknowledged, in*



which women taking out a march for gender justice are accused of "blasphemy". Not surprisingly, activists and women have reacted with horror at *Khan's insistence that women bear the responsibility of sexual assault. That includes ex-wife Jemima Khan, who quoted the Quran back at Khan, and tennis ace Martina Navratilova, who said it was a shame Khan chooses "not to be better" than this.* Unlike women, men in patriarchal societies are rarely disqualified because they have a past, even if it is as colourful as Khan's. All they need to do is to put their progressive pretensions behind the purdah and join the old boys' club. For Khan, who has pulled off the transformation from a sex symbol in the "reprobate" West to playing footsie with Islamic fundamentalists to keep the focus off an imploding economy and shrinking geopolitical power, this is all in a day's work.



DreamIAS



NATION

SERGEI LAVROV VISIT TO INDIA

Russian Foreign Minister Sergei Lavrov's visit to Delhi this week, saw both he and External Affairs Minister S. Jaishankar reaffirming traditional India-Russia ties, but there were signs that those ties are being tested. *Mr. Lavrov's trip was to make preparations for the upcoming visit of Russian President Vladimir Putin for the annual summit* — it was postponed last year due to the coronavirus pandemic. On the bilateral front, both sides appeared to make progress on strategic cooperation, cooperation in energy, nuclear and space sectors, and on talks on a free trade agreement with the *Eurasian Economic Union (EAEU)*. Also discussed were more agreements on military-technical cooperation for the joint production of India-made Russian weapons, with Mr. Lavrov highlighting Russia being the only partner supplying India "cutting-edge military technology". While neither side referred to the *upcoming delivery of the \$5 billion S-400 missile defence system* directly, they reaffirmed their commitment to their defence partnership, as well as avenues for more investment in connectivity including the International *North-South Transport Corridor* and the *Chennai-Vladivostok Eastern Maritime Corridor*. The areas of divergence over their worldview seemed to emerge during their public remarks, which were prefaced by Mr. Jaishankar's reference to the "rebalanced nature" of international relations. Mr. Lavrov's praise of Russia-China ties was clearly not shared by Mr. Jaishankar. *While he referred repeatedly to India's "Indo-Pacific" strategy, Mr. Lavrov preferred the more continental reference to the "Asia-Pacific" region. Mr. Lavrov's derisive indirect reference to the Quad as an "Asian NATO" was significant, although he said both sides agreed that military alliances in Asia were inadvisable and counterproductive. On Afghanistan as well, the Russian push for bringing the Taliban into a power-sharing arrangement in Kabul seemed to come up against India's consistent push for a "democratic Afghanistan"*. Beyond those divergences, it was the optics of Mr. Lavrov's brief visit that fuelled the impression that New Delhi and Moscow are not as much on the same page as they have traditionally been; it did not include a meeting with *Prime Minister Narendra Modi, unlike earlier. The absence of a meeting at the highest level seemed more in focus, as Mr. Modi met with U.S. Special Envoy John Kerry just a day later, and at his next stop, in Islamabad, Mr. Lavrov was received by Prime Minister Imran Khan and Pakistan Army Chief General Bajwa*. This was Mr. Lavrov's first visit to Pakistan in nine years, and was a clear message of deepening ties. Unlike in 2012, Mr. Lavrov this time said that Russia was ready to strengthen Pakistan's counterterrorism efforts with the supply of "relevant equipment", which will raise eyebrows in Delhi. While India and Russia have successfully addressed divergences between them, even deep, traditional and "time-tested relations" of the kind they have shared for decades cannot be taken for granted, and the two sides should move quickly, if they desire to dispel the notion that those ties are under any strain.

EXPLAINING PAKISTAN'S FLIP-FLOP ON TRADE WITH INDIA

Pakistan's double U-turn on resuming trade with India highlights the internal differences within Ministries, between business and political communities, and the emphasis on politics over economy and trade. It also signifies Pakistan cabinet's grandstanding, linking normalisation of ties with India to Jammu and Kashmir. On March 31, Pakistan's new Finance Minister Hammad Azhar, announced Pakistan's Economic Coordination Committee (ECC)'s decision to import cotton, yarn,



and 500,000 metric tons of sugar from India. The media dubbed it as a political breakthrough but the ECC's decision was not on bilateral trade; it was about importing only three items — cotton, yarn and sugar. A day later, Pakistan's cabinet overruled the decision; the meeting was chaired by Prime Minister Imran Khan and which included Shah Mohammad Qureshi (Foreign Affairs Minister), Fawad Chaudhry (Science and Technology Minister) and Shireen M. Mazari (Human Rights Minister). The Dawn quoted Mr. Qureshi as saying, "A perception was emerging that relations with India have moved towards normalization and trade has been opened... there was a unanimous opinion ...as long as India does not review the unilateral steps it took on August 5, 2019, normalising relations with India will not be possible." Mr. Hammad Azhar, whose Ministry proposed the idea, accepted the cabinet's decision as the working of "economic and political interface in a democracy", and it was left with the Prime Minister and the cabinet to "endorse, reject or modify" the ECC's proposals. However, Pakistan's textile industry has not taken the cabinet's decision kindly; for them, importing cotton yarn from India is an immediate need; else, it would impact their export potential. Three takeaways can be identified from the above. The first relates to the ECC's decision to import only three items from India, namely cotton, yarn and sugar. It was based on Pakistan's immediate economic needs and not designed as a political confidence-building measure to normalise relations with India.

'Talks and terror'

India has also told Pakistan that "talks and terror" cannot go together and has asked Islamabad to take demonstrable steps against terror groups responsible for launching various attacks on India. The ECC's decision had raised hopes of a partial revival of Pakistan-India trade relations, which were suspended after the August 5, 2019 decision of New Delhi to revoke the special status of J&K. In May 2020, Pakistan lifted the ban on the import of medicines and raw material of essential drugs from India amid the pandemic. The revocation of the special status angered Pakistan, which downgraded diplomatic ties and expelled the High Commissioner in Islamabad. It also snapped all air and land links and suspended trade.

INDIA PROTESTS U.S. NAVAL EXERCISE

India said on Friday it has *protested the U.S. decision to conduct a patrol in the Indian Exclusive Economic Zone (EEZ) in the western Indian Ocean*, rejecting the U.S.'s claim that its domestic maritime law was in violation of international law. *In a rare and unusual public statement, the U.S. Navy announced that its ship, USS John Paul Jones, had carried out Freedom of Navigation Operation (FONOP) in the Indian EEZ, adding that its operations had "challenged" what the U.S. called India's "excessive maritime claims".* "USS John Paul Jones asserted navigational rights and freedoms approximately 130 nautical miles west of the Lakshadweep Islands, inside India's exclusive economic zone, without requesting India's prior consent, consistent with international law," the U.S. Navy's 7th fleet said in a statement on April 7. *"India requires prior consent for military exercises or manoeuvres in its exclusive economic zone or continental shelf, a claim inconsistent with international law." This FONOP upheld the rights, freedoms, and lawful uses of the sea recognised in international law by challenging India's excessive maritime claims, the statement said.* "We conduct routine and regular FONOPs, as we have done in the past and will continue to in the future. FONOPs are not about one country, nor are they about making political statements," it added.



PM TO LAUNCH VESSEL FOR THE SEYCHELLES

Prime Minister Narendra Modi will hand over a fast patrol vessel to the Seychelles Coast Guard on Thursday. The handing over will be part of a high-level virtual interaction between the Indian leader and the President of the Seychelles, Wavel Ramkalawan. This is the first interaction between the two leaders since Mr. Ramkalawan won the October 2020 election in the Seychelles. *The African archipelago nation has been a steady part of India's policy for the Indian Ocean region and Mr. Modi visited the country in 2015.* India gifted similar vessels to the Seychelles in 2005, 2014 and 2016. During the event, the leaders will inaugurate a 1 MW solar power plant, and the Magistrates' Court building project in Mahe, the largest island in the archipelago. The Magistrates' Court will help the Seychelles in centralising the legal and administrative processes that are spread over different regions of the nation.

Anti-piracy operations

The fast patrol vessel PS Zoroaster will help the Seychelles in carrying out anti-piracy operations. The vessel, built by the Kolkata-based Garden Reach Shipbuilders and Engineering Limited, was delivered to Seychelles on March 16 and will be dedicated to the Seychelles Coast Guard by Prime Minister Modi during the virtual interaction. The virtual interaction comes weeks after India gifted 50,000 doses of the Covishield vaccine to Seychelles.

GOVT. RUBBISHES RAFALE REPORT, CONG. SEEKS PROBE

A French media report that stated that France's anti-corruption agency, *Agence Française Anticorruption (AFA)*, had found that aircraft manufacturer *Dassault Aviation* had paid €1 million to an Indian company in connection with the 2016 Indo-French Rafale deal, prompted the Congress on Monday to demand an independent investigation and answers from Prime Minister Narendra Modi. However, Union Law Minister Ravi Shankar Prasad dismissed the reports of pay-offs to a middleman in the €7.87 billion fighter aircraft deal as "completely baseless". He reiterated that the Supreme Court had rejected a demand for a probe in the purchase of the aircraft and the Comptroller and Auditor General (C&AG) had also found nothing wrong. Congress general secretary Randeep Surjewala, however, claimed that the latest revelation by the French news portal — Mediapart — was a vindication of former party chief Rahul Gandhi's allegations of corruption in the Rafale deal. The Congress was quick to hold a press conference to reiterate its earlier allegations of corruption and sought fresh answers from Mr. Modi, a day before the third phase of voting in Assam and West Bengal and polling in Tamil Nadu, Kerala and Puducherry. In the run-up to the 2019 Lok Sabha election, Mr. Gandhi had made the alleged corruption in the Rafale deal as the party's main poll plank but the BJP's thumping victory made the issue politically unsustainable. The latest investigations by Mediapart could, however, revive the issue in the election season, especially in West Bengal where there are five more phases of voting. The French portal reported that an Indian company owned by a middleman, being investigated for another defence deal in India, received payment to the tune of € 1.1 million. "That middleman is now accused of money laundering in India in another defence deal. The company said the money was used to pay for the manufacture of 50 large replica models of Rafale jets, even though the inspectors were given no proof that these models were made. Yet against all apparent logic, the AFA decided not to refer the matter to prosecutors," according to the Mediapart investigation. *Dassault had provided AFA with a*



“proforma invoice” dated March 30, 2017 supplied by an Indian company called Defsys Solutions which according to the AFA investigation report was related to 50% of the total order (€1,017,850), for the manufacture of 50 models of the Rafale C, with a price per unit of €20,357. However, the report claimed, Dassault was unable to provide the AFA with a “single document showing that these models existed and were delivered, and not even a photograph” when AFA inspectors subsequently found these details in mid-October 2018 and asked the company for an explanation. “The inspectors thus suspected that this was a bogus purchase designed to hide hidden financial transactions,” it said. The Indian company in question, Defsys Solutions — one of Dassault’s sub-contractors in India for the Rafale deal — specialises in assembles flight simulators and optical and electronic systems for the aeronautical industry, often under licence for foreign companies, according to the report. The company belongs to the Gupta family, one of whom is being investigated in the AgustaWestland VVIP chopper deal. Sushen Mohan Gupta was arrested by Enforcement Directorate in March 2019 for kickbacks in the AgustaWestland deal and was later released on bail. Mr. Gupta is also alleged to have worked for Dassault and obtained confidential documents from the Defence Ministry in India. “Does it now not require a full and independent investigation into India’s biggest defence deal to find out as to how much bribery and commission in reality, if any, was paid and to whom in the Indian government? Will Prime Minister Narendra Modi answer to the nation now?” Mr. Surjewala said. “How can middleman and payment of commission be permitted in a ‘government-to-government Defence Contract’ or in any Defence procurement in India in violation of the mandatory Defence Procurement Procedure,” he added. Dismissing the latest claims, the Law Minister suggested that the report in the French media about the alleged financial irregularity may be due to “corporate rivalry” in that country. Mr. Prasad also added that the Congress had raised the issue in the 2019 Lok Sabha poll but lost badly.

CENTRE SEEKS NOD TO CLOSE ITALIAN MARINES CASE

The government on Wednesday asked the Supreme Court to schedule an urgent hearing of its application to close the criminal trials pending in India against two Italian marines accused of killing two fishermen off the coast of Kerala in 2012. A Bench led by Chief Justice Sharad A. Bobde agreed to hear the case on April 9. Solicitor General Tushar Mehta, for the government, said the victims’ families have been compensated and the case needs to be disposed of. Eight months ago, the Centre had informed the apex court about its decision to “accept and abide” by an international tribunal’s award that the Marines, Salvatore Girone and Massimiliano Latorre, should be tried in their native Italy. The government had explained that India was bound by the award of the arbitral tribunal formed under the United Nations Convention on the Law of the Sea (UNCLOS). The award was “final and without appeal” as India was a party to the UN Convention. In a virtual hearing in August last year, the court had made it clear that it would close the criminal trial of the Marines in India only after the victims’ families were heard and paid a ‘hefty’ compensation. The court had asked the government to negotiate an ‘adequate’ compensation for the slain fishermen’s families with Italy. “We appreciate the steps taken by Italy to prosecute the two Marines... You want to withdraw the criminal cases against them, but you have not been able to fix the compensation [for the families of the victims]. Secondly, the fact is that there is a pending trial in a criminal court and the victims’ families are parties there. How can we order withdrawal of the cases here without first hearing them?” Chief Justice Bobde, heading a three-judge Bench, had asked Mr. Mehta and advocate Suhail Dutt, for Italy, in that hearing. Girone and Latorre, who were detailed on the Italian ship Enrica Lexie, allegedly shot the fishermen thinking they were ‘pirates’. India is entitled to

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



compensation for the loss of life. Its freedom and right of navigation was violated by the Marines, the U.N. tribunal had held.

SALARY, PENSION FUNDAMENTAL RIGHTS OF ALL EMPLOYEES

The Delhi High Court on Monday said salaries and pension are fundamental rights of employees or retirees while dismissing a plea by North Delhi Municipal Corporation to extend the time for clearing arrears of staff. A Bench of Justice Vipin Sanghi and Justice Rekha Palli denied refused to entertain a plea by the corporation. seeking extension of time to clear arrears of salaries and pension of serving and retired employees of all categories from April 5 to April 30. The court said the non-availability of funds is not a ground to deny salaries and pension to the employees on time. *“The right of employees to get salaries and pension is a fundamental right. The right to get salaries and pension is a part of the right to life and liberty under the Constitution,”* the court said. The court had on March 9, directed all the three municipal corporations of Delhi to clear all the arrears of pension and salaries of all the ex-employees and serving staff of all categories on or before April 5. Senior advocate Sandeep Sethi, representing the Delhi government, said it was the only government that was not getting grants from the Centre to pay municipal corporations and that they have to manage their own affairs also.

CHALLENGE ON BENCH

Despite the reservations of at least two of his colleagues, outgoing Chief Justice of India S A Bobde held a meeting of the collegium Thursday, with just two weeks to go to his retirement, to discuss appointments to the Supreme Court. The meeting ended in a deadlock, without a consensus on making any recommendation. *The shadow of mistrust between the members of the collegium headed by CJI Bobde exposes the faultlines within the judiciary. This comes at a time when the process of appointment needs to be initiated for at least five judges, with four more, including CJI Bobde, retiring this year. CJI Bobde will perhaps be the first chief justice to have not made even a single recommendation for appointment as SC judge. The appointment of judges has seen sparring between the executive and the judiciary, which should be resolved through constitutional channels. The Supreme Court is currently hearing a case on appointment of judges to high courts in which it has asked the government to expedite the matter. In response, the government forwarded over 45 names that were pending with it, for collecting intelligence inputs on candidates. However, when the sparring is within the collegium — a system designed by the judges themselves — the resolution has to come from within. This impasse within the collegium, which has continued throughout CJI Bobde’s 14-month tenure, shows that the lack of faith amongst colleagues on the bench runs deep. While the collegium for appointing judges to the high court — which comprises the CJI and two senior-most judges — continues to meet and function, in 16 months there has been no recommendation sent to the government for the Supreme Court.* This has a chance to change on April 23 when CJI Bobde retires and Justice N V Ramana takes over. While the 14-month impasse has highlighted the constraints that CJI Bobde worked with, it also underlines the challenges for his successor. The collegium headed by him will have four colleagues from Bombay, including *Justices U U Lalit and D Y Chandrachud — two future chief justices. As head of the collegium, the CJI has the same vote as other members. The onus is on each of them to ensure that the stalemate ends.* The collegium members have to make a fresh start and engage with each other. *A transparent process adds accountability that is much needed to resolve the deadlock. Individual disagreements over certain*



names will continue to take place, but care must be taken that the institutional imperative of dispensation of justice does not suffer.

JUSTICE RAMANA WILL BE NEXT CJI

President Ram Nath Kovind on Tuesday appointed Justice N.V. Ramana as the 48th Chief Justice of India with effect from April 24. Born into a family of agriculturists in Krishna district of Andhra Pradesh, Chief Justice of India-designate Justice Ramana has adorned many hats — from student leader working for farmers and industrial workers to journalist for a leading Telugu newspaper to a first-generation lawyer. He was Additional Advocate General for Andhra Pradesh before being called to the State High Court Bench in 2001. Justice Ramana was the Delhi High Court Chief Justice prior to his elevation to the top court. As CJI, Justice Ramana will have a tenure of 16 months. The incumbent CJI Sharad A. Bobde had recommended Justice Ramana, the seniormost judge of the top court, for appointment as the 48th Chief Justice of India in a letter addressed to the Ministry of Law and Justice, dated March 24. “In exercise of the powers conferred by clause (2) of Article 124 of the Constitution, the President is pleased to appoint Sri. Nuthalapati Venkata Ramana, judge of the Supreme Court, to be the Chief Justice of India with effect from April 24, 2021,” the Ministry said in a notification. With this, both the Supreme Court and the government have followed the seniority norm in the appointment of CJIs. As Executive Chairman of National Legal Services Authority, Justice Ramana was responsible for making India’s legal aid programme the largest in the world with aid provided on the basis of a ‘means test’ rather than on basis of fixed categories. Justice Ramana has said one of his primary objectives, besides providing easy access to justice, would be to improve the judicial infrastructure through a special purpose vehicle called the ‘National Judicial Infrastructure Corporation’ to act as a nodal agency.

FREE AND UNHINDERED JUSTICE

It is ironic that it has taken a pandemic to acknowledge the significance of fair and equal access to the Supreme Court, or the lack thereof. While the lockdown limited people’s movements, it opened new vistas for litigants and lawyers across India to approach, through technology, the country’s highest court with relative ease. It is no wonder then that despite demands for a return to physical hearings by the Bar in Delhi, there are calls for virtual access to the Supreme Court to continue.

Increasing reach

Even at the time the Constitution was being debated by the Constituent Assembly, geographical access to the Supreme Court was flagged as a concern. The B.R. Ambedkar-led Drafting Committee was nevertheless of the view that the Court must have a specified place of sitting and that litigants should “know where to go and whom to approach”. However, the framers of the Constitution agreed that the volume of litigation from different parts of the country may require the Supreme Court to increase its reach and hold court elsewhere. Accordingly, in recognition of the same, the Constitution empowered the Chief Justice to hold sittings of the Supreme Court through Circuit Benches in places other than Delhi as well. However, despite an increasing caseload and repeated pleas by litigants and governments, successive Chief Justices have refused to invoke this constitutional power for reasons best known to them. In India, given the unified, single-pyramidal structure of the judicial system, all types of cases can potentially make their way to the Supreme Court, irrespective of the



place or forum of the original institution. It is the effective exercise of that right, however, that is curtailed by the court assembling exclusively in Delhi. According to a report by the Centre for Policy Research, a disproportionately high number of cases filed in the Supreme Court originated in High Courts closer to Delhi. For instance, cases from States like West Bengal, Bihar and Andhra Pradesh, which collectively account for around a fifth of India's total population, contribute to less than 10% of the court's docket. On the other hand, almost 18% of all cases in the Supreme Court originate from Punjab and Haryana, with less than 5% of the total population share. Geographical constraints have also meant that appearing before the Supreme Court has inescapably become the domain of a select few lawyers in and around Delhi. Such implied exclusivity consequently translates into steep and often prohibitive monetary costs for litigants. Without the option of a local advocate of their choice, litigants are forced to choose from what the Bar in Delhi offers, both in terms of quality and costs.

A Court for everyone

Thus, the pandemic, although for different reasons, has compelled the Supreme Court to attempt to overcome physical constraints in an effort to increase access, albeit virtually. Over the past year, with virtual hearings, what was seen as the exclusive domain of a limited number of lawyers in Delhi has opened up to advocates from all over India, most of whom could only ever have dreamt of addressing the Supreme Court in their lifetimes. Litigants now have the option to engage a local lawyer of their own choice and convenience, including the same lawyer who argued their case before the lower court. Indeed, virtual hearings may not be the perfect alternative, but such imperfections must be preferred over a denial of the right to access justice itself. It is only when each person in India is provided unhindered access to its corridors can the Supreme Court be said to have fulfilled its constitutional promise. More than one Law Commission and Parliamentary Committee have recommended Circuit Benches of the Supreme Court to be set up around the country. Nonetheless, till the judiciary acts on such proposals, virtual hearings should be allowed to continue, if not as a matter of right, then at least as a matter of just and equitable policy.

ADOPTION AUTHORITY GETS HC NOTICE ON PLEA

The Delhi High Court has issued notice to the *Central Adoption Resource Authority (CARA) on a plea by a Hindu couple, living in the U.S., seeking a no-objection certificate (NOC) to adopt a child born to Christian parents.* "The present petition raises an issue of enormous importance as it relates to a legal vacuum in respect of adoptions carried out prior to the coming into force of the *Juvenile Justice [Care and Protection of children] Model Rules, 2016... in respect of a child born to Christian parents, as in the present case,*" Justice Prathiba M. Singh remarked in a March 15 order. *As per the couple, they adopted a minor child, who was born on December 11, 2014, from Ferozepur, Punjab. The biological parents of the child got the legal formalities done for completion of adoption of the child with them by preparing an adoption deed which was signed and executed between the biological and the adoptive parents of the child. The adoption deed was duly witnessed by the village sarpanch as well as the relative – social worker and was also registered on December 18, 2014 under the provisions of the Hindu Adoptions and Maintenance Act (HAMA), 1956, the couple said.*

Passport issue

As the couple are U.S. citizens and their parents resides in Kerala, the child has since the adoption been living in Kerala with grandparents. The couple said they have been unable to obtain a



passport for the child till date. Now the child herself is aged more than six and the couple claim that they are visiting her regularly, on an annual basis, and are also in touch with her through electronic platforms. In the meantime, the couple took various steps for seeking a declaration of parenthood, including the filing of a civil suit before a Court in Ferozepur. However, the Court refused to grant the declaration on the ground that the Hindu Adoptions and Maintenance Act, 1956, does not apply to Christians. The couple contended that in order to obtain a passport for the child, they approached CARA in October 2016 to get an NOC. However, CARA rejected the application and in addition initiated action against them, the relative who helped in the adoption, and also the grand parents of the adopted child. They argued the mere fact that the adoption deed was registered under HAMA, ought not to be used to invalidate legality of the adoption, as the child is happily living with the grandparents and is in complete protection and care of the adoptive parents. *“The welfare of the child is paramount in such cases and the validity of the rejection of the NOC by CARA is to be examined by the Court,” Justice Singh said while posting the case for further hearing on April 22. “No coercive measures shall be taken pursuant to the letter dated March 2, 2020, against the petitioners, the child, their relatives, or any person who facilitated the adoption...,” the court said.*

A DISTURBING ORDER

The order of a civil court in Varanasi that the Archaeological Survey of India (ASI) should conduct a survey to ascertain whether the Gyanvapi mosque was built over a demolished Hindu temple is an unconscionable intervention that will open the floodgates for another protracted religious dispute. The order, apparently in gross violation of the explicit legislative prohibition on any litigation over the status of places of worship, is likely to give a fillip to majoritarian and revanchist forces that earlier carried on the Ram Janmabhoomi movement over a site in Ayodhya. That dispute culminated in the country's highest court handing over the site to the very forces that conspired to illegally demolish the Babri Masjid. The plaintiffs, who have filed a suit as representatives of Hindu faith to reclaim the land on which the mosque stands, have now succeeded in getting the court to commission an ASI survey to look for the sort of evidence that they would never have been able to adduce on their own. The order has been issued despite the fact that the Allahabad High Court reserved its order on the maintainability of the suit on March 15 and is yet to pronounce its ruling. It is not clear why the civil judge did not wait for the ruling and went ahead with his directive to the ASI. By an order in 1997, the civil court had decided that the suit was not barred by the Places of Worship (Special Provisions) Act, 1991, which said all pending suits concerning the status of places of worship will abate and that none can be instituted. The 1991 Act also froze the status of all places of worship, barring the then disputed site in Ayodhya, as on August 15, 1947. There was another exception — any place of worship that was an archaeological site or ancient monument covered by the Ancient Monuments and Archaeological Sites and Remains Act, 1958. On a revision application, another court had asked the trial court to decide afresh the question whether the suit was barred afresh “after taking evidence”. Presumably, the latest application seeking a survey by the ASI as an expert body is aimed at providing that “evidence”. Regardless of the merits of either side's case, it ought to be clear to anyone concerned with peace and harmony in the country that the attempt to resurrect disputes buried by law is a serious setback to the cause of secularism and peaceful coexistence. That new challenges are emerging to the wisdom of Parliament in giving a statutory quietus to squabbles over religious sites is deeply disturbing.



PEOPLE ARE FREE TO CHOOSE RELIGION

The Supreme Court on Friday said people are free to choose their religion, even as it lashed out at a *“very, very harmful kind” of “public interest” petition claiming there is mass religious conversion happening “by hook or by crook” across the country.* Instead, a Bench, led by Justice Rohinton F. Nariman, said people have a right under the Constitution to profess, practise and propagate religion. *“Why should a person above 18 years not choose his religion? What kind of a writ petition is this? We will impose heavy costs on you... Withdraw it or argue and risk the consequences,”* Justice Nariman told petitioner-advocate Ashwini Kumar Upadhyay. Justice Nariman reminded Mr. Upadhyay of the fundamental right under Article 25 of the Constitution to freely profess, practise and propagate religion, subject to public order, morality and health. *“Why do you think there is the word ‘propagate?’”* Justice Nariman asked the petitioner. *Religious conversion is being done through a “carrot-and-stick” approach, Mr. Upadhyay had claimed in his petition. Justice Nariman said every person is the final judge of his/her choice of religion or who their life partner should be. Courts cannot sit in judgment of a person’s choice of religion or life partner. Religious faith is a part of the fundamental right to privacy. Justice Nariman reminded Mr. Upadhyay of the Constitution Bench judgment which upheld inviolability of the right to privacy, equating it with the rights to life, of dignity and liberty.* Mr. Upadhyay’s petition was dismissed as withdrawn. His pleas to approach the Law Commission or the High Court with the petition was not expressly allowed by the Bench. *The petition alleged that the court should direct the Centre and the States to control black magic, superstition and religious conversion being done through threats, intimidation or bribes. “There is not even one district which is free of black magic, superstition and religious conversion... Incidents are reported every week throughout the country where conversion is done by intimidating, threatening, luring through gifts and monetary benefits,”* the petition alleged.

WEARING MASK MANDATORY EVEN IF DRIVING ALONE

The Delhi High Court on Wednesday ruled that wearing a mask, or face cover, is compulsory in a vehicle even if a person is driving alone. *“A mask is a suraksha kavach for preventing the spread of the coronavirus,”* Justice Prathiba M. Singh remarked, while dismissing four different pleas challenging the ₹500 challan issued for not wearing masks while travelling alone in private cars. *“A vehicle which is moving across the city, even if occupied at a given point in time by one person, would be a public place owing to the immediate risk of exposure to other persons under varying circumstances,”* the court said.

Lawyer’s case

In one of the four cases, a lawyer, who was driving his car alone to his chambers at the Tis Hazari Courts on August 9, 2020, was stopped near Aruna Asaf Ali Hospital, Rajpur Road, Civil Lines, by the police. He was travelling alone, with his mask hanging on his face from one of his ears. His case is that since he was in the car alone, he had not put on the mask properly and that he had intended to wear it as soon as he stepped out of the car. He said the four windows of his car were closed. When the police official stopped his car, he was informed that not wearing a mask was a *violation of the Delhi Epidemic Diseases (Management of COVID-19) Regulations, 2020, and a sum of ₹500 was imposed on him as fine.* The lawyer had sought to declare that privately owned cars were private places for the purpose of the regulations. *Apart from the refund of the ₹500, he sought a ₹5 lakh*



compensation. The High Court clarified that authorised persons under the regulations would include a District Magistrate, a Sub-Divisional Magistrate or any officer of the Health Department who may be authorised or the State government. They include officials who hold the position of a sub-inspector or above in the Delhi Police.

Exposure possible

Justice Singh highlighted that a person travelling in a vehicle or car, even if he was alone, could be exposed to the virus in various ways. *“The person may have visited a market, or workplace, or hospital or a busy street, prior to entering the car or vehicle. Such a person may be required to keep windows open for the purposes of ventilation.” “The vehicle may also be required to be stopped at a traffic signal and the person could purchase any product by rolling down the window. The person may thus be exposed to a streetside vendor. Thus, it cannot be said that merely because the person is travelling alone in a car, the car would not be a public place,”* he said.

EMPLOYER CAN REJECT CANDIDATE ACQUITTED OF SERIOUS CRIME

The Supreme Court has held that a public employer can reject a candidate as unsuitable if he had, in the past, been acquitted of a serious crime merely on the benefit of doubt. A Bench, led by Justice Sanjay Kishan Kaul, said an acquittal on the benefit of doubt is quite different from an honourable acquittal. “The mere fact of an acquittal would not suffice but rather it would depend on whether it is a clean acquittal based on total absence of evidence or in the criminal jurisprudence requiring the case to be proved beyond reasonable doubt, that parameter having not been met, benefit of doubt has been granted to the accused,” the court said. *A person should be honourably acquitted of a heinous crime to be considered eligible for public employment.*

Mode of acquittal

“An accused who is acquitted after full consideration of the prosecution evidence and prosecution has miserably failed to prove the charges levelled against the accused, it can possibly be said that the accused was honourably acquitted,” the Court explained in a recent judgment. Besides, the SC observed that *“acquittal in a criminal case does not automatically entitle a candidate for appointment to the post”*. The case concerned a man acquitted of murder after witnesses turned hostile in Rajasthan in 2009. He was part of a group of people who ran a tractor over a woman and later knifed people who tried to resist them.

THE BENCHMARK

When a law is used to curtail individual freedoms in a constitutional democracy, crucial checks and balances must kick in to draw the red lines that protect against state arbitrariness. This is especially so when the state wields a law as harsh as the National Security Act, which gives it powers to arrest without formal charge or trial. In Uttar Pradesh, over the last three years, this newspaper has investigated and found, out of the 120 habeas corpus petitions that came before it under the NSA, more than half of them citing cow slaughter and communal incidents, the preventive detentions of 94 individuals were struck down by the Allahabad High Court. Behind those statistics lies a story of the disturbing failure of systemic safeguards, of constitutional protections not kicking in when and where they should have — while quashing NSA orders across 32 districts, and calling for the



release of the petitioners, the court's orders showed that there were cut-and-paste police FIRs in multiple locations, "non application of mind" by the district magistrates, denial of due process to the accused and repeated use of the law to block bail. There is a dismal pattern here. At the same time, however, the pushback by the Allahabad HC also frames the one important check that did work — that did come to the rescue of the individual against the transgressing state. In asking questions, in pointing to the questions not asked by the detaining authorities, the high court was upholding, in letter and spirit, constitutional guarantees and the promise made by the higher judiciary — that preventive detention under NSA must be strictly construed keeping in mind the "delicate balance between social security and citizen freedom". The Supreme Court has called for "meticulous compliance with the procedural safeguards". In case after case, and especially in those related to cow slaughter and communal incidents — issues that have often been politically weaponised to target members of the minority community in the state — the balance was abandoned, and available safeguards given the go-by. "... slaughtering and consumption of beef per se cannot attract the provisions of the National Security Act... It would be an offence under the provisions of the Cow Slaughter Act", the HC observed in the detention of Shahid Qureshi, on April 4, 2019. How was the act a disturbance of public order, there is "no reference of petitioner being involved in any serious or any anti-national activity", it said in another case. The overall message underlined by the Allahabad High Court — "the individual liberty granted to the petitioner by the Constitution of India cannot be taken away without proper application of mind" — must be heeded. By the district magistrates who passed orders in a mechanical manner, in some cases only on the basis of police reports, in others showing signs of being swayed by political pressures. The court orders should also be read carefully by the state government. The people's mandate casts a responsibility to make the institutional safeguards stronger and better, it does not give any government the licence to bypass them.

ABORTION IS A WOMAN'S RIGHT TO DECIDE

Given the phenomenal expansion in feminist jurisprudence over the last decade, particularly on the issue of a woman's right to choose to have an abortion, it now appears quite plain that the central government's amendment to the abortion laws not only retains the *traditional notion that the state must intervene and decide for women as to when and in what circumstances abortions may be carried out, but even the pathetic measures set out in the Medical Termination of Pregnancy (Amendment) Act 2021 are too little and have come too late.*

After much stonewalling

This government seems to be incompetent in understanding a woman's right over her own body. *The government's conduct is particularly appalling since it comes after over a decade of procrastination and obstruction where indigent women in difficult circumstances tried to have abortions done and were stonewalled by government officials and prosecutors.* The passing of this Act marks a new phase of the struggle to assert the absolute right of a woman over her body. *The Medical Termination of Pregnancy Act, 1971 (MTP) may have been considered progressive at that time considering that provisions in the Indian Penal Code regarding termination of pregnancy were enacted over a century ago in keeping with the British law on the subject. Abortions were made a crime and the woman concerned and her doctor would invariably land up in jail. Section 3 (<https://bit.ly/3dFBgZH>) put an outer limit of 20 weeks on the length of the pregnancy and required*



two doctors to certify that the continuation of the pregnancy would involve a risk to the life of the woman or grave injury to her physical or mental health or that there was a substantial risk that the child born would suffer from such physical or mental abnormalities as to be seriously handicapped. Explanation 1 dealt with rape cases where it was to be presumed that the anguish caused would constitute a grave injury to the mental health of the woman. Explanation 2 laid down that any pregnancy occurring as a result of failure of contraception would likewise be presumed to constitute a grave injury. Account needed to be taken of the pregnant woman's actual or reasonably foreseeable environment. Section 5 created an exception to the 20 week limit whenever such an abortion was immediately necessary to save the life of the pregnant woman. The 1971 Act was based on "The Report of the Shantilal H. Shah Committee to Study the Question of Legislation of Abortion" 1967, which set out the limitations of technology which made it hazardous for women to have abortions done after the 20th week. This limitation disappeared with the phenomenal improvement in technology and processes rendering it possible to carry out abortions safely right up to full term. Thus the excuse of "safety of the woman" was no longer tenable to be used for restricting women's rights.

The after-effect

*The central government has been criminally negligent in allowing the law to stand as it has for five decades. It has pushed women seeking abortions underground where terminations are carried out in unhygienic and dangerous places, and in horrific situations. Even today about 800,000 illegal and unsafe abortions are performed every year in India, many of them resulting in morbidities and death. The government has not cared. Political parties of all hues had one thing in common; women dying do not matter. The decision of the Bombay High Court in Nikita Mehta vs State of Maharashtra, saying that it was not open for the courts to double guess the statutory restrictions, sparked the debate around the right to abortion in India. From 2008 onwards, over 300 petitions were filed in the Supreme Court and the High Courts. Given the gruesome context from which these petitions sprung the Supreme Court generally responded well by ignoring the statutory provisions as it was patent that not allowing abortions to take place would have caused grave injustice to the woman. The Court then routinely allowed abortions way past the 20 week limit. In *Murugan Nayakkar vs Union of India & Ors*, the abortion was permitted at 31 weeks, very close to full term. The *Medical Termination of Pregnancy (Amendment) Act 2021* fails miserably on the main count while introducing few collateral progressive measures. First, the Act fails to recognise the absolute right of a woman over her body in taking decisions regarding abortions and reproductive health. It still reserves to the state the right to dictate to the woman that she cannot have an abortion at will. Second, even though the limit has been pushed back from 20 to 24 weeks, this comes with the same state conditionalities as before. Third, 24 weeks is not rational given today's technology where abortions can be done safely up to full term.*

Medical boards are obstacles

By far the biggest failure of the government lies in enacting section 3(2B) which requires the pregnant woman to approach a medical board in cases of substantial foetal abnormalities and where she has crossed the 24 week limit. These boards impose insurmountable obstacles to the woman seeking late abortions. First, what used to be an exchange between the pregnant woman and her gynaecologist who would take a decision as to safety, has now been replaced by a board of a minimum of three doctors. This is totally unnecessary and breaches privacy. Second, and this is



indicative of complete non-application of mind, the Act provides in section 3(2C) for a single board for a State. Given the millions of abortions taking place in India past the deadline, it is impossible for one board to handle all cases. Third, assuming multiple boards will be established, the records show that no State has the finances or the human resources to maintain the operation and functioning of these boards. Fourth, the right to seek termination is restricted to "such category of women as may be prescribed by rules". One wonders what categories of women would be permitted termination of pregnancies! The main objection remains; that boards are totally unnecessary and an invasion of privacy, and pregnant women, like they used to do, should be left alone to consult their gynaecologist in late term pregnancies and carry out their abortion under the certificate of their own gynaecologist that the abortion can be performed safely. This is the trend worldwide and in the courts. The Indian government needs to wake up and educate itself on women's emancipation worldwide.

INDIA DOES HAVE A REFUGEE PROBLEM

The heart-wrenching scenes of Myanmar citizens, including little children — fleeing from a junta bent on killing its way into power in Myanmar — being turned away at the Indian border in the Northeast has once again revived the domestic debate about refugee protection in India. *The current plight of the Myanmar has been preceded by that of another group of Myanmar, the Rohingya. And not too long ago, the debate was dominated by the Citizenship (Amendment) Act, 2019 and its impact on those seeking refuge in India, even though new refugees would not be benefited by the law since the cut-off year of the CAA is 2014. In any case, refugee flows to India are unlikely to end any time soon given the geopolitical, economic, ethnic and religious contexts of the region. There is, therefore, an urgent need today to clinically address the issue of refugee protection in India and put in place appropriate legal and institutional measures.*

Refugees versus immigrants

India has emphatically argued over time, particularly in the recent past, that illegal immigration from the neighbouring countries to India must come to an end. There is little doubt that illegal immigration is a threat to the socio-political fabric of any country, including India, with potential security implications. And yet, in this growing debate about the sources and implications of illegal immigration into the country, the issue of refugees tends to get subsumed under it or at best relegated to the backburner, neither of which do justice to the helpless people fleeing from persecution at home. While the reality is that much of the debate in the country is about the illegal immigrants, not refugees, the two categories tend to get bunched together. And because we have jumbled up the two issues over time, our policies and remedies to deal with these issues suffer from a lack of clarity as well as policy utility.

Ambiguity in the framework

The main reason why our policies towards illegal immigrants and refugees is confused is because as per Indian law, both categories of people are viewed as one and the same and are covered under the Foreigners Act, 1946 (<https://bit.ly/320UBiI>) which offers a simple definition of a foreigner — "foreigner" means "a person who is not a citizen of India". Needless to say that there are fundamental differences between illegal immigrants and refugees, but India is legally ill-equipped to deal with them separately due to a lack of legal provisions. Recall that India is not a party to the 1951 Refugee Convention (<https://bit.ly/2Qej4hF>) and its 1967 Protocol (<https://bit.ly/3d3nlNZ>),



the key legal documents pertaining to refugee protection. The absence of such a legal framework also leads to policy ambiguity whereby India's refugee policy is guided primarily by ad hocism which, of course, often has its own 'political utility'. Ad hoc measures enable the government in office to pick and choose 'what kind' of refugees it wants to admit for whatever political or geopolitical reasons, and what kind of refugees it wants to avoid giving shelter, for similar reasons. At the same time, the absence of a legal framework increases the possibility of the domestic politicisation of refugee protection and complicates its geopolitical faultlines. The absence of a clearly laid down refugee protection law also opens the door for geopolitical considerations while deciding to admit refugees or not. Consider the most recent case of Myanmarese refugees fleeing to India for protection from the junta at home. New Delhi's concern is that if it takes a decision that irks the Generals in Naypyitaw, Beijing would get closer to the junta and use the opportunity to hurt India's interests in Myanmar. This fear, at least partly, is what has prompted India's decision not to admit the refugees. However, hypothetically speaking, if New Delhi had a domestic legislation regarding refugees, despite not being a signatory to the relevant international conventions, it could have tempered the expectations of the junta to return the fleeing Myanmarese.

Legal, moral complexities

India, for the most part, has had a *stellar record on the issue of refugee protection, a moral tradition that has come under great stress of late. New Delhi has been one of the largest recipients of refugees in the world in spite of not being a party to the 1951 Refugee Convention and its 1967 Protocol.* Whether or not India should be a party to these international legal instruments has been a matter of some debate in the country. *A proper interpretation of the text of the 1951 Convention and the less-than-perfect western practice of refugee protection could lead one to conclude that a country like India, given its track record of refugee protection as well as a vulnerable geopolitical and socio-economic situation, need not unreservedly accede to the convention and the protocol in the way they currently stand. For one, as is often discussed in India, the definition of refugees in the 1951 convention only pertains to the violation of civil and political rights, but not economic rights, of individuals, for instance. Put differently, a person, under the definition of the convention, could be considered if he/she is deprived of political rights, but not if he/she is deprived of economic rights. If the violation of economic rights were to be included in the definition of a refugee, it would clearly pose a major burden on the developed world.* On the other hand, however, this argument, if used in the South Asian context, could be a problematic proposition for India too. *And yet, this lopsidedness is something New Delhi has traditionally highlighted, and justifiably so, as a reason for its non-accession to the treaty.* The West's lopsided obsession with civil and political rights at the cost of economic rights is a convenient excuse with little moral backing. Second, as scholar B.S. Chimni has argued, *"India should not accede to the 1951 convention at a time when the North is violating it in both letter and spirit... India should argue that their accession is conditional on the Western States rolling back the non-entrée (no entry) regime they have established over the past two decades. The non-entrée regime is constituted by a range of legal and administrative measures that include visa restrictions, carrier sanctions, interdictions, third safe-country rule, restrictive interpretations of the definition of 'refugee', withdrawal of social welfare benefits to asylum seekers, and widespread practices of detention."* In other words, *India must use its exemplary, though less than perfect, history of refugee protection to begin a global conversation on the issue. Let us return to the Indian context. So if we have a refugee problem, as we do, and the accession to the refugee convention, in the manner it exists today, is neither desirable nor pragmatic, what other options do we have to*



respond to the refugee situation we are faced with and which is increasingly getting mixed up with the raging political debate on illegal immigration into the country?

New domestic law needed

The answer perhaps lies in a new domestic law aimed at refugees. *The CAA, however, is not the answer to this problem primarily because of its deeply discriminatory nature: it is morally untenable to have a discriminatory law to address the concerns of refugees who are fleeing their home country due to such discrimination in the first place.* More fundamentally, perhaps, *the CAA is an act in refugee avoidance, not refugee protection. What is perhaps equally important is that such a domestic refugee law should allow for temporary shelter and work permit for refugees. This is crucial because in the absence of proper legal measures, refugee documentation, and work permit, refugees may end up becoming illegal immigrants using illicit means. Put differently, the absence of a refugee law incentivises illegal immigration into the country.* New Delhi must also make a *distinction between temporary migrant workers, illegal immigrants and refugees and deal with each of them differently through proper legal and institutional mechanisms.* Our *traditional practice of managing these issues with ambiguity and political expediency has become deeply counterproductive: It neither protects the refugees nor helps stop illegal immigration into the country.*

COMMISSION & OMISSION

In a large and lively democracy, the Election Commission has a job both delicate and difficult: To be scrupulous and visibly so about following processes and protocols which have firmed up, over the decades, its reputation for fairness. It may be, as Prime Minister Narendra Modi has said in a poll speech, that when players blame the umpire, it means they are afraid of impending defeat. And yet, the EC must not only answer questions that are raised by those who are competing in the arena, it must also transparently abide by the high standards it has set for itself. In this context, it has done well to take immediate action after an EVM was found in a BJP vehicle in Assam — four officials were suspended, a re-poll ordered. But in another instance, its decision has invited doubts that continue to linger. *By promptly relaxing the ban it imposed on Assam minister Himanta Biswa Sarma for open threat-making against an opponent from 48 hours to 24, the EC has taken an unusual step without giving a convincing explanation.* That Sarma is himself a candidate in the poll was known to the EC before it slapped him with the penalty, and merely his apology could surely not be enough to bring on what amounts to a near reversal of its own decision and what could look like leniency to the party that rules at the Centre. In West Bengal, a close contest is playing out between Trinamool Congress and BJP, the incumbent in the state is being challenged by the incumbent at the Centre, the prime minister leading the charge. Amid soaring political temperatures, there are accusations and counter-accusations. Much like the BJP's star campaigners, Mamata Banerjee has a penchant for the dramatic, she is adept at striking the exaggerated poll pose. The EC's strong rebuke to her — it has called her allegations of disruption of polling at a booth in Nandigram as "factually incorrect" and "devoid of substance", and suggested she could be guilty of "misdemeanour" — carries moral and institutional weight precisely because it is seen to be coming from an even-handed place. That's why it is also on the EC to take note of a disquieting pattern in the poll playbook: *Ahead of elections, in the states and in the Lok Sabha, central agencies, from the ED to CBI to I-T, knock on the doors of the Opposition leaders in the states they control.* A report in this newspaper has stitched together several



instances, across states — from Maharashtra to West Bengal, from Chhattisgarh to Tamil Nadu. It's nobody's case that the law should suspend its course once the model code of conduct kicks in, but many of these cases are dusted up and weaponised just in time during the campaign. The EC must be vigilant, it must take note. In times when non-elected institutions seem unable to hold firm against political pressures, much depends on the poll monitor stepping up to its own formidable record of independence. The EC has set a high bar for itself, it has its task cut out.

WHEN J&K MOVES FROM ONE CAPITAL TO ANOTHER

A tradition of a century and a half is set to be broken in Jammu and Kashmir, with only “sensitive records” being taken from Jammu to Srinagar this summer, unlike in previous years when the entire administration and records would be shifted during “Durbar Move”.

The tradition

Durbar Move is a bi-annual shifting of the Civil Secretariat and other offices of the state government from Jammu to Srinagar in summer, and vice versa in winter. This is done as Jammu & Kashmir has two capitals: Kashmir during summer and Jammu during winter. In Jammu, offices shut on the last Friday and Saturday of April and reopen in Srinagar on the first Monday after a gap of a week. In Kashmir, offices shut on the last Friday and Saturday of October, to reopen in Jammu on the first Monday after a week's gap, in November.

The reasons why

Durbar Move is a tradition started 149 years ago started by the erstwhile Dogra rulers who hailed from Jammu, but had expanded their boundaries to Kashmir including what is now Pakistan-occupied Kashmir, and Ladakh. Jammu, Kashmir and Ladakh are very different from one another geographically, linguistically and culturally, and in those days were poorly connected by road. It is generally understood that the Durbar Move was started to take the administration to the doorstep of the people of Kashmir which is closer to Ladakh. During summer, ruling from Kashmir also helped in ensuring adequate supplies to Ladakh, which is closer to Kashmir than Jammu, before the winter snowfall would cut off Ladakh. The practice also enabled greater interaction and bonding among the people of Jammu, Kashmir and Ladakh.

The effort

Until 2019, the administration used to engage hundreds of trucks and buses for carrying office records and officials from one capital city to another. For safe transportation, the Jammu & Kashmir police and paramilitary forces would dominate the entire Jammu-Srinagar national highway. Apart from the expenses incurred on hiring trucks and buses, the moving staff also used to be paid TA and DA, besides arrangements for their accommodation.

The criticism

Voices of protest started during the late 1980s, over the amount of money and time spent on the exercise. However, the practice also enjoyed public support. In the late 1980s, the then government of Chief Minister Dr Farooq Abdullah had decided to bifurcate the Secretariat by permanently keeping some departments in Kashmir and some in Jammu, but Jammu observed a



bandh for nearly 45 days in protesting, leading to the government withdrawing its decision. In recent years, many criticised the government for spending nearly Rs 200 crore on this exercise every year when it did not have enough funds even to pay salary to its employees. Last year, the Jammu & Kashmir High Court observed that there was no legal justification or constitutional basis for the Darbar Move tradition. Pointing out that the practice has resulted in wastage of tremendous amount of time, efforts and energy on inefficient and unnecessary activity, a Division Bench comprising then Chief Justice Gita Mittal and Justice Rajnesh Oswal observed that valuable resources of the state (financial and physical) cannot be diverted to completely non-essential usage when the Union Territory is unable to provide even basic essentials to its people. The court recommended that in case the practice was rationalised, the resources and time saved could be utilised towards the welfare and development of the UT; the money saved could also be used to address Covid-related issues like food shortage, unemployment and healthcare.

What now

The UT government has decided to switch to e-governance, will all office records converted into digital format. As a result, while the Secretariat employees and some offices will move from Jammu to Srinagar as usual this year, only sensitive records will be shifted from one place to another.

INCENTIVES FOR SOLAR ENERGY SECTOR

The Union Cabinet on Wednesday approved two production-linked incentive schemes for white goods (air-conditioners and LED lights) and high-efficiency solar photovoltaic modules. The Cabinet, at a meeting chaired by Prime Minister Narendra Modi, took another step towards the vision of "Atmanirbhar Bharat" (self-reliant India) with the approval for the ₹6,238-crore PLI scheme for air-conditioners and LEDs, a government statement said. "The prime objective of the PLI scheme is to make manufacturing in India globally competitive by removing sectoral disabilities, creating economies of scale and ensuring efficiencies. It is designed to create complete component ecosystem in India and make India an integral part of the global supply chains," the government said.

White goods

The scheme would extend an incentive of 4% to 6% on incremental sales of goods made in India for five years. The statement said the scheme was estimated to lead to incremental investment of ₹7,920 crore over five years and lead to production worth ₹1.68 lakh crore, as well as lead to 4 lakh jobs. The Cabinet also approved a proposal of the Ministry of New and Renewable Energy for a PLI scheme for high efficiency solar PV modules with an outlay of ₹4,500 crore. "Solar capacity addition presently depends largely upon imported solar PV cells and modules as the domestic manufacturing industry has limited operational capacities of solar PV cells and modules. The National Programme on High Efficiency Solar PV Modules will reduce import dependence in a strategic sector like electricity. It will also support the Atmanirbhar Bharat initiative," the government said. The scheme was expected to lead to 10,000 MW of additional capacity of solar PV plants and investment of around ₹17,200 crore in solar PV manufacturing projects, it said. The scheme would lead to direct employment of 30,000 people and indirect jobs to 1.2 lakh.



A WAY FORWARD FOR TRANS PERSONS (R.K. VIJ - SENIOR IPS OFFICER IN CHHATTISGARH)

No less than 13 members of the transgender community have been selected recently as constables under the Chhattisgarh police. This is truly historic and thrilling for a community that had no legal recognition till the Supreme Court in NALSA vs. Union of India (2014) ruled that transgender persons have the right to decide their self-identified gender. The binary notion of gender, which denied equal protection of law to transgenders, was rejected and the required relief was provided by the top court. The transgenders, now in khaki, will be the first responders in handling law and order situations and others' grievances. Though each of the selected persons has their own painful stories of abuse, discrimination and abandonment, *their induction into the police force is a vital message to people that they are as physically and mentally competent as others.* This is more significant in the backdrop of the fact that there was no reservation for the transgender community as a separate category. *This may, hence, help in changing the perception of people who think of them as a fearful entity with a stigma of identity, disability, criminality, or untouchability. Earlier, a few transgenders were inducted into the Tamil Nadu police too.* The journey of transgender people has indeed been a long struggle. However, *soon after the 2014 Supreme Court judgment, the Chhattisgarh government constituted the Third Gender Welfare Board to take up various welfare measures in favour of trans people. Instructions were issued to all departments to include 'third gender' as an option (along with male and female) in official documents that require mentioning the gender or sex of a person.* District-level committees were constituted to identify members of the transgender community so that welfare schemes could be implemented for their benefit. *Sensitisation workshops* were organised at State and district levels by the police department and police officers were apprised about the Central law and the Supreme Court's ruling on transgenders. Training capsules were prepared for police training institutes with the help of transgender members of the Welfare Board. Further, after the announcement of vacancies, the police not only permitted the use of their sports ground for practice, but also helped them in preparing for the written examination. However, ultimately, it was the hard work of the transgender people themselves which ensured their success and marked their presence in the department.

International conventions

The recently enacted Transgender Persons (Protection of Rights) Act, 2019, which paved the way for issuing a certificate of transgender identity, is in spirit with international conventions, particularly the Universal Declaration of Human Rights, 1948, the International Covenant on Civil and Political Rights, 1966, and the Yogyakarta Principles, 2006. The Act recognises that transgender persons have a legal right to self-perceived gender identity in accordance with the principle of the "Psychological Test" instead of the "Biological Test". According to law, transgender persons cannot be discriminated against in any matter relating to employment by any establishment. In another recent judgment, the Kerala High Court allowed a petition moved by a transwoman seeking admission into the National Cadet Corps based on her self-claimed gender identity. *The court held that the provisions of the NCC Act cannot preclude the operation of the Transgender Persons (Protection of Rights) Act.* Thus, this new protective Central legislation has given a new lease of life to the whole community. The selected trans recruits are excited to start their new innings of life with novel challenges, but a lot more needs to be done to bring about changes in the perception of people towards this marginalised community. The law must be implemented in letter and spirit



to fulfil its objective. At the same time, *society needs to erase its biases and accept transgender people as equal human beings with humility.*

FOR LOK ADALATS, SPEED OVERRIDES QUALITY (FAIZAN MUSTAFA - VICE-CHANCELLOR AND UTKARSH LEO - ASSISTANT PROFESSOR AT NALSAR UNIVERSITY OF LAW, HYDERABAD)

Justice delayed is justice denied. Access to justice for the poor is a constitutional mandate to ensure fair treatment under our legal system. Hence, Lok Adalats (literally, 'People's Court') were established to make justice accessible and affordable to all. It was a forum to address the problems of crowded case dockets outside the formal adjudicatory system. The first National Lok Adalat (NLA) of 2021 will be held on April 10. As of now, Lok Adalats have been functioning for 38 years, but have they performed efficiently? Do they empower the poor or coerce them to accept unjust compromises? Do they trade justice off for high settlement numbers and speed, ignoring the old dictum that justice hurried is justice buried? Have we tailored a dual system of justice dispensation, where the formal legal system, i.e., the court, is meant only for the rich and powerful, as was recently stated by former Chief Justice of India Ranjan Gogoi? These questions are worth consideration. *Lok Adalats had existed even before the concept received statutory recognition. In 1949, Harivallabh Parikh, a disciple of Mahatma Gandhi, popularised them in Rangpur, Gujarat. The Constitution (42nd Amendment) Act, 1976, inserted Article 39A to ensure "equal justice and free legal aid". To this end, the Legal Services Authorities Act, 1987, was enacted by Parliament and it came into force in 1995 "to provide free and competent legal services to weaker sections of the society" and to "organise Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity".*

A dispute resolution avenue

As an alternative dispute resolution tool, Lok Adalats are regularly organised to help parties reach a compromise. *Motor-accident claims, disputes related to public-utility services, cases related to dishonour of cheques, and land, labour and matrimonial disputes (except divorce) are usually taken up by Lok Adalats.* The State Legal Services Authorities (SLSAs) have been organising Lok Adalats on a daily, fortnightly and monthly basis. Data from the National Legal Services Authority (NALSA) show that Lok Adalats organised across the country from 2016 to 2020 disposed of 52,46,415 cases. Similarly, National Lok Adalats (NLAs) organised under the aegis of NALSA settle a huge number of cases across the country in a single day. For instance, NLAs conducted on February 8, 2020, disposed of 11,99,575 cases. From 2016 to 2020, NLAs have disposed of a total of 2,93,19,675 cases. The Indian judicial system is often lambasted, perhaps justifiably, for its endemic delays and excessive backlogs. As per the National Judicial Data Grid, 16.9% of all cases in district and taluka courts are three to five years old; for High Courts, 20.4% of all cases are five to 10 years old, and over 17% are 10-20 years old. Furthermore, *over 66,000 cases are pending before the Supreme Court, over 57 lakh cases before various HCs, and over 3 crore cases are pending before various district and subordinate courts.* Justice V.V.S. Rao, former judge of the Andhra Pradesh High Court, calculated a few years ago that it will take around 320 years to clear the existing backlog of cases. As a result, litigants are forced to approach Lok Adalats mainly because it is a party-driven process, allowing them to reach an amicable settlement. When compared to litigation, and even other dispute resolution devices, such as arbitration and mediation, *Lok*



Adalats offer parties speed of settlement, as cases are disposed of in a single day; procedural flexibility, as there is no strict application of procedural laws such as the Code of Civil Procedure, 1908, and the Indian Evidence Act, 1872; economic affordability, as there are no court fees for placing matters before the Lok Adalat; finality of awards, as no further appeal is allowed. This prevents delays in settlement of disputes. More importantly, the award issued by a Lok Adalat, after the filing of a joint compromise petition, has the status of a civil court decree. As per data from NALSA, subject matter-specific NLAs were organised in 2015 and 2016 on a monthly basis. Therefore, each NLA dealt with a specific type of dispute on a single day, each month. However, from 2017, this practice was discontinued. Thereafter, each NLA has been handling all types of cases on a single day. This was done to reduce the costs of organising the NLAs, and more importantly, to allow parties more negotiation time. But this, in turn, led to a significant drop in the number of cases settled. In 2015 and 2016, ten NLAs were held each year that disposed of 1,83,09,401 and 1,04,98,453 cases respectively. In 2017 and 2018, the number of NLAs dropped to five, with 54,05,867 and 58,79,691 cases settled respectively. In 2019, four NLAs were organised, and they disposed of 52,93,273 cases. In 2015, the average number of cases settled per NLA was 18,30,940, which came down to 10,81,174 in 2017, but rose to 11,75,939 in 2018, and 13,23,319 cases in 2019. This throws up questions about the efficiency of NLAs. The data show that the average number of cases disposed of per NLA since 2017 has gone up even when the number of NLAs organised each year has reduced. This proves that on average, the system is certainly efficient. To overcome the challenges posed by the COVID-19 pandemic, e-Lok Adalats were organised at both national and State level. However, the first national e-Lok Adalat was conducted both physically and virtually using videoconferencing tools, and it disposed of 10,42,816 cases. But this was less than the average of settled cases in 2017, 2018, and 2019. This suggests that the performance of the NeLA was less efficient than physical National Lok Adalats organised in 2017, 2018, and 2019. Justice D.Y. Chandrachud, who chairs the SC's e-Committee, recently published the draft of phase three of the e-Courts project. Once implemented, it may prove to be a game-changer in improving the efficiency of the adjudicatory process.

Conciliatory role

However, besides efficiency and speed, Lok Adalats both online and offline should focus on the quality of justice delivered. The Supreme Court, in *State of Punjab vs Jalour Singh (2008)*, held that a Lok Adalat is purely conciliatory and it has no adjudicatory or judicial function. As compromise is its central idea, there is a concern, and perhaps a valid one, that in the endeavour for speedy disposal of cases, it undermines the idea of justice. In a majority of cases, litigants are pitted against entities with deep pockets, such as insurance companies, banks, electricity boards, among others. In many cases, compromises are imposed on the poor who often have no choice but to accept them. In most cases, such litigants have to accept discounted future values of their claims instead of their just entitlements, or small compensations, just to bring a long-pending legal process to an end. Similarly, poor women under the so-called 'harmony ideology' of the state are virtually dictated by family courts to compromise matrimonial disputes under a romanticised view of marriage. Even a disaster like the Bhopal gas tragedy was coercively settled for a paltry sum, with real justice still eluding thousands of victims. A just outcome of a legal process is far more important than expeditious disposal. With Justice N.V. Ramana's elevation as the new Chief Justice of India, it is hoped that he would take some concrete and innovative steps in improving the quality of justice rendered by National Lok Adalats.



RAILWAYS COMPLETES ARCH CLOSURE OF CHENAB BRIDGE

The Railways on Monday said it had completed the arch closure of the 1315m Chenab bridge, the world's highest railway bridge. Terming it one of the biggest civil engineering challenges faced by any project in India, the Railways added that at 359m above the river bed level, the bridge would be 35 metres higher than the Eiffel Tower in Paris. The Chenab bridge is part of the Udhampur-Srinagar-Baramulla rail link project (USBRL) and completion of the steel arch is an important construction milestone.

Most difficult part

"This was one of the most difficult part of the bridge over Chenab. This achievement is a major leap towards the completion of the 111-km-long winding stretch from Katra to Banihal," the Railways added. The arch consists of steel boxes, which will be filled with concrete to improve stability. The bridge is being built at a cost of ₹1,486 crore and can withstand high wind speed up to 266 km per hour.

FARM UNIONS PROTEST DIRECT PAYMENT ORDER ISSUED BY FCI

Recent orders from the *Food Corporation of India (FCI)* have led to a new flashpoint in the ongoing farmers protests, with farm unions warning that the Centre's insistence on direct payment and tenancy documentation could derail the crop procurement process. On Monday, farm unions affiliated to the *Samyukt Kisan Morcha* protested outside the FCI offices in Punjab and Haryana, as well as some locations in other States such as Andhra Pradesh, Uttar Pradesh and Rajasthan. Declaring it as *FCI Bachao Divas (or Save FCI Day)*, farmers demanded an immediate withdrawal of the recent orders. "The government should roll back the provision of direct payment to the bank account. Implementing it in haste can lead to many complex problems that will exclude so many farmers from getting their price of the crop," said an SKM letter to the Ministry of Food and Consumer Affairs. *The FCI has insisted that direct payment to farmers' bank accounts, bypassing the powerful arhatiyas or commission agents, will lead to greater transparency and accountability. Since arhatiyas play a key role in the Punjab and Haryana farm ecosystem by providing farm loans, the move has been opposed by a large section of farmers, as well as the Punjab government. Another FCI order stipulates that tenant farmers and sharecroppers must produce a jamabandhi, or legal agreement proving that they have the right to till leased land, in order to get paid for procured crops. Thousands of sharecroppers do not have such agreements and will be hit hard by this move. SKM is demanding that this order be withdrawn as well. The FCI's fresh proposals to tighten quality requirements for wheat and paddy procurement from the next marketing season are also being opposed. At a broader level, farmers connected their issues with the FCI with their existing demands to repeal the farm laws and enact a legal guarantee for procurement of all crops and minimum support prices.*

'Private control'

"The Acts will increase control of the private sector in food grains storage, cold storage, food processing and marketing," said the All India Kisan Sabha, in a letter addressed to the PM. *"Ultimately the government plans to wind up subsidised food distribution under [the Public Distribution System] and reduce it to a cash transfer scheme under pressure from the [World Trade*



Organisation] and imperialist countries like the U.S.A. It also plans to sell off the FCI warehouses to the private sector to pay off the debts," it added, accusing the Centre of reducing the FCI's budget and procurement centres in recent years.

FIGHTING LEFT WING EXTREMISM IN CHHATTISGARH, AND ELSEWHERE

On April 3, as 22 security force personnel fell to Maoist bullets in Bijapur, questions were raised not just on possible tactical mistakes by the forces but also on Chhattisgarh's continued struggle in driving out Maoists from what is arguably their last bastion. Since the 2010 Chintalnar massacre that claimed 76 lives, the Dantewada-Sukma-Bijapur axis has claimed the lives of more than 175 security personnel in Maoist ambushes alone.

Reports indicate a Maoist ambush of the paramilitary personnel from different units – the Special Task Force, the District Reserve Guard of the Chhattisgarh police besides the Central Reserve Police Force (CRPF)'s elite COBRA unit — who had proceeded to perform combing operations in Maoist strongholds. *The units had embarked upon their combing exercise at a time when Maoists were trying to disrupt the construction of a road near Silger-Jagargunda. The lack of road and telecommunications infrastructure in these remote areas has been one of the reasons for the Maoists being able to use the terrain to their advantage.* Questions will be asked as to how such a large force failed to anticipate the ambush and were attacked by insurgents reportedly belonging to the Maoists' *"1st Battalion" led by a tribal, Hidma.* The encounter has raised the number of security forces killed in Bastar to more than 175 since the killing of 76 CRPF personnel in the Chintalnar attack in April 2010. *It is now quite clear that despite facing losses to its cadre and leadership across central and east India and being hemmed into possibly its only remaining stronghold of south Chhattisgarh, the Maoists are still a formidable military threat.*

Since a crackdown on Maoists starting 2005 in Left Wing Extremism (LWE) states, other states have largely tackled the problem. The number of districts declared Naxal-affected is now just 90, down from over 200 in the early 2000s. Yet Chhattisgarh struggles.

State police role is key

Many have argued that Maoism has been defeated only in states where the state police have taken the lead.

The obliteration of Maoist violence in *Andhra Pradesh – the nursery of Maoism in the country*—is largely attributed to the state's *Greyhounds.*

In *Maharashtra*, where Maoists held sway over several districts, they have now been confined to border areas of Gadchiroli thanks to *local police and the C60 force.*

West Bengal achieved normalcy through an ingenious strategy adopted by the state police.

The *Jharkhand Jaguars* have gained an upper hand in the past few years, and *Odisha* has confined Maoist activity largely to Malkangiri thanks to broad administrative interventions in Koraput.

“Central forces have the numbers and the training, but they have no local knowledge or intelligence... Only local police can drive out Maoists. *The reason we are not succeeding in*



Chhattisgarh is because the local police have not yet taken the leadership position, although things have improved over the years,” a Home Ministry official said. Former Andhra Pradesh / Telangana police officer K Durga Prasad, who has fought Maoists as chief of the Greyhounds in the mid-2000s and as chief of the CRPF recently, said: “Whenever it depends on outside forces, no matter how specialised, they will never get the desired results. When it is recognised as your own baby, your commitment and motivation is higher and your learning curve sharper. Decision making is also much faster.” *The Centre formally recognised the gravity of Maoist violence in 2004 when then PM Manmohan Singh called it the “greatest internal security threat for the country”.* The Centre opened up purse strings for modernisation of state police forces, among various moves.

Andhra Pradesh

When Maoist violence began in the 1980s, the Andhra police were poorly trained, inadequately funded and with no intelligence as public support was with the Maoists. In fact, the first funds for intelligence gathering in Karimnagar had to be taken out of the funds meant for erecting a boundary around the SP’s office. “The secret service fund with district police was just Rs 5,000. So we used the Rs 2.5 lakh meant for a wall to pay our sources. We built the wall for free, using our good relations with cement and stone traders,” said an officer who served in Karimnagar and conducted several operations. *Given that the Maoist movement initially had only landlords at its target, the state was late to react.* Later, after several setbacks to police, the state realised the importance of capacity building. “Work began on the principle of Defend, Destroy, Defeat and Deny,” said the officer. “We realised that police stations were not fortified and so were frequently targeted by Maoists forcing police to escape or be reluctant to police their area.” *In 1989, the Greyhound were formed. It carried out intelligence-based operations against Maoists, while police and paramilitary personnel were pushed to hold and re-establish the rule of law in the areas cleared. This was coupled with a focus on development. A department called Remote and Interior Area Development Department was set up.* By 1999, so much pressure was built that Maoist cadre began to escape into border areas of Chhattisgarh and Odisha. Between 2003 and 2011, 800 Naxalites and 50 top leaders were killed by Andhra police. And between 2008 and 2020 in Andhra and Telangana, only eight security personnel have been killed in Maoist violence while around 100 Maoists have been killed.

West Bengal

West Bengal, the cradle of Naxalism, had stamped out Maoism in early 1970s, but it came back by the late 1990s, when Maoists began targeting CPM cadre in some districts. Maoists were eventually driven out by state police with robust use of technology and intelligence. *“West Bengal police massively used phone interception. That the CPM had a robust network in villages came in handy. By the late 2000s, police had infiltrated almost every dalam of the CPI(Maoist),”* said a senior West Bengal cadre police officer who has fought Maoists and is now on central deputation. Maoists hit back with the 2010 Shilda attack, in which 25 policemen were killed. Following this, *police raised a special force, Straco, with women police cadres increasingly in operations for better intelligence gathering. The final push came after Mamata Banerjee came to power. In 2011, state police killed top Maoist leader Kishenji.* Since then, Maoist violence and death of security personnel has gone down consistently in West Bengal — from peaks of 159 deaths of civilians and security forces in 2009, and 252 deaths in 2010, to no incidnets since 2014. Said K Durga Prasad, “In West Bengal, *it was the state police which took the lead and developed intelligence and infiltrated the groups. At*



the last moment, when they needed the sharp striking capabilities of central forces, they sought help of the CRPF's CoBRA."

Odisha & Maharashtra

There was a time in Odisha during the early 2000s when armouries of police stations in Koraput and Malkangiri were kept empty for fear of raids by Maoists. Thanks to rapid infrastructure development, particularly roads in Koraput, and killing of key Maoist leaders in areas such as Narayanpur, Odisha police have confined Maoist activity to parts of Koraput and Malkangiri. Police have raised a force called the Special Operations Group to fight Maoists. However, due to proximity with Chhattisgarh, some trouble continues. In Maharashtra, much before central forces began pouring in, state police were fighting Maoists in Gadchiroli, Gondia and Chandrapur. Its elite commando force to fight Naxals, the C60, was raised back in 1991, and trained by the National Security Guards and at the Jungle Warfare Academy in Mizoram. The police have smoked out Maoists from Gondia and Chandrapur and confined their movement in Gadchiroli to areas close to Chhattisgarh. Maharashtra, which saw Maoist violence peaking in 2009 with the death of 52 security personnel and 40 civilians, has now brought down death figures to single digits. Said former IPS officer K P Raghuvanshi, who established C60: "We realised early the importance of a strong police force in fight against Maoists. That's why we created C 60. We realised that it is in local terrain and local language that Maoists conduct operations and propaganda. It can be countered only by local fellows... We carried out not only successful operations, but also counter-propaganda."

Bihar & Jharkhand

The two states continue to have Maoist trouble in some districts, but violence has been going down. Sources said *the Jharkhand Jaguars have coordinated well with the central forces and together they have restricted the movement of Maoist leader Arvindji and his cadres. But a final push is yet to be carried out in districts such as Latehar, which have seen ghastly Maoist attacks in recent years.* Bihar too is raising a special task force, but this is still in its infancy, sources said.

The Chhattisgarh challenge

Trouble in Chhattisgarh started after Maoists began to be smoked out of Andhra Pradesh in the early 2000s. It was also the time when the Maoist movement went through a transformation of being a struggle against a class enemy (landlords) to a tribal movement against the state. It was also a different kind of challenge since Maoists had made strongholds in areas that had not even been mapped, let alone be administered. Between 2018 and 2020, Chhattisgarh has accounted for 45% of all incidents in the country and 70% of security personnel deaths in such incidents. "There are no roads, no schools, no hospitals and no police stations. The existing ones are in CRPF camps. No one will approach such a set-up to provide intelligence. Until police begin to function independently and with confidence, things will continue to change at a slow pace," a senior Home Ministry official said. Durga Prasad said, "Chhattisgarh is a different challenge. The terrain and demography is different from Andhra. Public have more sympathy for the Maoists there. Salwa Judum turned out to be counter-productive and information sources dried up after that. Also, the enemy strength is huge in Chhattisgarh." The Chhattisgarh police too have raised a special counter-Maoist force, called District Reserve Guards (DRG). It is, however, relatively new and constituted differently than the Greyhounds. It has tribal recruits from Bastar and employs surrendered Maoists too. "It has its



advantages vis-à-vis local knowledge and intelligence gathering. They are trained well too. But they lack the sharp combat capabilities of the Greyhounds,” said the Home Ministry official. Durga Prasad said it is important to give freedom to the forces: “Forming special forces is one thing, giving them the freedom to operate is another. If you don’t do that, no amount of training will help. A senior IB official said the challenges in Chhattisgarh were very different from Andhra. “These are vast uncharted territories... In Chhattisgarh, we might take a little more time. But we will succeed,” the officer said.

The Maoist insurrection which began first as the Naxalite movement in the 1970s and then intensified since 2004, following the merger of two prominent insurgent groups, remains a mindless guerrilla-driven militant movement that has failed to gain adherents beyond those living in remote tribal areas either untouched by welfare or are discontents due to state repression. The Maoists are now considerably weaker than a decade ago, with several senior leaders either dead or incarcerated, but their core insurgent force in south Bastar remains intact. *The recourse to violence is now little more than a ploy to invite state repression which furthers their aim of gaining new adherents.* While the Indian state has long since realised that there cannot only be a military end to the conflict, the *Chhattisgarh government’s inability to reach out to those living in the Maoist strongholds remains a major hurdle, which has resulted in a protracted but violent stalemate in the area.* The Tarrem attacks came in the wake of a recent peace march held by *civil society activists who had urged a dialogue between the Maoists and the Chhattisgarh government* to end the violence that has claimed more than 10,000 lives since 2000 alone, according to the South Asia Terrorism Portal. *While a military response and recriminations will inevitably follow the ambush, the civil society plea must not be ignored if a long-lasting solution to the conflict is to be achieved.*

A GOOD START

It is *binding on a welfare state to take care of every single citizen. Securing the wellbeing of every one, particularly those unable to help themselves, irrespective of whether they constitute a critical mass or not, is important.* The recent notification of the *National Policy for Rare Diseases 2021* after various interventions, including the court, is *pegged on this principle of inclusion.* A good start, it offers *financial support for one-time treatment of up to ₹20 lakh, introduces a crowdfunding mechanism, creates a registry of rare diseases, and provides for early detection.* In its final form, however, the policy has left the rare diseases lobby sorely disappointed on a crucial note. *Rare diseases are broadly defined as diseases that infrequently occur in a population, and three markers are used — the total number of people with the disease, its prevalence, and the availability/non-availability of treatment options.* WHO defines rare disease as *having a frequency of less than 6.5-10 per 10,000 people.* As per an estimate, there are 7,000 known rare diseases with an estimated 300 million patients in the world; 70 million are in India. According to the *Organization for Rare Diseases India*, these include *inherited cancers, autoimmune disorders, congenital malformations, Hirschsprung’s disease, Gaucher disease, cystic fibrosis, muscular dystrophies and Lysosomal Storage Disorders (LSDs).* Much of the effort in the sector, from the medical side, has been to evolve formal definitions, in the hope that it would support the development of and commercialisation of drugs for treatment, and improve funding for research on rare diseases. Patient support groups have worked towards drumming up funding assistance for the treatment — one time or continual. The notification of the Policy comes as a logical conclusion to a long-fought battle, and yet, stops short of delivering the complete mandate. As per the Policy, diseases such as LSD for which definitive



treatment is available, but costs are prohibitive, have been categorised as Group 3. *However, no funding has been allocated for the immediate and lifelong treatment needs, for therapies already approved by the Drugs Controller General of India. Experts point out that the costs to help already-diagnosed patients might be in the range of ₹80-₹100 crore annually.* If the Centre can extend the cost-sharing agreements that it has worked out with Kerala, Tamil Nadu and Karnataka, with other States too, its share of the annual costs will be halved. *The Centre can, however, still set aside a substantial corpus to fund life-saving treatments, even as it rolls out the policy. Doing so will not only complete a job well begun — even if not yet half done — but also cement its commitment towards the welfare of every single citizen in India.*

A WRONG CUT

With the *abolition of the Film Certification Appellate Tribunal (FCAT), an essential layer of redressal available to filmmakers aggrieved by decisions of the Central Board Of Film Certification (CBFC) has been summarily done away with.* While the stated intention behind the abolition may have been reform, under *the Tribunal Reforms Ordinance 2021, which came into effect on April 4, its impact on already contentious practices of film certification could be disastrous.* All films meant for theatrical and television exhibition need a censor certificate from the CBFC. *The fate of a film depends almost entirely on the composition of the panel. If the majority of members are averse to ideas that provoke and challenge, the film could be in for a large number of cuts, or even refused certification. The filmmaker is then left with few options, each involving precious time and money: She can ask for re-certification, in the hope of a more favourable verdict. Failing that, she could appeal to the Delhi-based FCAT, a statutory body which usually had at least one member from the film industry.* Now, *with the disbanding of the FCAT, the only recourse left to the filmmaker is to approach the high court. That path is strewn with difficulties. It assumes that the filmmaker is able to hire a lawyer, and get entangled in an already overburdened legal system. More problematically, it also assumes that judges and lawyers will have an informed view on film certification. Successive boards have been hobbled by a paucity of knowledge. The blatantly political appointees, placed on the board specifically to safeguard the government's interest, usually ensure that the dictum of "when in doubt, cut out", is followed blindly, without bringing any awareness of the changing times and mores to the table. This is precisely why, despite the formal change in nomenclature from the "Censor Board" to the "Central Board of Film Certification", most members are unaware that their mandate is certification, not censorship. The Cinematograph Act came into being in 1952. Over the years, attempts have been made at bringing much-needed changes in its guidelines. In the last decade, committees formed under Justice Mukul Mudgal and veteran filmmaker Shyam Benegal have suggested changes. But given the choppy quality of existing certification, and a state not only unwilling to cede control but intent on increasing its heavy footprint in the realm of arts and ideas, it is not surprising that no real reform has taken place. The abolition of the FCAT leaves the filmmaker hanging perilously between the devil and the deep sea.*

SHIGMO: GOA'S HARVEST FESTIVAL, HIT BY COVID-19 THIS YEAR

With Covid-19 cases rising, *Goa is set to see Shigmo celebrations toned down with the government having announced cancellation of the parades that it had earlier allowed in three places.* This year's festival began on Thursday. On Friday, Goa reached 1,914 active cases, a steady increase from 1,089 on March 23. Like the *Goa Carnival that was held with all the pomp in February, Shigmo as it*

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



is called in Konkani, is another vibrant celebration full of colour, song and dance rooted in Goan culture and traditions.

What is Shigmo or Shigmotsav?

Shigmo, or Shigmotsav, is the celebration of a 'rich, golden harvest of paddy' by the tribal communities of Goa, said Prajal Sakhardande, Professor of History at Panaji's Dhempe College of Arts and Science. Agricultural communities including the Kunbis, Gawdas and Velips celebrate the festival that also marks the onset of spring. Shigmo celebrations last over a fortnight in the months of Phalgun-Chaitra months of the Hindu calendar that correspond with March-April every year. The festival begins with Naman, the invocation of local folk deities on the village maand, or the village stage, to the beats of percussion instruments like the ghumat, dhol, mhadle and tashe by men, Sakhardande said. This is called the romta mell that moves from one village to another. The celebration is replete with traditional, colourful costumes, mythological installations, painted faces and colourful costumes. Folk dances like Ghodemodini (a dance of equestrian warriors), Gopha and Phugadi are among the many performed by the participating communities. Although the Goa Tourism Department started parades with floats like those during the carnival in February, this, Sakhardande said, is a departure from tradition for celebration in the urban areas of what is essentially a rural festival. The float parades have, over the years, drawn tourists both domestic and international. The float parades during Shigmo, however, are not as grand as those during the carnival, said Sakhardande.

The Covid-19 impact

With a steady rise in Covid-19 cases in Goa, *Section 144 of the Criminal Procedure Code was invoked on March 27 prohibiting public gatherings ahead of celebrations of festivals including Holi, Sabh-3-Barat, Easter and Eid-Ul-Fitr. On March 30, Chief Minister Pramod Sawant told the Assembly that while public gatherings had been disallowed, traditional Shigmo celebrations in villages would not be interrupted and Section 144 would not apply to these celebrations.* Earlier, the government had allowed parades to be held in three locations – Panaji, Ponda and Mapusa — on April 3 and April 4; these are now cancelled for this year's festival. Shigmo this year began on Thursday, and poojas, plays and other events are expected in a number of villages for a week and up to a fortnight.

HOW ASIAN DESERT DUST ENHANCES INDIAN SUMMER MONSOON

Carl Sagan once described Earth as a 'small speck of dust', a seemingly insignificant tiny particle. But dust has incredible power: it is known to influence monsoons, hurricanes and even fertilize rainforests. A new study now details how dust coming from the deserts in the West, Central and East Asia plays an important role in the Indian Summer Monsoon.

Reverse effect

The researchers also explain how the Indian Summer Monsoon has a reverse effect and can increase the winds in West Asia to produce yet more dust. *Dust swarms from the desert when lifted by strong winds can absorb solar radiation and become hot. This can cause heating of the atmosphere, change the air pressure, wind circulation patterns, influence moisture transport and increase precipitation and rainfall. A strong monsoon can also transport air to West Asia and again*



pick up a lot of dust. The researchers say this is a positive feedback loop. Lead author Qinjian Jin, lecturer and academic program associate at the University of Kansas explains a new hypothesis formulated by the team to The Hindu. *“Not just the dust from the Middle East [West Asia], we think the Iranian Plateau also influences the Indian Summer Monsoon. The hot air over the Iranian Plateau can heat the atmosphere over the plateau, strengthen the circulation over the deserts of the Arabian Peninsula and increase dust emission from the Middle East [West Asia].”*

Aerosols transported

He explains how deserts across the globe play important roles in monsoons. *“The dust aerosols from deserts in West China such as the Taklamakan desert and the Gobi Desert can be transported eastward to eastern China and can influence the East Asia summer monsoon. And in the southwest United States, we have some small deserts that influence the North African monsoon..”* When asked if anthropogenic dust from vehicles, mining, construction can influence monsoons, he explained: *“Some studies have found that the anthropogenic aerosols emitted from the Indian subcontinent can decrease summer monsoon precipitation, while others found that absorbing aerosols such as dust can strengthen the monsoon circulation. However, in our study, we use the carbon model to simulate the impact of anthropogenic aerosols on India and our results showed that they can strengthen Indian summer monsoon rainfall.”* The findings were recently published in Earth-Science Reviews.

Why study dust?

But why is it important to study dust? *Many studies have shown that the dust emission scheme is extremely sensitive to climate change and the team writes that understanding these mechanisms and effects of dust will help understand our monsoon systems in the face of global climate change.*

Minor components

The team has now planned to study the minor components of desert dust aerosols. “We used to think that dust from deserts across the globe will have the same components, but we now know that different deserts have different chemical compositions and this can influence the dust’s properties. For example, we think that dust from the Middle East [West Asia] has more absorbing ability of solar radiation than dust from North Africa and this difference in absorbing ability might influence monsoon systems,” adds Dr. Jin. *“We have also planned to use high spatial resolution remote sensing to identify source regions and create a better dust emission map. I would also like to study new drying lakes and how dust from them can also play a role in the monsoons.”*

WHY FOREST FIRES BREAK OUT IN THE SPRING, AND WHY THEY HAVE BEEN SO FREQUENT THIS YEAR

Uttarakhand has witnessed over 1,000 incidents of forest fire over the last six months, including 45 in the last 24 hours alone, and has reached out to the Centre for helicopters and personnel from the National Disaster Response Force (NDRF). At least five persons and seven animals have been reported killed. Since the start of 2021, there has been a series of forest fires in Himachal Pradesh, Nagaland-Manipur border, Odisha, Madhya Pradesh, and Gujarat, including in wildlife sanctuaries. April-May is the season when forest fires take place in various parts of the country. But forest fires



have been more frequent than usual in Uttarakhand and have also taken place during winter; dry soil caused by a weak monsoon is being seen as one of the causes.

Where have forest fires happened?

*January saw prolonged fires in Uttarakhand, Himachal Pradesh (Kullu Valley) and Nagaland-Manipur border (Dzukou Valley). The ongoing one in Nainital began in March-end. The Simlipal National Park in Odisha saw a major fire between February-end and early March. Recent fires include those in **Bandhavgarh Forest Reserve in Madhya Pradesh, and in sanctuaries for the Asiatic lion and the great Indian bustard in Gujarat.***

How prone to fire are India's forests?

As of 2019, about 21.67% (7,12,249 sq km) of the country's geographical area is identified as forest, according to the India State of Forest Report 2019 (ISFR) released by the Forest Survey of India (FSI), Dehradun. Tree cover makes up another 2.89% (95, 027 sq km). Based on previous fire incidents and recorded events, forests of the Northeast and central India regions are the most vulnerable areas to forest fires, the FSI has said. Forests in Assam, Mizoram and Tripura have been identified as 'extremely prone' to forest fire. States with large forest areas under the 'very highly prone' category include Andhra Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Maharashtra, Bihar and Uttar Pradesh. Western Maharashtra, Southern Chhattisgarh and areas of Telangana and Andhra Pradesh, along with central Odisha, are turning into 'extremely prone' forest fire hotspots, the 2020-2021 annual report of the MoEFCC said. Areas under the 'highly prone' and 'moderately prone' categories make up about 26.2% of the total forest cover — a whopping 1,72,374 sq km.

How vulnerable are forests in Uttarakhand?

Uttarakhand and Himachal Pradesh are the two states that witness the most frequent forest fires annually. In Uttarkhand, 24,303 sq km (over 45 per cent of the geographical area) is under forest cover. The FSI has identified forests along the south, west and southwest regions of Uttarakhand — comprising Dehradun, Haridwar, Garhwal, Almora, Nainital, Udham Singh Nagar, Champawat districts — as being prone to varying intensities of forest fires.

What causes forest fires?

Forest fires can be caused by a number of natural causes, but officials say many major fires in India are triggered mainly by human activities. Emerging studies link climate change to rising instances of fires globally, especially the massive fires of the Amazon forests in Brazil and in Australia in the last two years. Fires of longer duration, increasing intensity, higher frequency and highly inflammable nature are all being linked to climate change. In India, forest fires are most commonly reported during March and April, when the ground has large quantities of dry wood, logs, dead leaves, stumps, dry grass and weeds that can make forests easily go up in flames if there is a trigger. Under natural circumstances, extreme heat and dryness, friction created by rubbing of branches with each other also have been known to initiate fire. In Uttarakhand, the lack of soil moisture too is being seen as a key factor. In two consecutive monsoon seasons (2019 and 2020), rainfall has been deficient by 18% and 20% of the seasonal average, respectively. But, forest officials say most fires are man-made, sometimes even deliberately caused. Even a small spark from a cigarette butt, or a carelessly discarded lit matchstick can set the fire going. For example, in Odisha, which saw a major



fire last month in Simlipal forest, villagers are known to set dry leaves to fire in order to collect mahua flowers, which go into preparation of a local drink.

Why are forest fires difficult to control?

The locality of the forest and access to it pose hurdles in initiating firefighting efforts. During peak season, shortage of staff is another challenge in dispatching firefighting teams. Timely mobilisation of forest staff, fuel and equipment, depending on the type of fire, through the thick forests remain challenges. As it is impossible to transport heavy vehicles loaded with water into the thick forests, a majority of fire dousing is initiated manually, using blowers and similar devices. But there have been incidents when forest fires were brought under control using helicopter services. Wind speed and direction play a critical role in bringing a forest fire under control. The fire often spreads in the direction of the winds and towards higher elevations.

What factors make forest fires a concern?

Forests play an important role in mitigation and adaptation to climate change. They act as a sink, reservoir and source of carbon. A healthy forest stores and sequesters more carbon than any other terrestrial ecosystem. In India, with 1.70 lakh villages in close proximity to forests (Census 2011), the livelihood of several crores of people is dependent on fuelwood, bamboo, fodder, and small timber. Forest fires can have multiple adverse effects on the forest cover, soil, tree growth, vegetation, and the overall flora and fauna. Fires render several hectares of forest useless and leave behind ash, making it unfit for any vegetation growth. Heat generated during the fire destroys animal habitats. Soil quality decreases with the alteration in their compositions. Soil moisture and fertility, too, is affected. Thus forests can shrink in size. The trees that survive fire often remain stunted and growth is severely affected.

What efforts are being taken to protect forests from fire?

Since 2004, the FSI developed *the Forest Fire Alert System to monitor forest fires in real time. In its advanced version launched in January 2019, the system now uses satellite information gathered from NASA and ISRO. Real-time fire information from identified fire hotspots is gathered using MODIS sensors (1km by 1km grid) and electronically transmitted to FSI. This information is then relayed via email at state, district, circle, division, range, beat levels. Users of this system in the locality are issued SMS alerts. The FSI system in January 2019 had over 66,000 users.*



BUSINESS & ECONOMICS

INDIA GROWTH OUTLOOK OF 12.5% FACES SEVERE RISKS

After an estimated contraction of 8% in the 12 months ended March 31, India is projected to grow at 12.5% in the current fiscal year, an outlook that, however, now faces significant downside risks because of the ongoing wave of COVID-19 in the country, the IMF said on Tuesday. The International Monetary Fund's 'World Economic Outlook (WEO): Managing Divergent Recoveries' — released ahead of the virtual World Bank-IMF Spring Meetings — also forecast India's economy to expand by a relatively more sedate 6.9% in the next financial year. The projections for India were based on evidence to support the normalisation of economic activity, IMF chief economist Gita Gopinath stressed at a press conference, adding that these forecasts had preceded the current wave of COVID-19 in India, "which is quite concerning". Observing that the growth projections in the outlook did already take "a fairly conservative view", IMF economist Malhar Nabar added, "but it's true that this very worrying uptick in cases... poses very severe downside risks to the growth outlook for the economy". *On the global economy, the IMF said it expected growth to rebound to 6% this year, after an estimated contraction of 3.3% in 2020 (calendar year), before easing to 4.4% in 2022.* There were, however, significant divergences within and between countries, it observed. Projections for 2021 were slightly higher than they were in October 2020 due to fiscal support in some large economies and a vaccine-supported recovery. A 1.3 percentage point forecast upgrade for the U.S. especially contributed to this, resulting in U.S. growth projections being reset to 6.4% and 3.5% this calendar year and next, the fund said. The U.S. GDP level in 2022 is forecast to be higher than in a non-pandemic scenario — the only large economy for which this is true. Other economies are also expected to rebound this year albeit at a slower rate, as per the IMF. The Euro Area is projected to grow at 4.4% and 3.8% over these time periods; China, at 8.4% and 5.6%.

World economy

Global growth is projected to settle at 3.3% in the medium term due to damage inflicted on supply potential as well factors that pre-date the pandemic such as ageing (which has resulted in slower labour force growth in advanced economics and some emerging markets). "Recoveries are also diverging dangerously across and within countries, as economies with slower vaccine roll-out, more limited policy support, and more reliant on tourism do less well," Ms Gopinath said. Averting divergent outcomes would mean "resolving the health crisis everywhere" the IMF said. *The average annual loss in per capita GDP over the 2020-24 period relative to pre-pandemic forecasts is expected to be 5.7% in low-income countries and 4.7% in emerging markets. For advanced economies, this number is lower at 2.3%.* "Such losses are reversing gains in poverty reduction, with an additional 95 million people expected to have entered the ranks of the extreme poor in 2020 compared with pre-pandemic projections," the IMF's chief economist said. Pointing to uneven recoveries within countries, Ms. Gopinath wrote in the outlook that *the unskilled, young and women had been impacted more.*

NET DIRECT TAX RECEIPTS RISE 5%

India's net direct tax collections for the pandemic-hit financial year 2020-21 grew by almost 5% year-on-year to ₹9.45 lakh crore, exceeding the revised estimates of ₹9.05 lakh crore presented in

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



the Union Budget and reflecting a gradual economic recovery in recent months. Tax experts said that the *Vivad Se Vishwas Scheme* to settle pending tax disputes also helped bolster the collections, with net *Corporation tax collections for the year at ₹4.57 lakh crore*. Revenues from personal income tax, including the *Securities Transaction Tax, were ₹4.88 lakh crore*, as per provisional data released by the Finance Ministry on Friday. Direct tax refunds grew more than 42% in FY21 to ₹2.61 lakh crore from ₹1.83 lakh crore in the previous year. “Despite an extremely challenging year, the Advance Tax collections for 2020-21 stand at ₹4.95 lakh crore which shows a growth of approximately 6.7% over the preceding financial year,” the Ministry said. *The improved direct tax collections, along with the recent uptick in inflows of indirect taxes, including the GST, suggest that India’s fiscal position may be better than the 9.5% of fiscal deficit projected in the revised estimates, said Devendra Pant, chief economist, India Ratings and Research.*

‘Expenditure is the key’

“The fiscal deficit in 2020-21 may be lower than the revised estimate, provided there is no slippage on the expenditure side. This is further corroborated by the central government cancelling the last scheduled government borrowing in the previous financial year,” Mr. Pant said. “The strong campaign for the Vivad Se Vishwas Scheme, the use of technology and digitisation, and the widening of tax base coupled with tax collected at source has contributed to higher tax collections,” said Samir Kanabar, tax partner at EY India.

HOW TO NAVIGATE RUPEE FALL

On Wednesday, the rupee fell sharply by 105 paise — its biggest single session fall in 20 months — to close at a five-month low of 74.47 against the US dollar amid concerns over Covid-19 and the RBI’s newly announced programme to buy bonds worth ₹1 lakh crore this quarter. These factors come on top of a strengthening dollar against the euro, which is resulting in a relative weakness of the rupee.

Where is the rupee headed?

After peaking at around 77 against the US dollar on April 21 last year, the rupee started appreciating and reached 72.27 on March 23 this year. The move to 77 had been preceded by a sharp rally in the dollar index before the Covid-19 pandemic hit the global economy; since then, *the gradual appreciation was underpinned by a fall in the dollar index, and a strong flow of foreign direct investment and foreign portfolio investment.* FPI inflows in FY21 amounted to over \$35 billion. Since March 23, the rupee has been depreciating amid concerns over Covid and the RBI policy announcement.

The newly announced programme, called *G-SAP*, is being read as a sort of *quantitative easing* policy in which *the RBI tries to support the government’s elevated borrowing programme through infusion of liquidity.* This, along with a rising dollar, is creating grounds for the rupee to depreciate further. “Amid the Covid scare and inflation inching up, the RBI has taken a very liberal view and assured an accommodative stance and is looking to keep the yields stable even as they are inching up in the US. the weakness in the rupee will be determined by strength in the dollar which is gaining... It will also depend upon bond yields in US, inflow of dollars and how FDI behaves amid the pandemic affect,”



The dollar, which was trading at 1.233 to a euro in early January 2021, is currently trading at 1.186 to a euro, a gain of 3.8%.

Will the RBI intervene?

The general feeling among experts is that the RBI may not intervene if the depreciation is gradual, but may do so if there is a big volatility. "Since we think that exports will rise, RBI will be comfortable with any depreciation and would not step in. While they may step in for high volatility, they would not step in for a gradual decline,"

How can the rupee depreciation impact you?

Depreciation in the rupee impacts all expenditure in dollar terms— *imports, foreign education, travel, investments abroad, medical treatment etc.* On the other hand, if you are an exporter or an NRI sending money back home, depreciation would fetch you more rupees per dollar.

SECURITIES ACQUISITION PLAN FOR MARKET BOOST

Keeping policy rates unchanged, the Reserve Bank of India on Wednesday sought to quell the concerns of market participants over rising bond yields. Reiterating the RBI's commitment to maintaining the current accommodative policy stance until the economy is back on track, the Governor enthused the markets with a new programme — Government Securities Acquisition Programme (G-SAP) — through which it will purchase government securities worth ₹1 lakh crore in the first quarter of FY22. The RBI also announced that it will continue with a variable rate reverse repo to suck excess liquidity. While the 10-year G-Sec bond yields dropped 0.6% to 6.08 on Wednesday, the benchmark Sensex gained 0.9% to close at 49,661.7.

What do the two announcements mean?

In the backdrop of the government's elevated borrowing for this year, which the RBI has to ensure that it goes through without causing disruption, G-SAP aims to provide more comfort to the bond market, market participants said. At the same time, since liquidity is already in a large surplus, RBI will continue with variable rate reverse repos at the short end. A note by Axis Mutual Fund said, "This can be construed as Operation Twist, with liquidity being withdrawn at the short end and injected at the long end, which should effectively compress 'term-premia' (normalising the curve)." Currently, while the 10-year GSec yield is over 6%, the yield on 5-year Gsec is around 5.6% and that on 3-year Gsec is under 5% — around 4.85%.

What other benefits does the G-SAP offer?

Market participants say they have always wanted to know the RBI's Open Market Operations (OMO) purchase calendar, and the RBI has now provided that to the market through this announcement on GSAP. A report by Edelweiss Mutual Fund states that it will provide certainty to the bond market participants with regard to RBI's commitment of support to the bond market in FY22. "The RBI has purchased ~Rs. 3.13 trillion worth of bonds from the secondary market in FY21. However, it was carried out in an ad hoc manner with the market awaiting RBI OMO purchase announcements with bated breath on weekly basis. A structured purchase program of similar size such as this will definitely calm investors' nerves and help market participants to bid better in scheduled auctions



and reduce volatility in bond prices,” the report said. The report notes that the announcement of this structured programme will help reduce the spread between the repo rate and the 10-year government bond yield. That, in turn, will help to reduce the aggregate cost of borrowing for the Centre and states in FY22. Lakshmi Iyer, CIO (Debt) & Head Products, Kotak Mutual Fund, said the move to introduce G-SAP “would rein in sharp spike in GSec bond yields.”. She added that while introduction of long-term VRRR (variable rate reverse repo) is an extension towards normalising liquidity, “liquidity surplus however will and is likely to continue. We expect the yield curve to flatten from the current levels with the longer end of the yield curve compressing faster than the short end.”

Eyes securities worth ₹25,000 crore

A day after announcing the introduction of the G-sec Acquisition Programme (G-SAP 1.0), the Reserve Bank of India (RBI) on Thursday announced the Open Market Purchase of Government of India Securities under the programme. “The Reserve Bank will conduct open market purchase of government securities of *₹1 lakh crore under the G-sec Acquisition Programme (G-SAP 1.0) in Q1 2021-22 with a view to enabling a stable and orderly evolution of the yield curve. The first purchase of government securities for an aggregate amount of ₹25,000 crore under G-SAP 1.0 will be conducted on April 15, 2021,*” the RBI said in a circular. *The central bank will purchase five types of government securities via a multi-security auction using multiple price methods.* The dates of maturity vary from November 2, 2023 to March 16, 2035.

RBI EXTENDS FRESH SUPPORT OF ₹50,000 CR. TO NABARD, OTHERS

*To help mitigate the impact of the pandemic and aid economic revival, the RBI said it would extend fresh support of ₹50,000 crore to the All India Financial Institutions for new lending in FY22. Accordingly, NABARD will be provided a **special liquidity facility (SLF)** of ₹25,000 crore for one year to support agriculture and allied activities, the rural non-farm sector and non-banking financial companies-micro finance institutions, the RBI said. An SLF of ₹10,000 crore will be extended to the National Housing Bank for one year to support the housing sector. SIDBI will be provided ₹15,000 crore under this facility for up to one year for funding of micro, small and medium enterprises (MSMEs). All three facilities will be available *at the prevailing policy repo rate.* Signalling the importance of Asset Reconstruction Companies (ARCs) to deal with bad loans, the RBI said it would constitute a committee to undertake a comprehensive review of the working of ARCs in the financial sector ecosystem and recommend suitable measures for *enabling such entities to meet the growing requirements of the financial sector. It said while ARCs had grown in number and size, their potential for resolving stressed assets was yet to be realised fully. A six-month extension to September 30 for Priority Sector Lending (PSL) classification for lending by banks to NBFCs for ‘on-lending’ to sectors that contribute significantly to the economy in terms of export and employment — has been approved.* This would provide an impetus to NBFCs providing credit at the bottom of the pyramid.*

RBI’S BALANCING ACT

In line with expectations, the Monetary Policy Committee (MPC) of the Reserve Bank of India (RBI) voted unanimously in its first policy meeting of the current financial year to leave the benchmark policy repo rate unchanged. The committee also decided to maintain its accommodative stance until



“the prospects of the recovery are well secured”. Considering that the second wave of COVID-19 infections has created significant uncertainty over the economic trajectory going forward, even as retail inflation is expected to remain elevated in the near future, the MPC, by shifting from a “time-based” to a “state-based” forward guidance, has given itself more room for manoeuvre. Alongside, the RBI governor, Shaktikanta Das, announced a slew of measures aimed at easing financial conditions and lowering borrowing costs. Das announced a **G-sec acquisition programme (G-SAP)** through which the central bank will purchase ₹1 lakh crore of government securities in the first quarter of the current financial year, expanding on the existing toolkit for managing long-term yields. *The programme, which is meant to signal the central bank’s intention of supporting the bond market, will help calm the markets, and bring down the term premium.* By laying out what is essentially a calendar of the RBI’s operations in the secondary market, it provides greater clarity to market participants who are worried about the government’s massive borrowing programme. Bond yields have fallen post the announcement. But, *even as the central bank continues to attach primacy to growth considerations*, and rightly so, it must be mindful of the inflationary pressures in the economy. *The rise in global commodity prices, coupled with the possibility of disruptions in supply chains, leading to a situation of inflation sustaining above the upper threshold of the inflation targeting framework alongside weak growth, could only complicate matters for the central bank.* Balancing multiple objectives will be difficult. On the growth front, *the central bank has retained its earlier projection of 10.5 per cent for the current financial year, which is far more conservative than the International Monetary Fund’s recent assessment, which pegs growth at 12.5 per cent. However, the risks to the economic recovery have increased considerably in recent weeks.* The sharp surge in COVID-19 cases, and the imposition of localised restrictions, could adversely affect economic activity. Supply side disruptions, as well as subdued demand could delay the economy’s return to normalcy. The primary objective of policy should be to dramatically scale up the vaccination drive to cover a larger section of the population.

IHS Markit’s Manufacturing Purchasing Managers’ Index (PMI) survey for March revealed that business sentiment had slid to a seven-month low, even as the research firm’s subsequent India Services PMI report showed both manufacturers and services companies continued to shed jobs for a thirteenth month. With jobs and incomes remaining under stress for millions, and uncertainty over the efficacy and safety of the vaccines persisting even as authorities seek to ramp up the immunisation drive, it is hard to foresee consumption demand rebounding to pre-COVID levels any time soon. The MPC’s central remit on inflation also remains a concern. *Core inflation, the panel observed, had hardened across the board and increased by 50 basis points to touch 6% in February.* The RBI is cognisant of the fact that there are both upside and downside pressures that may impact the trajectory of retail inflation. Governor Shaktikanta Das has flagged the critical significance that this year’s monsoon rains will have on food prices, which have been a recent source of upward pressure on price stability. And *both Mr. Das and the broader committee have stressed the vital need for the Centre and States to initiate some coordinated action to ease the tax burden on petroleum products, given the ripple ‘second-round’ effects that the high costs of transport fuels have on overall inflation. High international commodity prices and logistics costs are also threatening to push up input costs across the manufacturing and services sectors, posing a real challenge to policymakers, given that it is far harder to influence these variables.* With the RBI’s own March survey on inflation expectations showing that urban households expect prices to accelerate over a one-year horizon, monetary authorities can ill afford to drop their guard on price stability. For, at stake is their hard-earned credibility.



Taking into consideration various factors, the RBI had revised the projection for CPI inflation to 5.0% in Q4 of 2020-21; 5.2 % in Q1 of 2021-22; 5.2% in Q2; 4.4% in Q3; and 5.1% in Q4, with risks broadly balanced.

PSU BANKS MAY HAVE TO TAKE ₹2,000 CRORE HIT

The public sector banks may have to bear a burden of ₹1,800 crore-₹2,000 crore arising out of a recent Supreme Court judgment on the waiver of compound interest on all loan accounts which opted for moratorium during March-August 2020, sources said. The judgment covers loans above ₹2 crore as loans below this got blanket interest on interest waiver in November last year. The compound interest support scheme for loan moratorium cost the government ₹5,500 crore during 2020-21 and the scheme covered all borrowers, including the prompt ones who did not opt for the moratorium. According to banking sources, initially 60% of borrowers availed themselves of the moratorium and gradually the percentage came down to 40% and even less as collections improved with the easing of the lockdown. In the case of corporates, this was as low as 25% as far as public sector banks were concerned. They said banks would provide compound interest waiver for the period a borrower had availed the moratorium. The RBI on March 27 last year announced a moratorium on payment of instalments of term loans falling due between March 1 and May 31, 2020. It was later extended to August 31.

INSOLVENCY RESOLUTION OPTION FOR MSMES

The central government has promulgated an ordinance allowing the use of pre-packs as an insolvency resolution mechanism for Micro, Small and Medium Enterprises (MSMEs) with defaults up to ₹1 crore, under the Insolvency and Bankruptcy Code. The move comes soon after the end of a one-year suspension of insolvency initiation imposed by the government in light of the Covid-19 pandemic. *The government had last year also increased the minimum default threshold for insolvency proceedings from ₹1 lakh to ₹1 crore.*

In line with *recommendations of the sub-committee of the Insolvency Law Committee (ILC)*, it provides for a pre-pack resolution scheme for micro, small and medium enterprises. Under the new arrangement, the debtors will be allowed to propose a resolution plan before the firm enters bankruptcy proceedings, while retaining control of the company. *The rationale for such an arrangement is straightforward. First, this option will help ease the resolution process of MSMEs, as, considering that there aren't enough buyers for stressed assets in the economy in the first place, not allowing existing promoters the option of participating in the resolution process would lead to capital destruction.* Second, the scheme will not only *bring down the costs associated with the resolution process*, but may also lead to *faster resolution* of cases, as *the frivolous litigation brought by defaulting promoters, in hopes of clinging on to their firms, will be reduced.* Broadly, the pre-pack scheme is *an arrangement wherein the corporate debtor proposes a resolution plan to the secured creditors before the initiation of corporate insolvency resolution procedure (CIRP).* During this process, *the company will continue to be controlled by the existing management rather than coming under the control of the resolution professional* — considered to be *a less disruptive process.* The resolution plan can then be taken for *approval by the secured creditors to the National Company Law Tribunal (NCLT), provided it is approved by 66 per cent of them.* The scheme also takes into consideration the issue of operational creditors. *The pre-pack mechanism allows for a swiss*



challenge for any resolution plans which proved less than full recovery of dues for operational creditors. Under the swiss challenge mechanism, any third party would be permitted to submit a resolution plan for the distressed company and the original applicant would have to either match the improved resolution plan or forego the investment. "... adopting plan evaluation process akin to Swiss Challenge, it (the pre-pack mechanism) retains competitive tension such that promoters propose plans with least impairment to rights and claims of creditors," Any proposed resolution plan that does not offer full recovery of claims of operational creditors will face a challenge — the resolution professional can allow others to submit resolution plans to compete with the corporate debtors. The committee of creditors has the option of choosing an alternative resolution plan if it is better than the "base" plan offered by the corporate debtor. In line with the time-bound resolution process envisaged under the IBC, the pre-pack scheme also prescribes timelines. *It allows for 120 days for the entire process — 90 days for the submission of the resolution plans, and 30 days for the NCLT to improve them.* Considering that *data from the Insolvency and Bankruptcy Board of India (IBBI) shows that of the 1,717 cases currently undergoing the resolution process, 1,481 (86.3 per cent) have been going on for more than 270 days (in comparison, the IBC had initially envisaged that the resolution process must be completed within 270 days from the date of the insolvency proceedings commencing, which was later extended to 330 days),* this pre-pack arrangement, by reducing the number of cases clogging the system, could unburden the tribunals, leading to a swifter disposal of the other cases.

CENTRE STEPS IN TO ROLL BACK FERTILIZER PRICES

A day after fertilizer producers announced a sharp 46% to 58.33% hike in prices citing higher raw material costs, the Central government intervened to ensure a rollback even though fertilizer prices are no longer regulated. Union Minister of State for Chemicals and Fertilizers Mansukh Mandaviya said prices would remain unchanged for now, after a "high-level" meeting was held with the major fertilizer companies. Opposition parties had termed the "unprecedented" hikes an insult to farmers protesting against the new agricultural laws. U.S. Awasthi, CEO of the country's largest fertilizer producer, IFFCO, stressed that the hikes were necessitated by a global surge in raw material costs. He added that it was not a government decision as fertilizer prices are decontrolled. *The Centre's intervention marked the second major reversal on economic policy effected amid the ongoing Assembly election in West Bengal, following the recent decision to suspend rate cuts announced on small savings instruments for the April to June quarter.* "In the present time, fertilizer production companies had raised the prices of various fertilizers like DAP and NPK. But the government held a high-level meeting with these companies and it has been decided at the meeting that the fertilizer prices will not be raised presently. The farmers will continue to get the fertilizers as existed earlier," Mr. Mandaviya said in a video message released in Hindi and Gujarati.

At least 46% hike

On Thursday, IFFCO revised rates for a 50 kilogram bag of Di-Ammonium Phosphate, or DAP, to ₹1,900 from ₹1,200, effective April 1, and other companies followed suit. Prices of other complex fertilizers were raised by 46% to 51.9%. Mr. Awasthi had said on Thursday that the new prices were only tentative as international raw material costs had not been finalised. He also said abundant stocks of fertilizers were available at old rates and the new prices were necessary for



printing fresh bags being dispatched from its plants. “The material with new rates is not for sale to anyone,” he had pointed out in response to criticism.

PLOUGH TO PLATE, HANDHELD BY THE INDIAN STATE (MIHIR SHAH - DISTINGUISHED PROFESSOR, SHIV NADAR UNIVERSITY)

For at least four decades now, economic policy making globally has dogmatically adhered to the notion that a progressively reduced role of the state would automatically deliver greater economic growth and welfare to the people. Since reform, by definition, is taken to mean only one thing, sector after sector is compulsively sought to be moved in this direction, even if overwhelming evidence, over many years from all over the world, indicates that it is the state that has played the leading role in provisioning the most critical aspects of life: water, sanitation, education, health, food and nutrition. There are very specific characteristics of agriculture, as also crucial elements of the socio-historical context, which imply that the Indian state must continue to intervene in multiple markets, and make critical investments, to ensure the welfare of both farmers and consumers.

Specificities of agriculture

Due to a variety of limiting factors, from uncertainties of the weather to soil fertility and water availability, increasing returns to scale are very difficult to achieve in farming. This underscores the need for the right kind of public investment in agriculture. Again, economies of scale allow producers in industry to make profits by cutting unit costs, even as prices fall, while those who fail to make the cut, get eliminated from competition. But in agriculture, members of the family can be drafted to work on the family’s farm, as also in other farm and non-farm work. This phenomenon is quite widespread in India today: of the nine crore rural families who draw their main income from unskilled manual labour, four crore are small and marginal farmers. Through overwork and self-exploitation, peasant farmers are able to cling on to their land. Again, production processes in agriculture cannot be organised in an assembly line; they need to begin at the appropriate phase of the climatic annual cycle. This means that *all farmers harvest their crop at the very same time; 86% of India’s farmers are ‘small and marginal’, too poor to afford warehousing facilities and are, therefore, compelled to bring their harvest to the market at around the same time. Since demand for food crops is typically price inelastic, during a bumper crop, while prices fall, the resulting rise in demand is not enough to salvage farmer incomes. Correspondingly, for poor consumers, unregulated markets for foodgrains mean that during a drought they either starve or get pauperised, being forced to buy very expensive commodities, conveniently hoarded up by traders.*

Balance of power

These traders double up as moneylenders and the operation of a deeply exploitative grid of interlocked markets afflicts most farmers. In the credit market, usurious interest rates (often as high as 60%-120% per annum) create a debt trap from which it is virtually impossible to escape. The repayments due are ‘adjusted’ through exploitative practices in the input, output, labour and land-lease markets. The moneylender combines the roles of input supplier, crop buyer, labour employer and land lessor. This interlocked grid works in tandem with the oppressive caste system, with the poorer, ‘lower’ caste farmers, facing a cumulative and cascading spiral of



expropriation. All the above reasons provide a strong case for state intervention in multiple agricultural markets.

Diversify public procurement

The Food Corporation of India and the Agricultural Prices Commission (Commission for Agricultural Costs and Prices, or CACP since 1985) were set up in 1965. The idea was that as farm output rises with the Green Revolution, farmers are assured that their surplus would be bought by the government at a price high enough to leave them a margin. The crops procured were then made available to consumers at subsidised rates through the Public Distribution System (PDS). Thus, government intervention protected farmers during bumper crops and dipped into the buffer stock to protect consumers during droughts. This is how India got its much vaunted food security over the past several decades. However, the Green Revolution also sowed the seeds of its own destruction. More than 300,000 farmers have committed suicide in the last 30 years, a phenomenon completely unprecedented in Indian history. There is growing evidence of *a steady decline in water tables and water quality*. The yield response to application of increasingly expensive chemical inputs is falling, which has meant higher costs of cultivation, without a corresponding rise in output. *Around 90% of India's water is consumed in farming, and of this, 80% is used up by rice, wheat and sugarcane. Farmers continue to grow these water-intensive crops even in water-short regions primarily because of an assured market — for rice and wheat in the form of public procurement, which still covers only a very low proportion of India's crops, regions and farmers.* Thus, we need to greatly expand the basket of public procurement to include more crops, more regions and more farmers. If done right, this single reform would secure multiple win-wins: higher and more sustainable farmer incomes, greater water security and better consumer health. Procurement must be local and follow the logic of regional agro-ecology. *Huge volumes of water could be saved if cropping patterns are diversified to include a variety of millets (rightly called 'nutri-cereals' now), pulses and oilseeds.*

Ensuring a steady market

To incentivise farmers to make this change, governments must include them in procurement operations. A useful benchmark could be 25% of the actual production of the commodity for that particular season (to be expanded up to 40%, if the commodity is part of the PDS), as proposed under the 2018 Pradhan Mantri Annadata Aay SanraksHan Abhiyan (PM-AASHA) scheme. The locally procured crops should then be incorporated into anganwadi supplementary nutrition and school mid-day meal programmes. This would mean a large and steady market for farmers, while also making a huge contribution to tackling India's twin syndemic of malnutrition and diabetes, since these crops have a much lower glycemic index, while providing higher content of dietary fibre, vitamins, minerals, protein and antioxidants. Public investment in specific infrastructure required for millets and pulses, especially those grown through natural farming, would also help expand their cultivation. India has a network of 2,477 mandis and 4,843 sub-mandis to safeguard farmers from exploitation by large retailers. *This network needs to be greatly expanded as today, only 17% of farm produce passes through mandis. To provide farmers access within a radius of five kilometres, India needs 42,000 mandis, which are also in need of urgent reform.* Rather than moving in the direction of weakening or dismantling mandis, we need to make their functioning more transparent and farmer-friendly.



Rural India will be focal point

Ever since the Second Five Year Plan initiated in 1956, the central plank of Indian economic policy has been to get people off the land and move them into industry and urban areas. However, even after all these efforts, the United Nations estimates that in the year 2050, around 800 million people will continue to live in rural India. Given this unique Indian demographic transition, agriculture will need to be greatly strengthened, especially bearing in mind the complete nightmare our urban metropolises are, for current and future migrants. In a context characterised by grave and growing inequalities, as also a historically skewed balance of power, no reform can succeed that does not strengthen the weak and the excluded. Agriculture can only be reformed by radically enhanced state capacities and qualitatively better regulatory oversight, rather than by opening up spaces for more predatory action by those already entrenched in positions of overwhelming power in the economy.



DreamIAS



LIFE & SCIENCE

FAKING IT WELL

Think of it as training, not a game. If the science fiction dystopias that flood OTT platforms — and the ever-growing dangers of social media — have taught us anything, it is that the machines will take over. Already, facial recognition software are deployed on a vast scale — from job interviews to casinos and even to predict crime, a la Minority Report — with algorithms that claim to be able to “read” the emotional state of people. *In Lucknow, for example, there were reports of a planned pilot project that will set AI-enabled cameras at “harassment hotspots”.* If the expression of a woman changes to one of distress, the nearest police station will be alerted. Now, a team of scientists has set up a website that allows users to explore the kinds of facial recognition software out there and try to beat them. *On emojiify.info, people can play a series of games, watch videos and leave their comments.* Apart from spreading awareness, these games teach you how to game the system. Can you fake surprise for the camera? It’s not that difficult, really. And what about a smile? As anyone who has had to feign interest at a family event will tell you, the fake smile is handier than the real one. The limits of the intelligent machine are most apparent in the wink-blink game. Socialised human beings know what a wink can mean — a lewd gesture, the acknowledgement of conspiratorial camaraderie, a hint at mischief. Computers still haven’t gotten a hang of all that context. Of course, these little flaws won’t stop the surveillance industry. And looking at the state of the battle between freedom and privacy, dystopias seem like prophecies. So, think of the games as a little insurance. After all, with all the machines watching, it’s always best to have a fake smile ready.

‘DOUBLE MUTANT’ STRAIN NAMED B.1.617

The “double mutant” virus that scientists had flagged last month as having a bearing on the spread of the pandemic in India, has a formal scientific classification: B.1.617. The variant is common in India — how much in every State is unclear though — and has a couple of defining mutations, E484Q and L425R, that enable it to become more infectious and evade antibodies. Though these mutations have individually been found in several other coronavirus variants, the presence of both mutations together were first found in some coronavirus genomes from India. *Certain variants of the coronavirus, for instance, B.1.1.7 and B.1.351 — have been termed the “United Kingdom” and “South Africa” variant, respectively, because they have mutations associated with large spikes in these countries or reduce the efficacy of vaccines and are termed “variants of concern (VOC)”.* *According to a note from the INSACOG, the consortium of laboratories that is sequencing a sample of genomes from COVID-19 patients in India, B.1.617 was first detected on December 7, 2020. Though now present in at least eight countries, nearly 70% of the genome sequences that have the mutations characterising B.1.617 and submitted to the global database GISAID (Global Initiative on Sharing Avian Influenza Data) are from India. This is followed by the United Kingdom (23%), Singapore (2%) and Australia (1%).* “That suggests that this variant is fairly common in India. It is worrying because the mutations E484Q and L452R are linked to *increased infectivity*. It’s been linked to 20% of the cases in Maharashtra but we have to also see the role of the variant (from further genome studies) in say West Bengal and Uttar Pradesh where there are massive crowds from elections and the Kumbh Mela [respectively],” said Shahid Jameel, virologist and Director, Trivedi School of



Biosciences, Ashoka University. An explainer note by the INSACOG on the significance of the mutations says that it has as many as 15 “lineage defining mutations”. *Other than the two mutations, there is a third significant mutation, P614R. All three concerning mutations are on the spike protein, the operative part of the coronavirus that binds to receptor cells of the body.*

Resistant to T cells

L452R, some studies show, could even make the coronavirus resistant to T cells, a class of cells necessary to target and destroy virus-infected cells. India has not yet conducted studies on how vaccine efficacy is influenced by variants, except for limited laboratory trials, but international studies have shown *reduced efficacy of vaccines — particularly those by Pfizer, Moderna and Novavax — to certain variants.* However, the vaccines continue to be significantly protective in spite of this. *So far, only three global VOCs have been identified: the U.K. variant, the South African and the Brazilian (P.1) lineage.* Of the 10,787 samples from international passengers, 771 instances of these VOCs have been identified in 18 States of the country, according to a statement from the Health Ministry in March. A scientist associated with the INSACOG said vaccine makers should now be accounting for the variations in the spike protein in designing future vaccine. “That’s the real purpose of genomic analysis. To design appropriate vaccines but so far there are hardly such studies out of India,” the scientist pointed out.

1/3 COVID-19 SURVIVORS FACE NEURO OR MENTAL HEALTH ISSUES IN 6 MONTHS

One in three Covid-19 survivors received a neurological or psychiatric diagnosis within six months of infection with the SARS-CoV-2 virus, an observational study of more than 230,000 patient health records published in The Lancet Psychiatry journal estimates. The study looked at 14 neurological and mental health disorders. Since the Covid-19 pandemic began, there has been growing concern that survivors might be at increased risk of neurological disorders. A previous observational study by the *same research group reported that Covid-19 survivors are at increased risk of mood and anxiety disorders in the first three months after infection.* However, until now, there have been no large-scale data examining the risks of neurological as well as psychiatric diagnoses in the six months after Covid-19 infection. This latest study analysed data from the electronic health records of 236,379 Covid-19 patients from the US-based TriNetX network, which includes more than 81 million people. *The estimated incidence of being diagnosed with a neurological or mental health disorder following Covid-19 infection was 34%. For 13% of these people, it was their first recorded neurological or psychiatric diagnosis.* The most common diagnoses after Covid-19 were *anxiety disorders (occurring in 17% of patients), mood disorders (14%), substance misuse disorders (7%), and insomnia (5%).* The incidence of neurological outcomes was lower, including *0.6% for brain haemorrhage, 2.1% for ischaemic stroke, and 0.7% for dementia.* The authors say their findings should aid service planning and highlight need for ongoing research. “Although the individual risks for most disorders are small, the effect across the whole population may be substantial for health and social care systems due to the scale of the pandemic and that many of these conditions are chronic. As a result, health care systems need to be resourced to deal with the anticipated need, both within primary and secondary care services.” *Risks of a neurological or psychiatric diagnosis were greatest in, but not limited to, patients who had severe Covid-19. Compared to the overall 34% incidence, a neurological or psychiatric diagnosis occurred in 38% of those who had been admitted to hospital, 46% of those in intensive care, and 62% in those who had delirium*



(encephalopathy) during their Covid-19 infection. Dr Max Taquet, a co-author of the study, from the University of Oxford, said: "Our results indicate that brain diseases and psychiatric disorders are more common after Covid-19 than after flu or other respiratory infections, even when patients are matched for other risk factors. We now need to see what happens beyond six months. The study cannot reveal the mechanisms involved, but does point to the need for urgent research to identify these, with a view to preventing or treating them."



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